

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 20, 2013

Senate called to order at 12:52 p.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by Madhu Anal.

Sanskrit:

Aum Bhur Bhuvah Svah, Tat Svitur Varenym Bhargo Devasya Dhimahi Dhiyo Yo Nah
Prachodayat. Svaha.

English:

O' Almighty God. Thou art our dearest life and breath. Keep us away from evil intentions and physical sufferings. O' Omnipotent God, kindly lead us to light and direct our intellect to virtuous path so we may attain not only physical progress but also the ultimate emancipation.

Sanskrit:

Aum Dyauh Shantir Antariksham Shantih Prithivih Shantir Apah Shantir Oshadhyah Shantih
Vanaspatayah Shantir Vishvedevah Shantir Brahma Shanti Sharva Shanti Shantih Reva Shantih
Sama Shanti Redhi. Aum, Shanti Shanti Shanti, Aum.

English:

O' Almighty God, may the starry region be peaceful for all. May the atmospheric region be peaceful for all. May the Earth be peaceful for all. May the water be peaceful for all. May the herbs be peaceful for all. May the plants be peaceful for all. May the natural forces and the learned men be peaceful for all. May the supreme Lord be peaceful for all. May the Universe be peaceful for all. May the peace—only the peace—prevail everywhere. May that peace be for us. Om, peace, peace, peace, Om.

Namaste. I bow to the divine light in You.

Pledge of Allegiance to the Flag.

The President announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President and Secretary are authorized to make any necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Assembly Bills Nos. 73, 326, 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce, Labor and Energy, to which were referred Assembly Bills Nos. 86, 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Finance, to which were re-referred Senate Bills Nos. 142, 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 8, 200, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JUSTIN C. JONES, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 10, 54, 64, 84, 97, 156, 202, 233, 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 18, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 97, 98, 102, 103, 104, 105, 108, 110, 114, 117, 127, 130, 136, 140, 148, 153, 154, 157, 158, 159, 163, 175, 189, 215, 216, 227, 264, 268, 272, 274, 281.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 344.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 122, Amendment No. 619; Senate Bill No. 125, Amendments Nos. 608, 672, and respectfully requests your honorable body to concur in said amendments.

MATTHEW BAKER

Assistant Chief Clerk of the Assembly

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

Senate in recess at 1:10 p.m.

SENATE IN SESSION

At 1:18 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that all bills and resolutions, reported out of Committee for this legislative day, be placed on the appropriate reading files.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 344.

Senator Smith moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 8.

Bill read second time.

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

Amendment No. 634.

"SUMMARY—Makes various changes to provisions governing public welfare. (BDR 38-315)"

"AN ACT relating to public welfare; revising provisions governing the duties of the Division of Health Care Financing and Policy and the Division of Welfare and Supportive Services of the Department of Health and Human Services; repealing certain programs relating to Medicaid and public assistance; abolishing the State Board of Welfare and Supportive Services; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Sections 1, 2, 4-11, 15, 16 and 30 of this bill make various changes to remove some of the overlap between the chapters governing the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Division of Welfare and Supportive Services of the Department to reflect more clearly the duties of each division. (Chapters 422 and 422A of NRS) With these changes, chapter 422 of NRS, which concerns health care financing and policy, concentrates on the duties of the Division of Health Care Financing and Policy with respect to Medicaid and the Children's Health Insurance Program, and chapter 422A of NRS, which concerns welfare and supportive services, concentrates on the duties of the Division of Welfare and Supportive Services with respect to all programs that provide public assistance.

Section 30 ~~of this bill~~ repeals various provisions of existing law relating to Medicaid, the Children's Health Insurance Program and other programs which provide public assistance to accomplish that separation. Sections 1, ~~and~~ 15 and 16.5 of this bill reenact some of those repealed provisions in the appropriate chapter based upon which Division is responsible. (NRS 232.354, 422.29308 ~~or~~ 422.3045) In addition, sections 4-9 and 11 ~~of this bill~~ limit certain provisions which are within the duties of the Division of Health Care Financing and Policy so that they apply only to Medicaid and the Children's Health Insurance Program. Section 16 ~~of this bill~~ adds a section to the chapter concerning welfare and supportive services that duplicates a similar provision which, as amended in section 11, applies only to Medicaid and the Children's Health Insurance Program to continue to allow the Division of Welfare and Supportive Services to recover from recipients of public assistance or their estates certain amounts which were incorrectly paid to the recipients. (NRS 422.29304)

Sections 3, 20 and 24 of this bill replace the term "alien" with "person who is not a citizen or national of the United States" in provisions concerning the

eligibility of persons who are not citizens or nationals of the United States for Medicaid and welfare programs. (NRS 422.065, 422A.085, 422A.265)

Sections 18, 19 and 23 of this bill replace references to the federal Food Stamp Program with references to the Supplemental Nutrition Assistance Program for consistency with current federal law. (7 U.S.C. §§ 2011 et seq.)

Section 21 of this bill removes the requirement that the Administrator of the Division of Welfare and Support Services be a college graduate with a degree in a field of social science, public administration, business administration or a related field and instead requires the Director to give preference to a person who has such a degree when appointing the Administrator. (NRS 422A.155)

Section 30 ~~of this bill~~ abolishes the State Board of Welfare and Supportive Services, which, under existing law, makes recommendations concerning the administration of public assistance. (NRS 422A.010, 422A.110-422A.135, 422A.165) Section 30 also repeals provisions of chapter 422A of NRS concerning certain family planning and prenatal care programs that are duplicated in chapter 422 of NRS. (NRS 422A.310, 422A.315)

Section 29 of this bill makes permanent the authorization in existing law for the Department to contract with certain motor carriers to transport recipients of services pursuant to the Children's Health Insurance Program who travel to and from providers of services. (NRS 422.2705; Section 2 of Chapter 392, Statutes of Nevada 2011, at p. 2470)

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

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

1. *The Department, with respect to the State Plan for Medicaid and the Children's Health Insurance Program, shall report every rate of reimbursement for physicians which is provided on a fee-for-service basis and which is lower than the rate provided on the current Medicare fee schedule for care and services provided by physicians.*

2. *The Director shall post on an Internet website maintained by the Department a schedule of such rates of reimbursement.*

3. *The Director shall, on or before February 1 of each year, submit a report concerning the schedule of such rates of reimbursement to the Director of the Legislative Counsel Bureau for transmittal to the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.*

Sec. 2. NRS 422.050 is hereby amended to read as follows:

422.050 ~~1.~~ "Public assistance" ~~includes:~~

~~(a) State Supplementary Assistance;~~

~~(b) Temporary Assistance for Needy Families;~~

~~(c) Medicaid;~~

~~(d) Food Stamp Assistance;~~

~~(e) Low Income Home Energy Assistance;~~
~~(f) The Program for Child Care and Development; and~~
~~(g) Benefits provided pursuant to any other public welfare program administered by the Division pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter.~~

~~2. The term does not include the Children's Health Insurance Program.]~~
has the meaning ascribed to it in NRS 422A.065.

Sec. 3. NRS 422.065 is hereby amended to read as follows:

422.065 1. Notwithstanding any other provision of state or local law, a person or governmental entity that provides a state or local public benefit:

(a) Shall comply with the provisions of 8 U.S.C. § 1621 regarding the eligibility of ~~[an alien]~~ *a person who is not a citizen or national of the United States* for such a benefit.

(b) Is not required to pay any costs or other expenses relating to the provision of such a benefit after July 1, 1997, to ~~[an alien]~~ *a person who is not a citizen or national of the United States* who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

2. Compliance with the provisions of 8 U.S.C. § 1621 must not be construed to constitute any form of discrimination, distinction or restriction made, or any other action taken, on the basis of national origin.

3. As used in this section, "state or local public benefit" has the meaning ascribed to it in 8 U.S.C. § 1621.

Sec. 4. NRS 422.240 is hereby amended to read as follows:

422.240 1. Money to carry out the provisions of this chapter, including, without limitation, any federal money allotted to the State of Nevada pursuant to the ~~[program to provide Temporary Assistance for Needy Families and the Program for Child Care and Development.]~~ *State Plan for Medicaid, the Children's Health Insurance Program or any other program for which the Division is responsible* must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be provided by appropriation by the Legislature from the State General Fund.

2. Disbursements for the purposes of this chapter must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be made upon claims duly filed and allowed in the same manner as other money in the State Treasury is disbursed.

Sec. 5. NRS 422.265 is hereby amended to read as follows:

422.265 If Congress passes any law increasing the participation of the Federal Government in ~~[a Nevada program for public assistance,]~~ *any program for which the Division is responsible*, whether relating to eligibility for assistance or otherwise:

1. The Director may accept, with the approval of the Governor, the increased benefits of such congressional legislation; and

2. The Administrator may adopt any regulations required by the Federal Government as a condition of acceptance.

Sec. 6. NRS 422.270 is hereby amended to read as follows:

422.270 The Department shall:

1. Administer ~~{all public welfare programs of this State; including:~~

~~(a) State Supplementary Assistance;~~

~~(b) Temporary Assistance for Needy Families;~~

~~(c) Medicaid;~~

~~(d) Food Stamp Assistance;~~

~~(e) Low Income Home Energy Assistance;~~

~~(f) The Program for Child Care and Development;~~

~~(g) The Program for the Enforcement of Child Support;~~

~~(h) The Children's Health Insurance Program; and~~

~~(i) Other welfare activities and services provided for by the laws of this State.] Medicaid and the Children's Health Insurance Program.~~

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State of Nevada to aid in the furtherance of ~~{any of the services and activities set forth in subsection 1.}~~ *Medicaid and the Children's Health Insurance Program.*

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of ~~{welfare programs.}~~ *Medicaid and the Children's Health Insurance Program* and in increasing the efficiency of ~~{welfare programs}~~ *Medicaid and the Children's Health Insurance Program* by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.

4. Observe and study the changing nature and extent of ~~{welfare}~~ needs *for Medicaid and the Children's Health Insurance Program* and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations from the State General Fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to ~~{public assistance, welfare services}~~ *Medicaid* and institutional care, when deemed necessary or convenient by the Director.

~~{6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program.~~

~~7. As used in this section, "Program for the Enforcement of Child Support" means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any other provisions of that act relating to the enforcement of child support.]~~

Sec. 7. NRS 422.276 is hereby amended to read as follows:

422.276 1. Subject to the provisions of subsection 2, if an application for ~~{public assistance}~~ *Medicaid or the Children's Health Insurance Program* or a claim for ~~{services}~~ *benefits from either program* is not acted upon by

the ~~{Department}~~ *Division* within a reasonable time after the filing of the application or claim for ~~{services,}~~ *benefits*, or is denied in whole or in part, or if any ~~{grant of public assistance or}~~ claim for ~~{services}~~ *benefits* is reduced, suspended or terminated, the applicant ~~{for}~~ or recipient ~~{of public assistance or services}~~ may appeal to the ~~{Department}~~ *Division* and may be represented in the appeal by counsel or other representative chosen by the applicant or recipient.

2. Upon the initial decision to deny, reduce, suspend or terminate ~~{public assistance or services,}~~ *benefits*, the ~~{Department}~~ *Division* shall notify that applicant or recipient of its decision, the regulations involved and the right to request a hearing within a certain period. If a request for a hearing is received within that period, the ~~{Department}~~ *Division* shall notify that person of the time, place and nature of the hearing. The ~~{Department}~~ *Division* shall provide an opportunity for a hearing of that appeal and shall review the case regarding all matters alleged in that appeal.

3. The ~~{Department}~~ *Division* is not required to grant a hearing pursuant to this section if the request for the hearing is based solely upon the provisions of a federal law or a law of this State that requires an automatic adjustment to the ~~{amount of public assistance or services}~~ *benefits* that may be received by an applicant or recipient.

Sec. 8. NRS 422.277 is hereby amended to read as follows:

422.277 1. At any hearing held pursuant to the provisions of subsection 2 of NRS 422.276, opportunity must be afforded all parties to respond and present evidence and argument on all issues involved.

2. Unless precluded by law, informal disposition may be made of any hearing by stipulation, agreed settlement, consent order or default.

3. The record of a hearing must include:

- (a) All pleadings, motions and intermediate rulings.
- (b) Evidence received or considered.
- (c) Questions and offers of proof and objections, and rulings thereon.
- (d) Any decision, opinion or report by the hearing officer presiding at the hearing.

4. Oral proceedings, or any part thereof, must be transcribed on request of any party seeking judicial review of the decision.

5. Findings of fact must be based exclusively on substantial evidence.

6. Any employee or other representative of the ~~{Department}~~ *Division* who investigated or made the initial decision to deny, modify or cancel ~~{a grant of public assistance or services}~~ *benefits provided pursuant to Medicaid or the Children's Health Insurance Program* shall not participate in the making of any decision made pursuant to the hearing.

Sec. 9. NRS 422.2785 is hereby amended to read as follows:

422.2785 1. A decision or order issued by a hearing officer must be in writing. A final decision must include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory or regulatory language, must be accompanied by a concise and explicit statement of the

underlying facts supporting the findings. A copy of the decision or order must be delivered by certified mail to each party and to the attorney or other representative of each party.

2. The ~~[Department]~~ *Division* or an applicant for or recipient of ~~[public assistance or services]~~ *benefits provided pursuant to Medicaid or the Children's Health Insurance Program* may, at any time within 90 days after the date on which the written notice of the decision is mailed, petition the district court of the judicial district in which the applicant for or recipient of ~~[public assistance or services]~~ *benefits provided pursuant to Medicaid or the Children's Health Insurance Program* resides to review the decision. The district court shall review the decision on the record of the case before the hearing officer. The decision and record must be certified as correct and filed with the clerk of the court by the ~~[Department]~~ *Division*.

Sec. 10. NRS 422.29301 is hereby amended to read as follows:

422.29301 The Director:

1. Shall administer the provisions of NRS 422.29302 ~~[to 422.29308, inclusive]~~, 422.29304 and 422.29306;

2. May adopt such regulations as are necessary for the administration of those provisions; and

3. May invoke any legal, equitable or special procedures for the enforcement of those provisions.

Sec. 11. NRS 422.29304 is hereby amended to read as follows:

422.29304 1. Except as otherwise provided in this section, the Department shall, to the extent that it is not prohibited by federal law, recover from a recipient of ~~[public assistance, the estate of the recipient]~~ *Medicaid* the undivided estate of a recipient of Medicaid or a person who signed the application for ~~[public assistance]~~ *Medicaid* or for admission to a nursing facility on behalf of the recipient an amount not to exceed the amount ~~[of public assistance]~~ *incorrectly paid [to] on behalf of* the recipient, if the person who signed the application:

(a) Failed to report any required information to the Department or the nursing facility that the person knew at the time the person signed the application;

(b) Refused to provide financial information regarding the recipient's income and assets, including, without limitation, information regarding any transfers or assignments of income or assets;

(c) Concealed information regarding the existence, transfer or disposition of the recipient's income and assets with the intent of enabling a recipient to meet any eligibility requirement for ~~[public assistance]~~ *Medicaid*;

(d) Made any false representation regarding the recipient's income and assets, including, without limitation, any information regarding any transfers or assignments of income or assets; or

(e) Failed to report to the Department or the nursing facility within the period allowed by the Department any required information that the person obtained after the person filed the application.

2. Except as otherwise provided in this section, a recipient of ~~incorrectly paid public assistance,~~ *Medicaid*, the undivided estate of a recipient of *Medicaid* or a person who signed the application for ~~public benefits~~ *Medicaid* or for admission to a nursing facility on behalf of the recipient shall reimburse the Department or appropriate state agency for the value of the amount incorrectly paid ~~public assistance,~~ *on behalf of the recipient*.

3. The Director or a person designated by the Director may, to the extent that it is not prohibited by federal law, determine the amount of, and settle, adjust, compromise or deny a claim against a recipient of ~~public assistance, the estate of the recipient,~~ *Medicaid*, the undivided estate of a recipient of *Medicaid* or a person who signed the application for ~~public assistance~~ *Medicaid* or for admission to a nursing facility on behalf of the recipient.

4. The Director may, to the extent that it is not prohibited by federal law, waive the repayment of ~~public assistance~~ amounts incorrectly paid ~~to a recipient~~ *on behalf of a recipient of Medicaid* if the incorrect payment was not the result of an intentional misrepresentation or omission by the recipient and if repayment would cause an undue hardship to the recipient. The Director shall, by regulation, establish the terms and conditions of such a waiver, including, without limitation, the circumstances that constitute undue hardship.

Sec. 12. NRS 422.410 is hereby amended to read as follows:

422.410 1. Unless a different penalty is provided pursuant to NRS 422.361 to 422.369, inclusive, or 422.450 to 422.590, inclusive, a person who knowingly and designedly, by any false pretense, false or misleading statement, impersonation, misrepresentation, or concealment, transfer, disposal or assignment of money or property obtains or attempts to obtain monetary or any other public assistance, or money, property, medical or remedial care or any other service provided pursuant to the Children's Health Insurance Program, having a value of \$100 or more, whether by one act or a series of acts, with the intent to cheat, defraud or defeat the purposes of this chapter or to enable a person to meet or appear to meet any requirements of eligibility prescribed by state law or by rule or regulation adopted by the Department for a grant or an increase in a grant of any type of public assistance is guilty of a category E felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. For the purposes of subsection 1, whenever a recipient of Temporary Assistance for Needy Families pursuant to the provisions of ~~this chapter and~~ chapter 422A of NRS receives an overpayment of benefits for the third time and the overpayments have resulted from a false statement or representation by the recipient or from the failure of the recipient to notify the Division of Welfare and Supportive Services of the Department of a change in circumstances which would affect the amount of assistance the recipient receives, a rebuttable presumption arises that the payment was fraudulently received.

3. For the purposes of ~~[subsection 1, "public"]~~ this section:

(a) "Public assistance" includes any money, property, medical or remedial care or any other service provided pursuant to a state plan.

(b) "Temporary Assistance for Needy Families" has the meaning ascribed to it in NRS 422A.080.

Sec. 13. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 14, ~~15 and 16~~ to 16.5, inclusive, of this act.

Sec. 14. "Health Division" means the Health Division of the Department of Health and Human Services.

Sec. 15. Each application for Medicaid must include a statement that:

1. Any assistance paid on behalf of a recipient may be recovered in an action filed against the estate of the recipient or the spouse of the recipient; and

2. Any person who signs an application for Medicaid and fails to report to the Department:

(a) Any required information which the recipient knew at the time the recipient signed the application; or

(b) Within the period allowed by the Department, any required information which the recipient obtained after the recipient filed the application,

➤ may be personally liable for any money incorrectly paid to the recipient.

Sec. 16. 1. Except as otherwise provided in this section, the Department shall, to the extent that it is not prohibited by federal law, recover from a recipient of public assistance, the estate of the recipient or a person who signed the application for public assistance on behalf of the recipient an amount not to exceed the amount of public assistance incorrectly paid to the recipient, if the person who signed the application:

(a) Failed to report any required information to the Department that the person knew at the time the person signed the application;

(b) Refused to provide financial information regarding the recipient's income and assets, including, without limitation, information regarding any transfers or assignments of income or assets;

(c) Concealed information regarding the existence, transfer or disposition of the recipient's income and assets with the intent of enabling a recipient to meet any eligibility requirement for public assistance;

(d) Made any false representation regarding the recipient's income and assets, including, without limitation, any information regarding any transfers or assignments of income or assets; or

(e) Failed to report to the Department or the nursing facility within the period allowed by the Department any required information that the person obtained after the person filed the application.

2. Except as otherwise provided in this section, a recipient of incorrectly paid public assistance or a person who signed the application for public benefits on behalf of the recipient shall reimburse the Department or

appropriate state agency for the value of the incorrectly paid public assistance.

3. The Director or a person designated by the Director may, to the extent that it is not prohibited by federal law, determine the amount of, and settle, adjust, compromise or deny a claim against a recipient of public assistance, the estate of the recipient or a person who signed the application for public assistance on behalf of the recipient.

4. The Director may, to the extent that it is not prohibited by federal law, waive the repayment of public assistance incorrectly paid to a recipient if the incorrect payment was not the result of an intentional misrepresentation or omission by the recipient and if repayment would cause an undue hardship to the recipient. The Director shall, by regulation, establish the terms and conditions of such a waiver, including, without limitation, the circumstances that constitute undue hardship.

5. As used in this section, "public assistance" does not include Medicaid.

Sec. 16.5. 1. If the Division denies an application for the Children's Health Insurance Program, the Division shall provide written notice of the decision to the applicant. An applicant who disagrees with the denial of the application may request a review of the case and a hearing before an impartial hearing officer by filing a written request within 30 days after the date of the notice of the decision at the address specified in the notice.

2. The Division shall adopt regulations regarding the review and hearing before an impartial hearing officer. The decision of the hearing officer must be in writing.

3. The applicant may, at any time within 30 days after the date on which the written decision is mailed, petition the district court of the judicial district in which the applicant resides to review the decision. The district court shall review the decision on the record. The decision and record must be certified as correct and filed with the court by the Administrator.

4. The review by the court must be in accordance with NRS 422.279.

Sec. 17. NRS 422A.001 is hereby amended to read as follows:

422A.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 422A.005 to 422A.080, inclusive, and section 14 of this act have the meanings ascribed to them in those sections.

Sec. 18. NRS 422A.040 is hereby amended to read as follows:

422A.040 [~~"Food Stamp~~] "~~Supplemental Nutrition~~ Assistance" means the program established to provide persons of low income with an opportunity to [~~obtain~~] purchase a more nutritious diet [~~through the issuance of coupons~~] pursuant to the Food Stamp Act of 1977, 7 U.S.C. §§ 2011 et seq., as amended.

Sec. 19. NRS 422A.065 is hereby amended to read as follows:

422A.065 1. "Public assistance" includes:

- (a) State [~~Supplemental~~] ~~Supplementary~~ Assistance;
- (b) Temporary Assistance for Needy Families;
- (c) Medicaid;

- (d) ~~[Food Stamp Assistance;]~~ *Supplemental Nutrition Assistance*;
- (e) Low-Income Home Energy Assistance;
- (f) The Program for Child Care and Development;
- (g) Benefits provided pursuant to any other public welfare program administered by the Division pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter; and
- (h) Benefits provided pursuant to any other public welfare program administered by the Division of Health Care Financing and Policy pursuant to chapter 422 of NRS.

2. The term does not include the Children's Health Insurance Program.

Sec. 20. NRS 422A.085 is hereby amended to read as follows:

422A.085 1. Notwithstanding any other provision of state or local law, a person or governmental entity that provides a state or local public benefit:

(a) Shall comply with the provisions of 8 U.S.C. § 1621 regarding the eligibility of ~~[an alien]~~ *a person who is not a citizen or national of the United States* for such a benefit.

(b) Is not required to pay any costs or other expenses relating to the provision of such a benefit after July 1, 1997, to ~~[an alien]~~ *a person who is not a citizen or national of the United States* who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

2. Compliance with the provisions of 8 U.S.C. § 1621 must not be construed to constitute any form of discrimination, distinction or restriction made, or any other action taken, on the basis of national origin.

3. As used in this section, "state or local public benefit" has the meaning ascribed to it in 8 U.S.C. § 1621.

Sec. 21. NRS 422A.155 is hereby amended to read as follows:

422A.155 1. The Administrator must:

~~[1.]~~ (a) Be selected on the basis of his or her training, experience, capacity and interest in public welfare services.

~~[2. Be a graduate from an accredited college or university. In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of social science, public administration, business administration or a related field.]~~

~~3.]~~ (b) Have not less than 3 years of demonstrated successful experience in the administration of a public agency, with responsibility for general direction of programs of the public agency and determination of policies for the implementation of programs of the public agency, or any equivalent combination of training and experience.

~~[4.]~~ (c) Possess qualities of leadership.

2. *In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of social science, public administration, business administration or a related field.*

Sec. 22. NRS 422A.165 is hereby amended to read as follows:

422A.165 The Administrator shall make:

1. Such reports, subject to approval by the Director, as will comply with the requirements of federal legislation and this chapter.

2. ~~Reports to the Board.~~

~~3.~~ A biennial report to the Director on the condition, operation and functioning of the Division.

Sec. 23. NRS 422A.255 is hereby amended to read as follows:

422A.255 The Department shall:

1. Administer all public welfare programs of this State, including:

- (a) State Supplementary Assistance;
- (b) Temporary Assistance for Needy Families;
- (c) Medicaid;
- (d) ~~Food Stamp~~ Supplemental Nutrition Assistance;
- (e) Low-Income Home Energy Assistance;
- (f) The Program for Child Care and Development;
- (g) The Program for the Enforcement of Child Support;
- (h) The Children's Health Insurance Program; and
- (i) Other welfare activities and services provided for by the laws of this State.

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State of Nevada to aid in the furtherance of any of the services and activities set forth in subsection 1.

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of welfare programs, and in increasing the efficiency of welfare programs by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.

4. Observe and study the changing nature and extent of welfare needs and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations from the State General Fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to public assistance, welfare services and institutional care, when deemed necessary or convenient by the Director.

6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program.

7. *As used in this section, "Program for the Enforcement of Child Support" means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any other provisions of that act relating to the enforcement of child support.*

Sec. 24. NRS 422A.265 is hereby amended to read as follows:

422A.265 1. The Department shall provide public assistance pursuant to:

(a) The program established to provide Temporary Assistance for Needy Families;

(b) Medicaid; or

(c) Any program for which a grant has been provided to this State pursuant to 42 U.S.C. §§ 1397 et seq.,

➔ to a qualified ~~alien~~ *person who is not a citizen or national of the United States* who complies with the requirements established by the Department pursuant to federal law and this chapter for the receipt of benefits pursuant to that program.

2. ~~[As used in this section, "qualified alien" has the meaning ascribed to it in]~~ *A person who is not a citizen or national of the United States is considered "qualified" for the purposes of subsection 1 if the person meets the requirements of 8 U.S.C. § [1641.] 1641(b).*

Sec. 24.5. NRS 422A.360 is hereby amended to read as follows:

422A.360 1. ~~[As a condition to the receipt of public assistance, a]~~ *A* recipient who has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.

2. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age, the head of the household shall take every reasonable action to ensure that the child is not at risk of failing to advance to the next grade level in school.

3. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age and:

(a) The head of the household does not comply with the provisions of NRS 392.040 with respect to that child; or

(b) That child is at risk of failing to advance to the next grade level in school,

➔ the Division shall require the head of the household to review with the Division the personal responsibility plan signed by the head of household pursuant to NRS 422A.535 and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040 and helping the child to improve his or her academic performance.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed \$5,000 in value, belonging to the judgment debtor or a dependent of

the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed \$12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed \$4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed \$10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding \$4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed \$15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed \$550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed \$500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed \$1,000 in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a contingent interest, if the contingency has not been satisfied or removed;

(2) A distribution interest in the trust as defined in NRS 163.4155 that is a discretionary interest as described in NRS 163.4185, if the interest has not been distributed;

(3) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been exercised;

(4) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been exercised; and

(5) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been exercised.

(dd) If a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a mandatory interest as described in NRS 163.4185, if the interest has not been distributed; and

(2) Notwithstanding a beneficiary's right to enforce a support interest, a distribution interest in the trust as defined in NRS 163.4155 that is a support interest as described in NRS 163.4185, if the interest has not been distributed.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.

(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

(hh) Unemployment compensation benefits received pursuant to NRS 612.710.

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.

(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS ~~422.291~~ 422.291 ~~and~~ 422A.325.

(ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 27. NRS 115.090 is hereby amended to read as follows:

115.090 Nothing in this chapter exempts any real or personal property from any statute of this State that authorizes the recovery of money owed to

the Department of Health and Human Services as a result of the payment of benefits from Medicaid through the imposition or foreclosure of a lien against the property of a recipient of Medicaid in the manner set forth in NRS 422.29302 ~~[to 422.29308, inclusive]~~, 422.29304 and 422.29306.

Sec. 28. NRS 217.180 is hereby amended to read as follows:

217.180 1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim for financial aid and other relevant matters.

2. If the case involves a victim of domestic violence or sexual assault, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from:

(a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;

(c) The employer of the victim; or

(d) Another private or public source or program of assistance,

→ the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS ~~[422.050 and]~~ 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 29. Section 2 of chapter 392, Statutes of Nevada 2011, at page 2470, is hereby amended to read as follows:

Sec. 2. This act becomes effective upon passage and approval .
~~[and expires by limitation on June 30, 2013.]~~

Sec. 30. NRS 232.354, 422.042, 422.045, 422.048, 422.0525, 422.053, 422.0535, 422.245, 422.2716, ~~422.291~~, 422.29308, 422.3045, 422A.010, 422A.110, 422A.115, 422A.120, 422A.125, 422A.130, 422A.135, 422A.310 and 422A.315 are hereby repealed.

Sec. 31. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

232.354 State Plan for Medicaid and Children's Health Insurance Program: Department to report certain rates of reimbursement for physicians; duties of Director.

422.042 "Food Stamp Assistance" defined.

422.045 "Low-Income Home Energy Assistance" defined.

422.048 "Program for Child Care and Development" defined.

422.0525 "State Supplementary Assistance" defined.

422.053 "Supplemental Security Income Program" defined.

422.0535 "Temporary Assistance for Needy Families" defined.

422.245 Deposit of money received for certain programs in appropriate accounts of Division in State General Fund.

422.2716 Provision of public assistance to qualified aliens.

~~422.291 Assistance not assignable or subject to process or bankruptcy law.~~

422.29308 Application for Medicaid: Statements regarding action for recovery and civil liability of recipient.

422.3045 Denial of application for Children's Health Insurance Program: Notice; review of case and hearing; regulations; review by court.

422A.010 "Board" defined.

422A.110 Creation; appointment of members.

422A.115 Qualifications and removal of members.

422A.120 Meetings; quorum; notice of meetings; minutes; audio recordings or transcripts.

422A.125 Officers.

422A.130 Compensation of members and employees.

422A.135 Powers and duties.

422A.310 Family planning service; birth control.

422A.315 Provision of prenatal care to pregnant women who are indigent; provision of information concerning availability of prenatal care; regulations.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 634 to Assembly Bill No. 8 reenacts the provision for the Children's Health Insurance Program regarding the timeline for notifying an applicant that their application was denied and the process for appealing the decision.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 10.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 628.

"SUMMARY—Revises provisions relating to certain crimes involving gaming. (BDR 41-329)"

"AN ACT relating to gaming; revising provisions relating to the unlawful use or possession of certain devices in a game; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that it is unlawful for a person to use or possess with the intent to use, or to assist another person in using or possessing with the intent to use, certain devices to obtain an advantage at playing any game in a licensed gaming establishment. (NRS 465.075) Section 1 of this bill: (1) ~~provides that the prohibition applies to individuals and those acting in conjunction with others;~~ (2) adds software or hardware, or any combination thereof, to the list of prohibited devices; ~~[(3)]~~ (2) provides that the prohibition applies to any game that is offered by a licensee or affiliate; and ~~[(4)]~~ (3) removes the definition of the term "advantage."

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

Section 1. NRS 465.075 is hereby amended to read as follows:

465.075 ~~[(1)]~~ It is unlawful for any person ~~[(1)]~~ ~~to use, possess with the intent to use or assist another person in using or possessing with the intent to use any computerized, electronic, electrical or mechanical device, or any software or hardware, or any combination thereof, which is designed, constructed, altered or programmed to obtain an advantage at playing any game in a licensed gaming establishment~~ ~~[(1)]~~ *or any game that is offered by a licensee or affiliate*, including, without limitation, a device that:

~~[(a)]~~ 1. Projects the outcome of the game;

~~[(b)]~~ 2. Keeps track of cards played or cards prepared for play ~~[(c)]~~ *in the game;*

3. Analyzes the probability of the occurrence of an event relating to ~~[(a)]~~ *the game;* or

~~[(d)]~~ 4. Analyzes the strategy for playing or betting to be used in the game,

↪ except as may be made available as part of an approved game or otherwise permitted by the Commission.

~~[(2)]~~ As used in this section, "advantage" means a benefit obtained by one or more participants in a game through information or knowledge that is not made available as part of the game as approved by the Board or Commission.

Sec. 2. (Deleted by amendment.)

Sec. 3. This act becomes effective upon passage and approval.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 628 to Assembly Bill No. 10 removes the words “either solely or in conjunction with others” to clarify that it is unlawful for any person to use, possess with the intent to use, or assist another person in using or possessing with the intent to use, certain devices to obtain an advantage at playing any game in a licensed gaming establishment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 668.

Legislative Counsel’s Digest:

Existing law requires candidates and certain other persons, committees and political parties to file reports with the Secretary of State concerning campaign contributions, loans, campaign expenses and expenditures. (NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360, 294A.362) Currently, separate reporting requirements exist for: (1) primary or general elections; and (2) special elections. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.360, 294A.362) Section 5 of this bill provides that, if a special election is held on the same day as a primary election or general election, any candidate, person, committee or political party that is otherwise required to file a report relating to the special election must instead comply with the reporting requirements for the primary election or general election, as applicable.

Existing law also establishes separate reporting requirements based on whether a general election occurs before July 1 or on or after July 1. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.360) Sections 11, 15, 16, 18-20 and 38 of this bill remove those separate provisions, and sections 11, 15, 18 and 19 also expand the reporting requirements to recall elections.

Existing law requires expenditures made on behalf of a candidate or a group of candidates by a person who is not acting under the direction or control of the candidate or group of candidates, and other expenditures that are made on behalf of the candidate or group of candidates, to be reported to the Secretary of State. (NRS 294A.140, 294A.210) Sections 15 and 19 provide that certain contributions received and expenditures which are: (1) made for or against a candidate or a group of candidates; and (2) not coordinated with a candidate or a group of candidates, must be reported. Section 4.5 of this bill sets forth the circumstances under which an expenditure ~~will or~~ will not be considered to be coordinated with a candidate or a group of candidates.

A committee for political action that advocates the passage or defeat of a ballot question or a group of questions is required by existing law to report contributions received and expenditures made. (NRS 294A.150, 294A.220) Sections 16 and 20 of this bill make these reporting requirements applicable even if the question or group of questions is removed from the ballot by court order.

Existing law governs the disposition of unspent contributions. (NRS 294A.160) Section 17 of this bill expands the application of those provisions to: (1) a candidate who is removed from the ballot by court order or is otherwise not elected to office; and (2) a public officer who resigns from his or her office, is not a candidate for any other office and has unspent contributions.

Under existing law, a candidate is required to file reports of contributions and expenses even if the candidate withdraws his or her candidacy, receives no contributions, has no expenses, is removed from the ballot by court order or is the subject of a recall petition and the special election is not held. (NRS 294A.350) Section 27 of this bill expands this requirement to include a candidate who: (1) ends his or her campaign without formally withdrawing his or her candidacy; (2) is not opposed in an election; or (3) is defeated in the primary election. Section 27 also prescribes a process by which a candidate under certain circumstances may end his or her campaign.

If a person, committee or entity that is required to file a report or register pursuant to chapter 294A of NRS fails to do so in accordance with the applicable provisions of that chapter, existing law provides that such a person, committee or entity is subject to a civil penalty. (NRS 294A.420) Section 37 of this bill provides that this and any other remedies and penalties provided by chapter 294A of NRS are cumulative and supplement any other legal or equitable remedies and penalties that may exist, including any applicable criminal penalties.

Section 4.5 of Assembly Bill No. 35 First Reprint is hereby amended as follows:

Sec. 4.5. 1. ~~For the purposes of this chapter, an expenditure is coordinated with a candidate or group of candidates if the expenditure is made, without limitation:~~

~~(a) With the cooperation of or in consultation with the candidate or group of candidates for whose benefit the expenditure is made;~~

~~(b) Pursuant to any formal, informal, oral or written contract or arrangement with a candidate or group of candidates;~~

~~(c) With the involvement of a candidate or group of candidates in any decision regarding, for any communication paid for by the expenditure:~~

~~(1) The content, intended audience, timing, frequency, size or prominence of the communication;~~

~~(2) The means or mode of making the communication; or~~

~~(3) The specific media outlet used to make the communication; or~~

~~(d) By a person to whom is conveyed, during a discussion with a candidate or group of candidates, information regarding plans, projects, activities or needs of the campaign of the candidate or group of candidates which is material to the creation, production or distribution of any communication paid for by the expenditure.~~

~~2.1~~ For the purposes of this chapter, an expenditure is not considered to be coordinated with a candidate or group of candidates if the expenditure is made:

(a) To pay for a communication that uses an image of or information about a candidate or group of candidates if the image or information is obtained from publicly available sources, including, without limitation, Internet websites, newspapers or public records, and is not obtained because of any suggestion, direction, solicitation, cooperation or consultation between the person making the expenditure and the candidate or group of candidates or the opponent or opponents of the candidate or group of candidates; and

(b) By a person who makes an inquiry regarding the position of the candidate or group of candidates on a legislative or policy issue if the response of the candidate or group of candidates to the inquiry does not include any information regarding plans, projects, activities or needs of the campaign of the candidate or group of candidates.

~~2.1~~ 2. As used in this section, "candidate or group of candidates" includes, without limitation:

(a) Any person under the direction or control of a candidate or group of candidates or otherwise involved in the campaign of a candidate or group of candidates;

(b) Any person related to a candidate within the second degree of consanguinity or affinity; and

(c) An agent of a candidate or group of candidates.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Thank you, Mr. President. Assembly Bill No. 35 is related to and overlaps changes to election and campaign finance laws and Assembly Bill No. 48. Both bills eliminate redundant provisions and add definitions to clarify campaign finance reporting obligations.

Motion lost on a division of the house.

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

Senate in recess at 1:25 p.m.

SENATE IN SESSION

At 1:32 p.m.

President Krolicki presiding.

Quorum present.

Senator Kieckhefer moved that the vote whereby Amendment No. 668 to Assembly Bill No. 35 was lost be reconsidered.

Motion carried.

Senator Spearman moved the adoption of Amendment No. 668 to Assembly Bill No. 35.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 735.

"SUMMARY—Revises provisions relating to fees charged and collected in justice courts. (BDR 1-388)"

"AN ACT relating to courts; authorizing a board of county commissioners to impose by ordinance a filing fee relating to actions and proceedings in the justice court to offset the costs of operating a law library established in the county; requiring the county treasurer to deposit the filing fees received into a special account to be used to support the operation of such a law library; revising certain fees in the justice court; requiring the county treasurer to deposit a portion of such fees received from justice courts into a special account to be used for certain purposes; requiring the county treasurer to reduce annually the amount deposited into the special account in certain circumstances; requiring each justice court that collects fees to submit an annual report to the board of county commissioners; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of any county to establish by ordinance a law library to be governed and managed by a board of law library trustees. (NRS 380.010) Section 1 of this bill authorizes a board of county commissioners to impose by ordinance a filing fee relating to actions and proceedings in the justice court, in an amount not to exceed \$8, to offset a portion of the costs of operating such a law library. Section 1 also provides that in a county in which such a fee has been imposed, the justice of the peace shall, on a monthly basis, pay to the county treasurer any such fees collected during the preceding month. The county treasurer is required to deposit the fees received into a special account administered by the county and maintained for the benefit of such a law library.

Existing law requires each justice of the peace to charge and collect certain fees for various civil actions, proceedings and filings in the justice court. For actions and proceedings other than small claims, the amount of the fees charged and collected is based upon the sum claimed in the action or proceeding. Each justice of the peace is required to pay to the county treasurer all such fees charged and collected, with certain exceptions. (NRS 4.060) Section 1.5 of this bill increases the amount of certain fees

charged and collected by the justice court and revises the tiers upon which certain fees are based.

Section 1.5 also requires the county treasurer to deposit 25 percent of the fees received from justices of the peace into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in the account must be used only: (1) for purposes generally related to the acquisition of land or facilities or the construction or renovation of facilities for a justice court or a multi-use facility that includes a justice court; (2) to acquire advanced technology for the use of a justice court; (3) to acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts; (4) to pay for the training of staff or the hiring of additional staff to support the operation of a justice court; and (5) to pay for one-time projects for the improvement of a justice court. Section 1.5 also requires: (1) the county treasurer to reduce on an annual basis, if necessary, the amount deposited into the special account in certain circumstances; and (2) each justice court that collects fees to submit to the board of county commissioners of the county in which the justice court is located an annual report that contains certain information.

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

Section 1. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *In addition to any other fee required by law, a board of county commissioners may impose by ordinance a filing fee to offset a portion of the costs of operating a law library established in that county by the board of county commissioners pursuant to NRS 380.010, in an amount not to exceed \$8, to be paid on the commencement of any action or proceeding in the justice court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.*

2. *On or before the fifth day of each month, in a county in which a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by the justice of the peace during the preceding month. The county treasurer shall deposit the fees received into a special account administered by the county and maintained for the benefit of a law library established pursuant to NRS 380.010. The money in the account must be used only to support the operation of such a law library.*

Sec. 1.5. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed ~~[\$1,000]~~ \$28.00

~~If the sum claimed exceeds \$1,000 but does not exceed \$2,500~~ \$ 50.00

If the sum claimed exceeds \$2,500 but does not exceed ~~[\$4,500]~~ \$5,000 100.00

~~If the sum claimed exceeds \$4,500 but does not exceed \$6,500~~ ~~125.00~~

~~If the sum claimed exceeds \$6,500 but does not exceed \$7,500~~ ~~150.00~~

If the sum claimed exceeds ~~[\$7,500]~~ \$5,000 but does not exceed \$10,000 \$175.00

In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, in which a notice to quit has been served pursuant to NRS 40.255 225.00

In all other civil actions ~~[28.00]~~ 50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed \$1,000 ~~[\$25.00]~~ \$45.00

If the sum claimed exceeds \$1,000 but does not exceed \$2,500 ~~[45.00]~~ 65.00

If the sum claimed exceeds \$2,500 but does not exceed \$5,000 ~~[65.00]~~ 85.00

If the sum claimed exceeds \$5,000 but does not exceed \$7,500 125.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions ~~[\$12.00]~~ \$50.00

For every additional defendant, appearing separately ~~[6.00]~~ 25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention ~~[\$6.00]~~ \$25.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, *other than a writ of restitution* ~~[\$6.00]~~ \$25.00

(g) *For the issuance of any writ of restitution* \$75.00

(h) For filing a notice of appeal, and appeal bonds ~~[\$12.00]~~ \$25.00

One charge only may be made if both papers are filed at the same time.

~~[(h)]~~ (i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court.....	~~[\$12.00]~~ \$25.00
~~[(i)]~~ (j) For preparation and transmittal of transcript and papers on appeal	~~[\$12.00]~~ \$25.00
~~[(j)]~~ (k) For celebrating a marriage and returning the certificate to the county recorder or county clerk	\$50.00
~~[(k)]~~ (l) For entering judgment by confession	~~[\$6.00]~~ \$50.00
~~[(l)]~~ (m) For preparing any copy of any record, proceeding or paper, for each page.....	~~[\$.30]~~ ~~[\$1.00]~~ \$.50
~~[(m)]~~ (n) For each certificate of the clerk, under the seal of the court	\$3.00
~~[(n)]~~ (o) For searching records or files in his or her office, for each year	\$1.00
~~[(o)]~~ (p) For filing and acting upon each bail or property bond	~~[\$40.00]~~ \$50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph ~~[(j)]~~ (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected *pursuant to subsection 1* during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to \$5 of each fee collected pursuant to paragraph ~~[(j)]~~ (k) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph ~~[(o)]~~ (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. *Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:*

(a) *Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;*

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(e) Acquire advanced technology for the use of a justice court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and

(i) Pay for one-time projects for the improvement of a justice court.

➡ *Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.*

7. *The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.*

8. *Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:*

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 2. This act becomes effective on July 1, 2013.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 735 to Assembly Bill No. 54 revises the fee for preparing any copy of any record, proceeding or paper for each page from \$1.00 to \$.50.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 64.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 636.

"SUMMARY—Revises provisions concerning the delivery of copies of reports of presentence investigations and certain judgments of conviction. (BDR 14-338)"

"AN ACT relating to criminal justice; revising provisions concerning the delivery of copies of reports of presentence investigations and certain judgments of conviction; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that when a court imposes a sentence of imprisonment in the state prison or revokes a program of probation and orders a sentence of imprisonment to the state prison to be executed, the court is required to cause a copy of any report of a presentence investigation to be delivered to the Director of the Department of Corrections when the judgment of imprisonment is delivered by the sheriff to an authorized person designated by the Director to receive the prisoner from the county where the prisoner is held for commitment. (NRS 176.159, 176.335) Section 1 of this bill revises this requirement and specifies that such a report must be delivered not later than when the judgment of imprisonment is delivered. Section 1 further specifies that, at the court's discretion, the report may also be delivered by electronic transmission or by affording the Department the required electronic access to retrieve the report.

Existing law also provides that when a judgment of imprisonment to be served in the state prison has been pronounced, triplicate certified copies of the judgment of conviction, attested by the clerk under the seal of the court, must be furnished to the officers whose duty it is to execute the judgment. (NRS 176.325) Section 2 of this bill specifies that such certified copies of the judgment of conviction may be in paper or electronic form.

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

Section 1. NRS 176.159 is hereby amended to read as follows:

176.159 1. Except as otherwise provided in subsection 2, when a court imposes a sentence of imprisonment in the state prison or revokes a program of probation and orders a sentence of imprisonment to the state prison to be executed, the court shall cause a copy of the report of the presentence investigation to be delivered to the Director of the Department of Corrections, if such a report was made. The report must be delivered *not later than* when the judgment of imprisonment is delivered pursuant to NRS 176.335. *Delivery of the report may, at the court's discretion, also be*

accomplished by electronic transmission or by affording the Department of Corrections the required electronic access necessary to retrieve the report.

2. If a presentence investigation and report were not required pursuant to paragraph (b) of subsection 3 of NRS 176.135 or pursuant to subsection 1 of NRS 176.151, the court shall cause a copy of the previous report of the presentence investigation or a copy of the report of the general investigation, as appropriate, to be delivered to the Director of the Department of Corrections in the manner provided pursuant to subsection 1.

Sec. 2. NRS 176.325 is hereby amended to read as follows:

176.325 When a judgment of imprisonment to be served in the state prison has been pronounced, triplicate certified *paper or electronic* copies of the judgment of conviction, attested by the clerk under the seal of the court, must forthwith be furnished to the officers whose duty it is to execute the judgment, as provided by NRS 176.335, and no other warrant or authority is necessary to justify or require the execution thereof, except when a judgment of death is rendered.

Sec. 3. NRS 176.335 is hereby amended to read as follows:

176.335 1. If a judgment is for imprisonment in the state prison, the sheriff of the county shall, on receipt of the triplicate certified *paper or electronic* copies of the judgment of conviction, immediately notify the Director of the Department of Corrections and the Director shall, without delay, send some authorized person to the county where the prisoner is held for commitment to receive the prisoner.

2. When such an authorized person presents to the sheriff holding the prisoner an order for the delivery of the prisoner, the sheriff shall deliver to the authorized person two of the certified copies of the judgment of conviction ~~and a copy of the report of the presentence investigation or general investigation, as appropriate, if required pursuant to NRS 176.159,~~ and take from the person a receipt for the prisoner, and the sheriff shall make return upon the certified copy of the judgment of conviction, showing the sheriff's proceedings thereunder, and both that copy with the return affixed thereto and the receipt from the authorized person must be filed with the county clerk.

3. The term of imprisonment designated in the judgment of conviction must begin on the date of sentence of the prisoner by the court.

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

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 636 to Assembly Bill No. 64 revises the effective date of the measure to be upon passage and approval instead of October 1, 2013.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 73.

Bill read second time and ordered to third reading.

Assembly Bill No. 84.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 626.

"SUMMARY—Requires ~~certain~~ district courts , in certain circumstances, to establish an appropriate program for the treatment of ~~consider the facts and circumstances surrounding offenses committed by~~ certain offenders who are veterans or members of the military ~~to determine eligibility for an appropriate program of treatment.~~ (BDR 14-124)"

"AN ACT relating to criminal procedure; ~~requiring certain district courts to establish an appropriate program for the treatment of certain offenders who are veterans or members of the military if funds are available for the establishment of such a program;~~ requiring a district court , in certain circumstances, to consider the facts and circumstances surrounding ~~the~~ an offense committed by an offender ~~eligible~~ who is a veteran or member of the military to determine eligibility for ~~such a~~ an appropriate program ~~in certain circumstances;~~ of treatment established by the district court; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~f Under existing law, a district court may establish an appropriate program for the treatment of certain offenders who are veterans and members of the military. (NRS 176A.280) Section 1 of this bill requires, to the extent that funds are available, a district court in a county whose population is 700,000 or more (currently Clark County) to establish such a program. A district court in a county whose population is less than 700,000 (currently all counties other than Clark County) retains the option to establish such a program.~~

Existing law authorizes a district court to place certain offenders who are veterans or members of the military on probation upon terms and conditions that must include attendance and successful completion of ~~such a~~ an appropriate program ~~for the treatment of such offenders that is established by the district court.~~ However, the court may not assign an offender to such a program without the prosecuting attorney stipulating to the assignment if: (1) the offense committed by the offender involved the use or threatened use of force or violence; or (2) the offender was previously convicted of a felony that involved the use or threatened use of force or violence. (NRS 176A.290) Section 1.5 of this bill provides that in determining whether an offense involved the use or threatened use of force or violence, the court must consider the facts and circumstances surrounding the offense, including, without limitation, whether the offender intended to place another person in reasonable apprehension of bodily harm.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~NRS 176A.280 is hereby amended to read as follows:~~

~~176A.280—[A]~~

~~1. In a county whose population is 700,000 or more, a court [may] shall, to the extent that funds are available, establish an appropriate program for the treatment of veterans and members of the military to which it may assign a defendant pursuant to NRS 176A.290.~~

~~2. In a county whose population is less than 700,000, a court may establish a program described in subsection 1.~~

~~3. The assignment of a defendant to a program established pursuant to this section must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program. (Deleted by amendment.)~~

Sec. 1.5. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in subsection 2, if a defendant who is a veteran or a member of the military and who suffers from mental illness, alcohol or drug abuse or posttraumatic stress disorder as described in NRS 176A.285 tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. *For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the court shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.*

3. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. Upon fulfillment of the terms and conditions, the court shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or

private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 2. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~
(Deleted by amendment.)

Sec. 3. This act becomes effective on January 1, 2014.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 626 to Assembly Bill No. 84 deletes Section 1 of the bill. It retains the existing prohibitions in *Nevada Revised Statutes* which make it permissive for a court to establish a program for the treatment of veterans and members of the military who suffer from alcohol or drug abuse, mental illness or post-traumatic stress disorder.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 86.

Bill read second time.

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

Amendment No. 650.

"SUMMARY—Requires the State Contractors' Board to suspend or revoke the license of a contractor for failure to satisfy certain judgments concerning unemployment compensation or to comply with certain provisions governing ~~unemployment compensation,~~ industrial insurance and insurance for occupational diseases. (BDR 54-276)"

"AN ACT relating to contractors; requiring the State Contractors' Board to notify a licensed contractor against whom a judgment has been obtained for failure to pay contributions to the Unemployment Compensation Fund or who is not in compliance with certain provisions governing ~~unemployment compensation,~~ industrial insurance and insurance for occupational diseases; requiring the Board to suspend or revoke the license of a contractor who fails to demonstrate that such a judgment has been satisfied or that he or she is in compliance with such provisions; restricting the actions of a contractor whose license has been suspended for failure to satisfy such a judgment or to demonstrate compliance with such provisions; requiring the Board to further suspend or revoke the license of a contractor who engages in prohibited activity; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

With certain exceptions, each employer, including each contractor, is required to contribute to the Unemployment Compensation Fund. (NRS 612.535) Each contractor who has employees, is a subcontractor for a principal contractor, or submits a bid on a job for a principal contractor or subcontractor is also required to: (1) maintain industrial insurance and insurance for occupational diseases; (2) obtain a certificate of qualification as a self-insured employer from the Commissioner of Insurance; or (3) maintain membership in an association of self-insured employers. (Chapters 616A-617 of NRS, NRS 624.256) Existing law requires: (1) the Administrator of the Division of Industrial Relations of the Department of Business and Industry to provide timely notice to the State Contractors' Board if a contractor's industrial insurance coverage has lapsed; and (2) the Commissioner of Insurance to provide timely notice to both the Administrator and the Board if a contractor's certificate of qualification as a self-insured employer is cancelled or withdrawn, or the contractor is no longer a member of an association of self-insured public or private employers. (NRS 616B.630)

Section 8 of this bill requires the Board, if applicable, to notify each licensed contractor against whom a judgment has been obtained for failure to pay contributions to the Unemployment Compensation Fund or who fails to meet the requirements to ~~contribute to the Unemployment Compensation Fund and to~~ provide and maintain industrial insurance and insurance for occupational diseases that the contractor's license will be suspended if the contractor fails to furnish proof by a certain date that he or she is in compliance with these requirements. Section 8 also requires that the Board suspend the license of any contractor who fails to furnish proof by a certain date that the contractor has satisfied a judgment for failure to pay contributions to the Unemployment Compensation Fund or that the contractor is in compliance with ~~these~~ the requirements to provide and maintain industrial insurance and insurance for occupational diseases until the contractor whose license has been suspended satisfies the judgment or demonstrates compliance with those requirements. Section 8 further provides that if a contractor's license is suspended for failure to satisfy a judgment for failure to pay contributions to the Unemployment Compensation Fund or to meet ~~these~~ the requirements ~~to provide and maintain industrial insurance and insurance for occupational diseases:~~ (1) the contractor is required to submit to the Board a list of all the projects for which a contract was entered into before the date of the notice of the suspension; (2) the contractor is prohibited from submitting any bids for any new work or beginning work on a project not described on the list; and (3) the contractor's name is removed from certain lists of contractors eligible to bid on public works projects until the suspension is lifted. Section 8 provides for the extended suspension or revocation of the license of a contractor who fails to submit a complete list of projects, submits an unauthorized bid or begins work on an unauthorized project. Finally, section 8 provides for the suspension and revocation of the

license of a contractor who fails to ~~[meet the requirements]~~ satisfy a judgment for failure to contribute to the Unemployment Compensation Fund ~~[and]~~ or to provide and maintain industrial insurance and insurance for occupational diseases twice within a 5-year period.

Section 8.5 of this bill requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation ~~[to provide quarterly]~~ to notify the Board [a list] of [contractors who have failed to make the required contribution] any contractor against whom a duly filed judgment has been obtained for failure to pay contributions to the Unemployment Compensation Fund.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 624.256 is hereby amended to read as follows:

624.256 1. Before granting an original or renewal of a contractor's license to any applicant, the Board shall require that the applicant submit to the Board:

(a) Proof of industrial insurance and insurance for occupational diseases which covers the applicant's employees;

(b) A copy of the applicant's certificate of qualification as a self-insured employer which was issued by the Commissioner of Insurance;

(c) If the applicant is a member of an association of self-insured public or private employers, a copy of the certificate issued to the association by the Commissioner of Insurance; or

(d) An affidavit signed by the applicant affirming that he or she is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS because the applicant:

(1) Has no employees;

(2) Is not or does not intend to be a subcontractor for a principal contractor; and

(3) Has not or does not intend to submit a bid on a job for a principal contractor or subcontractor.

2. The Board shall notify the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420 whenever the Board learns that an applicant or holder of a contractor's license has engaged in business as or acted in the capacity of a contractor within this State without having obtained *or maintained* industrial insurance or insurance for occupational diseases in violation of the provisions of chapters 616A to 617, inclusive, of NRS.

3. Failure by an applicant or holder of a contractor's license to file or maintain in full force the required industrial insurance and insurance for occupational diseases constitutes cause for the Board to deny, revoke, suspend, refuse to renew or otherwise discipline the person, unless the person has complied with the provisions set forth in paragraph (d) of subsection 1.

4. ~~Within 30 days~~ As soon as practicable, but not more than 3 business days after receiving notice from the Department of Employment, Training and Rehabilitation pursuant to section 8.5 of this act that a judgment has been obtained against a contractor for failure to pay contributions to the Unemployment Compensation Fund or from the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 616B.630 that a contractor is not in full compliance with the requirements of chapters ~~612 and~~ 616A to 617, inclusive, of NRS, the Board shall ~~immediately~~ notify the contractor by mail at the last known address of the contractor, as it appears in the records of the Board, that the Board will suspend the license of the contractor if the contractor does not furnish proof, within 30 days after the date of the notice sent by the Board, that the contractor has satisfied the judgment reported to the Board pursuant to section 8.5 of this act or is in full compliance with the requirements of chapters ~~612 and~~ 616A to 617, inclusive, of NRS.

5. If the contractor fails to furnish proof, within 30 days after the date of the notice sent by the Board pursuant to subsection 4, that the contractor has satisfied the judgment reported to the Board pursuant to section 8.5 of this act or is in full compliance with the requirements of chapters ~~612 and~~ 616A to 617, inclusive, of NRS, the Board shall, as soon as practicable, but not more than 3 business days after the expiration of the 30-day period, for a first offense:

(a) ~~Immediately summarily~~ Summarily suspend the license of the contractor without further notice pursuant to subsection 4 of NRS 624.291; and

(b) ~~Immediately require~~ Require the contractor to submit to the Board a list of all projects for which the contractor has unfulfilled contractual obligations where the contract was entered into on or before the date of the notice sent by the Board pursuant to subsection 4.

6. If a contractor's license is suspended pursuant to paragraph (a) of subsection 5:

(a) The suspension must continue until the contractor furnishes proof that the contractor has satisfied the judgment reported to the Board pursuant to section 8.5 of this act or is in full compliance with the requirements of chapters ~~612 and~~ 616A to 617, inclusive, of NRS;

(b) During the term of the suspension, the contractor shall not submit any bids for any new work or begin work on any project not described in the list submitted to the Board pursuant to paragraph (b) of subsection 5; and

(c) The Board shall notify:

(1) *The Office of the Labor Commissioner, which shall, ~~immediately upon~~ as soon as practicable, but not more than 3 business days after receipt of the notice, add the name of the contractor to the list of contractors who are disqualified to bid on public works; and*

(2) *The State Public Works Board, which shall, ~~immediately upon~~ as soon as practicable, but not more than 3 business days after receipt of the notice, add the name of the contractor to the list of contractors who are not prequalified to bid on public works.*

7. *If the name of a contractor is added to a list pursuant to paragraph (c) of subsection 6, the Office of the Labor Commissioner or the State Public Works Board, as applicable, shall remove the name from the list when notified by the Board that the suspension has been lifted pursuant to paragraph (a) of subsection 6.*

8. *If the Board finds that a contractor has failed to provide a complete list of projects in accordance with paragraph (b) of subsection 5 or has violated paragraph (b) of subsection 6, the Board shall:*

(a) *For a first offense, suspend the contractor's license for an additional 12 months after the contractor furnishes the proof described in paragraph (a) of subsection 6; and*

(b) *For a second or subsequent offense, conduct a hearing pursuant to NRS 624.291, and, if it is determined at the hearing that a second or subsequent offense has been committed, revoke the contractor's license.*

9. *If a contractor for whom the suspension of a contractor's license has been lifted after providing the proof required pursuant to paragraph (a) of subsection 6 receives notice from the Board pursuant to subsection 4 within 5 years after the date of reinstatement and the contractor fails to furnish proof, within 30 days after the date of the notice sent by the Board, that the contractor has satisfied the judgment reported to the Board pursuant to section 8.5 of this act or is in full compliance with the requirements of chapters ~~612 and~~ 616A to 617, inclusive, of NRS, the Board shall conduct a hearing pursuant to NRS 624.291 and, if it is determined at the hearing that a second or subsequent offense has been committed within a 5-year period, revoke the contractor's license.*

Sec. 8.5. Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:

The Administrator shall ~~at least once each calendar quarter, provide to the State Contractors' Board a list setting forth each contractor who is not in compliance with the provisions of this chapter regarding contributions or payments in lieu of contributions to the Fund. The list must include, to the extent available, the name, address, telephone number, resident agent, principal owner and contractor's license number of the contractor.~~ notify the State Contractors' Board of any licensed contractor against whom a judgment is obtained for failure to pay contributions to the Unemployment Compensation Fund pursuant to this chapter.

Sec. 8.6. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115, *and section 8.5 of this act*, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

↪ Information obtained in connection with the administration of the Employment Service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to

obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter

and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 9. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks; and

2. On January 1, 2014, for all other purposes.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President. Amendment No. 650 to Assembly Bill No. 86 makes four changes: (1) requires the State Contractors' Board to notify a contractor who fails to meet certain requirements as soon as practicable, but not more than three business days; (2) requires a contractor to provide proof, within 30 days after the date of the notice sent by the State Contractors' Board, that the contractor has satisfied the judgment reported to the State Contractors' Board; (3) requires the Office of the Labor Commissioner and the State Public Works Board to add the name of a contractor on the list of contractors who are disqualified or not prequalified to bid on public works as soon as practicable, but not more than three business days; and (4) requires the Administrator of the Employment Security Division to notify the State Contractors' Board of any contractor against whom a duly filed judgment has been obtained for failure to pay contributions to the Unemployment Compensation Fund.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 97.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 625.

"SUMMARY—Revises provisions governing habitual criminals, habitual felons and habitually fraudulent felons. (BDR 15-680)"

"AN ACT relating to crimes; revising provisions relating to the time for filing a count alleging that a person is a habitual criminal, habitual felon or habitually fraudulent felon; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law: (1) authorizes a prosecuting attorney to prosecute a person as a habitual criminal, a habitual felon or a habitually fraudulent felon if certain conditions exist; and (2) prescribes the punishment for a habitual criminal, a habitual felon or a habitually fraudulent felon. (NRS 207.010, 207.012, 207.014) Under existing law, a prosecuting attorney may: (1) include in the information charging the primary offense a count alleging that a person is a habitual criminal, a habitual felon or a habitually fraudulent felon; or (2) file such a count after the person's conviction for the primary offense but, in such a case, the sentence must not be imposed or a certain hearing held until 15 days after the filing. (NRS 207.016) This bill requires a count alleging that a person is a habitual criminal, a habitual felon or a habitually fraudulent felon to be filed not less than 2 days before the trial on the primary offense, unless ~~the prosecution and the defendant stipulate~~ an agreement of the parties provides otherwise or for good cause shown the court extends such time. This bill also authorizes the prosecution to supplement or amend such a count at any time before sentence is imposed, but, if such a supplement or amendment is filed, the sentence must not be imposed or a certain hearing must not occur until 15 days after the filing.

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

Section 1. NRS 207.016 is hereby amended to read as follows:

207.016 1. A conviction pursuant to NRS 207.010, 207.012 or 207.014 operates only to increase, not to reduce, the sentence otherwise provided by law for the principal crime.

2. If a count pursuant to NRS 207.010, 207.012 or 207.014 is included in an information charging the primary offense, each previous conviction must be alleged in the accusatory pleading, but no such conviction may be alluded to on trial of the primary offense, nor may any allegation of the conviction be read in the presence of a jury trying the offense or a grand jury considering an indictment for the offense. A count pursuant to NRS 207.010, 207.012 or 207.014 may be ~~separately~~ filed ~~after conviction of~~ *separately from the indictment or information charging the primary offense, but if it is so filed, the count pursuant to NRS 207.010, 207.012 or 207.014 must be filed not less than 2 days before the start of the trial on the primary offense, unless ~~the prosecution and the defendant stipulate~~ an agreement of the parties provides otherwise or the court for good cause shown makes an order extending the time. For good cause shown, the prosecution may supplement or amend a count pursuant to NRS 207.010, 207.012 or 207.014 at any time*

before the sentence is imposed, but if such a supplement or amendment is filed, the sentence must not be imposed, or the hearing required by subsection 3 held, until 15 days after the separate filing.

3. If a defendant charged pursuant to NRS 207.010, 207.012 or 207.014 pleads guilty or guilty but mentally ill to, or is found guilty or guilty but mentally ill of, the primary offense but denies any previous conviction charged, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the defendant. At such a hearing, the defendant may not challenge the validity of a previous conviction. The court shall impose sentence:

(a) Pursuant to NRS 207.010 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual criminality;

(b) Pursuant to NRS 207.012 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual felon; or

(c) Pursuant to NRS 207.014 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitually fraudulent felon.

4. Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 limits the prosecution in introducing evidence of prior convictions for purposes of impeachment.

5. For the purposes of NRS 207.010, 207.012 and 207.014, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

6. Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 prohibits a court from imposing an adjudication of habitual criminality, adjudication of habitual felon or adjudication of habitually fraudulent felon based upon ~~[a stipulation]~~ *an agreement* of the parties.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 625 to Assembly Bill No. 97 clarifies that unless an agreement of the parties provides otherwise, the count must be filed not less than two days before the start of the trial on the primary offense.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 156.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 638.

"SUMMARY—Revises provisions relating to the sealing of certain records. (BDR 14-590)"

"AN ACT relating to records; revising provisions governing the sealing of certain records; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes a person to petition the court in which the person was convicted for the sealing of all records relating to certain convictions. (NRS 179.245) Section 1 of this bill prohibits a person from petitioning the court to seal records relating to certain offenses related to driving, operating or controlling a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance.

Existing law authorizes a person arrested for alleged criminal conduct to petition for the sealing of all records relating to the arrest if the charges were dismissed or the person was acquitted of the charges. (NRS 179.255) Section 2 of this bill authorizes such a person to petition for the sealing of all records relating to an arrest if the prosecuting attorney declines to prosecute the charges.

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

Section 1. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to

have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➡ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of ~~[a]~~ :

(a) A crime against a child ~~[or a]~~ ;

(b) A sexual offense ~~[+]~~ ;

(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(d) A violation of NRS 484C.430;

(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 2. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, *the prosecuting attorney having jurisdiction declined prosecution of the charges* or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed; ~~for~~

(b) *The court having jurisdiction in which the charges were declined for prosecution ~~for any~~ :*

(1) Any time after the applicable statute of limitations has run ;

(2) Any time 10 years after the arrest; or ~~pursuant~~

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➔ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal , *declination* or acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by a current, verified record of the criminal history of the petitioner received from the local law enforcement agency of the city or county in which the petitioner appeared in court;

(b) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal , *declination* or acquittal and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed , *declined for prosecution* or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed , *declined for prosecution* or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➔ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➔ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

6. If, after the hearing on a petition submitted pursuant to subsection 1, the court finds that there has been an acquittal , *that the prosecution was*

declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the acquittal , *declination* or dismissal which are in the custody of the court, of another court in the State of Nevada or of a public or private company, agency or official in the State of Nevada.

7. If, after the hearing on a petition submitted pursuant to subsection 2, the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private company, agency or official in the State of Nevada.

8. *If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 6, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.*

Sec. 3. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section , *subsection 8 of NRS 179.255* and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 for a conviction of another offense.

Sec. 4. This act becomes effective on January 1, 2014.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 638 to Assembly Bill No. 156 provides for a person to petition the court for the sealing of all records any time ten years after the arrest, if the prosecuting attorney declined to prosecute the charges.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 200.

Bill read second time.

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

Amendment No. 633.

"SUMMARY—Revises provisions relating to food establishments. (BDR 40-129)"

"AN ACT relating to food establishments; allowing farms to hold farm-to-fork events in certain circumstances without being considered a food establishment for purposes of inspections by the health authority and other regulations; requiring such farms to register with the health authority; ~~providing a similar exemption from requirements applicable to a food establishment for certain farms which manufacture or prepare certain food items for sale or which offer or display such food items under certain circumstances;~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires a person to obtain a permit to operate a food establishment and to comply with various other requirements in the operation of the food establishment. (NRS 446.870) Existing law defines the term "food establishment" for those purposes and specifically excludes certain entities from the definition, including private homes where the food that is prepared or manufactured in the home is not provided for compensation or other consideration of any kind. (NRS 446.020)

Section 5 of this bill adds to the list of entities that are excluded from the definition of "food establishment" a farm holding a farm-to-fork event. Section 2 of this bill defines the term "farm-to-fork event" as an event where prepared food from a farm is provided for immediate consumption by paying guests at the farm. Section 3 of this bill authorizes a farm to hold a farm-to-fork event without being subject to the requirements of a food establishment provided that: (1) any rabbit meat or poultry served is raised and prepared on the farm, and is butchered and processed on the farm pursuant to certain permit and inspection requirements of NRS; (2) other food items served are prepared from ingredients substantially produced on the farm; and (3) each guest is provided with ~~and acknowledges receipt of~~ a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as to the butchering and processing of the meat or poultry. Section 3 further provides that a farm which holds more than two events in any month becomes a food

establishment subject to all the requirements of a food establishment for the remainder of the calendar year. Section 3.5 requires a farm that wishes to hold farm-to-fork events to register with the health authority by providing certain information and paying a fee. The health authority is prohibited from inspecting the farm, except in certain circumstances. ~~[Section 5 also adds to the list of entities that are excluded from the definition of "food establishment" a farm that manufactures or prepares certain food items for sale or which offers or displays for sale or serves those food items under certain circumstances. Section 4 of this bill specifies which food items qualify a farm for that exemption.]~~

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

Section 1. Chapter 446 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3, 3.5 and 4 of this act.

Sec. 2. *"Farm-to-fork event" means an event organized on a farm where prepared food is provided for immediate consumption to paying guests and that meets the requirements of section 3 of this act.*

Sec. 3. 1. *Except as otherwise provided in subsection 3, a farm is not a "food establishment" for purposes of holding a farm-to-fork event provided that:*

(a) Any poultry and meat from a rabbit that is served at the farm-to-fork event is raised and prepared on the farm and is butchered and processed on the farm pursuant to the requirements of chapter 583 of NRS; and

(b) Any other food item that is served at the farm-to-fork event, including, without limitation, salads, side dishes and desserts, are prepared on the farm from ingredients that are substantially produced on the farm.

2. *A farm which holds a farm-to-fork event shall ~~be~~*

~~*(a) Before, before a guest consumes any food, provide each guest with a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as otherwise provided in subsection 1. ~~f~~ and*~~

~~*(b) Obtain from each guest a signed acknowledgment of receipt of the notice.*~~

3. *A farm which holds more than two events in any month that would otherwise qualify as farm-to-fork events becomes a food establishment for the remainder of that calendar year subject to all of the requirements of this chapter and any regulations adopted pursuant thereto concerning food establishments.*

Sec. 3.5. 1. *A farm that wishes to hold farm-to-fork events must register with the health authority by submitting such information as the health authority deems appropriate, including, without limitation:*

(a) The name, address and contact information of the owner of the farm;

(b) The name under which the farm operates; and

(c) The address of the farm.

2. The health authority may charge a fee for the registration of a farm pursuant to this section in an amount not to exceed the actual cost of the health authority to establish and maintain a registry of farms holding farm-to-fork events.

3. The health authority shall not inspect a farm that holds a farm-to-fork event, except as otherwise provided in subsection 3 of section 3 of this act and except that the health authority may inspect a farm following a farm-to-fork event to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item served at the farm-to-fork event. A farm shall cooperate with the health authority in any such inspection.

4. If, as a result of an inspection conducted pursuant to subsection 3, the health authority determines that the farm has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the health authority may charge and collect from the farm a fee in an amount not to exceed the actual cost of the health authority to conduct the investigation.

Sec. 4. ~~{1. A farm which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (h) of subsection 2 of NRS 446.020 if each such food item is:~~

~~(a) Made substantially from ingredients that were grown or produced on the farm;~~

~~(b) Sold at the farm or at a farmers' market licensed pursuant to chapter 244 or 268 of NRS;~~

~~(c) Sold to a natural person for his or her consumption and not for resale;~~

~~(d) Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101 and which has been approved by the health authority if the food item is sold at a farmers' market;~~

~~(e) Labeled with "NOT FOR RESALE — PROCESSED AND PREPARED IN A FACILITY WHICH DOES NOT HAVE A PERMIT AND WHICH HAS NOT BEEN INSPECTED BY A STATE OR COUNTY HEALTH AUTHORITY" printed prominently on the label for the food item; and~~

~~(f) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers.~~

~~2. As used in this section:~~

~~(a) "Farm" means land used for an agricultural purpose, including, without limitation, the production of crops and the on site storage, preparation and sale of agricultural products principally produced on the land;~~

~~(b) "Food item" means any food that is not potentially hazardous, does not require time or temperature controls for safety and has a pH of 4.6 or less. (Deleted by amendment.)~~

Sec. 5. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as otherwise limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

(a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;

(b) Fraternal or social clubhouses at which attendance is limited to members of the club;

(c) Vehicles operated by common carriers engaged in interstate commerce;

(d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment where animals are slaughtered which is regulated and inspected by the State Department of Agriculture;

(f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS; ~~{or}~~

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers ~~{ }~~; or

~~(h) A farm that meets the requirements of section 4 of this act with respect to a food item as defined in that section; or~~

~~(i) A farm for purposes of holding a farm-to-fork event.~~

Sec. 6. This act becomes effective on July 1, 2013.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 633 to Assembly Bill No. 200 removes the provision that would have required farms to obtain from each guest at farm-to-fork events a signed acknowledgement that they received notice that no inspection was conducted by a State or local health department of the farm or the food to be consumed, with minor exceptions outlined in the measure. The measure also removes the provision that added a farm, that manufactures or prepares certain food items for sale, from the list of entities that are excluded from the definition of "food establishment," Sections 4 and 5.2(h).

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 673.

"SUMMARY—Revises various provisions relating to juveniles charged as adults for committing certain crimes. (BDR 5-64)"

"AN ACT relating to juvenile justice; revising the list of offenses that are excluded from the original jurisdiction of the juvenile court; authorizing a child who is certified for adult criminal proceedings to petition the court for placement in a state juvenile detention facility during the pendency of the proceeding; requiring the Legislative Committee on Child Welfare and Juvenile Justice to appoint a task force to study certain issues relating to juveniles; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that the juvenile court has exclusive jurisdiction over a child who is alleged to have committed an act designated as a criminal offense unless: (1) the criminal offense is excluded from the jurisdiction of the juvenile court; or (2) the child is alleged to have committed an offense for which the juvenile court may certify the child for criminal proceedings as an adult and the juvenile court certifies the child for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation. (NRS 62B.330, 62B.390)

Under existing law, the offenses excluded from the jurisdiction of the juvenile court include, without limitation, murder and attempted murder. (NRS 62B.330) Section 1 of this bill provides that murder and attempted murder are excluded from the jurisdiction of the juvenile court only if the offense was committed by a child who was 14 years of age or older when he or she committed the offense. Under section 11 of this bill, this provision becomes effective on October 1, 2014.

Under existing law, during the pendency of the proceeding, a child who is charged with a crime which is excluded from the original jurisdiction of the juvenile court may petition the juvenile court for temporary placement in a facility for the detention of children. (NRS 62C.030) Section 2 of this bill authorizes a child who is certified for criminal proceedings as an adult to petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the proceeding. Under section 11, this provision becomes effective on October 1, 2013.

Section 10 of this bill requires the Legislative Committee on Child Welfare and Juvenile Justice to create a task force to study certain issues relating to juvenile justice.

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

Section 1. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance;

- (b) Violates any rule or regulation having the force of law; or
- (c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense ~~[-] if the person was 14 years of age or older when the murder or attempted murder was committed.~~

(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2. NRS 62C.030 is hereby amended to read as follows:

62C.030 1. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

(a) A facility for the secure detention of children; or

(b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

2. If a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of children unless there is probable cause to believe that:

(a) If the child is not detained, the child is likely to commit an offense dangerous to the child or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the juvenile court or to its officers;

(c) The child was taken into custody and brought before a probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

3. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained in the facility and who has been convicted of a criminal offense or charged with a criminal offense, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained in the facility.

4. During the pendency of a proceeding involving {a} :

(a) A criminal offense excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330 {+} ; or

(b) A child who is certified for criminal proceedings as an adult pursuant to NRS 62B.390,

↪ a child may petition the juvenile court for temporary placement in a facility for the detention of children.

Sec. 3. (Deleted by amendment.)

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. 1. The Legislative Committee on Child Welfare and Juvenile Justice created by NRS 218E.705 shall create a task force to study certain issues relating to juvenile justice in accordance with the provisions of this section.

2. The Chair of the Legislative Committee on Child Welfare and Juvenile Justice shall appoint to the task force the following ~~nine~~ 10 voting members:

(a) One member of the Senate or Assembly, who shall serve as Chair of the task force.

(b) One member who is a district attorney.

(c) One member who is a public defender.

(d) One member from the Office of the Attorney General.

(e) One member from the Division of Child and Family Services of the Department of Health and Human Services.

(f) One member who is a judge of the juvenile court.

(g) One member who is a director of juvenile services, as defined in NRS 62A.080.

~~(h)~~ (h) One member who is a mental health professional.

~~(i)~~ (i) One member who is a representative from an organization that advocates on behalf of juveniles.

~~(j)~~ (j) The Director of the Department of Corrections.

3. The task force shall study the following issues and make its findings and any recommendations for proposed legislation:

(a) The laws in this State and other states, including an examination of best practices, pertaining to certification of juveniles as adults and offenses excluded from the jurisdiction of the juvenile court.

(b) The advantages and disadvantages of blended sentencing.

(c) The ability of adult correctional facilities and institutions to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and incarcerated in adult facilities and institutions.

(d) The ability of juvenile detention facilities to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and detained in juvenile detention facilities.

(e) The costs and benefits of housing juvenile offenders who are convicted of crimes as adults in adult correctional facilities and institutions and in juvenile detention facilities.

(f) Proposed legislation that is necessary to implement any necessary or desirable changes in Nevada law relating to the issues set forth in this subsection.

4. The members of the task force, other than the Chair of the task force, serve without compensation, except that each such member is entitled, while engaged in the business of the task force and within the limits of available

money, to the per diem allowance and travel expenses provided for state officers and employees generally.

5. Not later than 30 days after appointment, each member of the task force, other than the Chair of the task force, shall nominate one person to serve as his or her alternate member and submit the name of the person nominated to the Chair of the task force for appointment. An alternate member shall serve as a voting member of the task force when the appointed member who nominated the alternate member is disqualified or unable to serve.

6. The members of the task force shall hold not more than four meetings at the call of the Chair of the task force.

7. To the extent that money is available, including, without limitation, money from gifts, grants and donations, the Committee may fund the costs of the task force.

8. The Committee shall submit a report of the findings of the task force and its recommendations for legislation to the 78th Session of the Nevada Legislature.

Sec. 11. 1. This section and section 10 of this act become effective on July 1, 2013.

2. Sections ~~11~~ 2 to 9, inclusive, of this act become effective on October 1, 2013.

3. Section 1 of this act becomes effective on October 1, 2014.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 673 to Assembly Bill No. 202 adds one member to the task force, who is a director of juvenile services. It also revises the effective date of Section 1 from October 1, 2013, to October 1, 2014.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 605.

"SUMMARY—Revises provisions governing postconviction genetic marker analysis. (BDR 14-1000)"

"AN ACT relating to genetic marker analysis; authorizing a person convicted of any felony to file a petition requesting genetic marker analysis; authorizing the appeal of an order granting or dismissing a petition for genetic marker analysis; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes a person who has been convicted of a category A or B felony, and who is currently under imprisonment for that conviction, to file a petition requesting genetic marker analysis of certain evidence within

the possession or custody of the State. (NRS 176.0918) This bill authorizes ~~such~~ a person convicted of any felony, regardless of whether the person is under such imprisonment, to : (1) file a petition requesting genetic marker analysis of certain evidence within the possession or custody of the State; and (2) file an appeal of an order dismissing such a petition for genetic marker analysis. This bill further authorizes the State to appeal an order granting such a petition.

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

Section 1. NRS 176.0918 is hereby amended to read as follows:

176.0918 1. A person convicted of a ~~category A or B~~ felony ~~[who is under sentence of imprisonment for that conviction and]~~ who otherwise meets the requirements of this section may file a postconviction petition requesting a genetic marker analysis of evidence within the possession or custody of the State which may contain genetic marker information relating to the investigation or prosecution that resulted in the judgment of conviction. If the case involves a sentence of death, the petition must include, without limitation, the date scheduled for the execution, if it has been scheduled.

2. Such a petition must be filed with the clerk of the district court for the county in which the petitioner was convicted on a form prescribed by the Department of Corrections. A copy of the petition must be served by registered mail upon:

(a) The Attorney General; and

(b) The district attorney in the county in which the petitioner was convicted.

3. A petition filed pursuant to this section must be accompanied by a declaration under penalty of perjury attesting that the information contained in the petition does not contain any material misrepresentation of fact and that the petitioner has a good faith basis relying on particular facts for the request. The petition must include, without limitation:

(a) Information identifying specific evidence either known or believed to be in the possession or custody of the State that can be subject to genetic marker analysis;

(b) The rationale for why a reasonable possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis of the evidence identified in paragraph (a);

(c) An identification of the type of genetic marker analysis the petitioner is requesting to be conducted on the evidence identified in paragraph (a);

(d) If applicable, the results of all prior genetic marker analysis performed on evidence in the trial which resulted in the petitioner's conviction; and

(e) A statement that the type of genetic marker analysis the petitioner is requesting was not available at the time of trial or, if it was available, that the failure to request genetic marker analysis before the petitioner was convicted

was not a result of a strategic or tactical decision as part of the representation of the petitioner at the trial.

4. If a petition is filed pursuant to this section, the court may:

(a) ~~Dismiss~~ *Enter an order dismissing* the petition without a hearing if the court determines, based on the information contained in the petition, that the petitioner does not meet the requirements set forth in this section;

(b) After determining whether the petitioner is indigent pursuant to NRS 171.188 and whether counsel was appointed in the case which resulted in the conviction, appoint counsel for the limited purpose of reviewing, supplementing and presenting the petition to the court; or

(c) Schedule a hearing on the petition. If the court schedules a hearing on the petition, the court shall determine which person or agency has possession or custody of the evidence and shall immediately issue an order requiring, during the pendency of the proceeding, each person or agency in possession or custody of the evidence to:

(1) Preserve all evidence within the possession or custody of the person or agency that may be subjected to genetic marker analysis pursuant to this section;

(2) Within 90 days, prepare an inventory of all evidence relevant to the claims in the petition within the possession or custody of the person or agency that may be subjected to genetic marker analysis pursuant to this section; and

(3) Within 90 days, submit a copy of the inventory to the petitioner, the prosecuting attorney and the court.

5. Within 90 days after the inventory of all evidence is prepared pursuant to subsection 4, the prosecuting attorney may file a written response to the petition with the court.

6. If the court holds a hearing on a petition filed pursuant to this section, the hearing must be presided over by the judge who conducted the trial that resulted in the conviction of the petitioner, unless that judge is unavailable. Any evidence presented at the hearing by affidavit must be served on the opposing party at least 15 days before the hearing.

7. The court shall order a genetic marker analysis, after considering the information contained in the petition pursuant to subsection 3 and any other evidence, if the court finds that:

(a) A reasonable possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis of the evidence identified in the petition;

(b) The evidence to be analyzed exists; and

(c) Except as otherwise provided in subsection 8, the evidence was not previously subjected to a genetic marker analysis.

8. If the evidence was previously subjected to a genetic marker analysis, the court shall order a genetic marker analysis pursuant to subsection 7 if the court finds that:

(a) The result of the previous analysis was inconclusive;

(b) The evidence was not subjected to the type of analysis that is now requested and the requested analysis may resolve an issue not resolved by the previous analysis; or

(c) The requested analysis would provide results that are significantly more accurate and probative of the identity of the perpetrator than the previous analysis.

9. If the court orders a genetic marker analysis pursuant to subsection 7 or 8, the court shall:

(a) Order the analysis to be conducted promptly under reasonable conditions designed to protect the interest of the State and the petitioner in the integrity of the evidence and the analysis process.

(b) Select a forensic laboratory to conduct or oversee the analysis. The forensic laboratory selected by the court must:

(1) Be operated by this state or one of its political subdivisions, when possible; and

(2) Satisfy the standards for quality assurance that are established for forensic laboratories by the Federal Bureau of Investigation.

(c) Order the forensic laboratory selected pursuant to paragraph (b) to perform a genetic marker analysis of evidence. The analysis to be performed and evidence to be analyzed must:

(1) Be specified in the order; and

(2) Include such analysis, testing and comparison of genetic marker information contained in the evidence and the genetic marker information of the petitioner as the court determines appropriate under the circumstances.

(d) Order the production of any reports that are prepared by a forensic laboratory in connection with the analysis and any data and notes upon which the report is based.

(e) Order the preservation of evidence used in a genetic marker analysis performed pursuant to this section for purposes of a subsequent proceeding or analysis, if any.

(f) Order the results of the genetic marker analysis performed pursuant to this section to be sent to the State Board of Parole Commissioners if the results of the genetic marker analysis are not favorable to the petitioner.

10. If the court orders a genetic marker analysis pursuant to subsection 7 or 8, the State may appeal to the Supreme Court within 30 days after the notice of the entry of the order by filing a notice of appeal with the clerk of the district court.

11. If the results of a genetic marker analysis performed pursuant to this section are favorable to the petitioner:

(a) The petitioner may bring a motion for a new trial based on the ground of newly discovered evidence pursuant to NRS 176.515; and

(b) The restriction on the time for filing the motion set forth in subsection 3 of NRS 176.515 is not applicable.

~~11.~~ 12. The court shall ~~dismiss~~ enter an order dismissing a petition filed pursuant to this section if:

(a) The requirements for ordering a genetic marker analysis pursuant to this section are not satisfied; or

(b) The results of a genetic marker analysis performed pursuant to this section are not favorable to the petitioner.

~~{12.}~~ 13. *If the court enters an order dismissing a petition pursuant to this section, the person aggrieved by the order may appeal to the Supreme Court within 30 days after the notice of the entry of the order by filing a notice of appeal with the clerk of the district court.*

~~{13.}~~ 14. For the purposes of a genetic marker analysis pursuant to this section, a person who files a petition pursuant to this section shall be deemed to consent to the:

(a) Submission of a biological specimen by the petitioner to determine genetic marker information; and

(b) Release and use of genetic marker information concerning the petitioner.

~~{13.}~~ ~~{14.}~~ 15. The petitioner shall pay the cost of a genetic marker analysis performed pursuant to this section, unless the petitioner is incarcerated at the time the petitioner files the petition, found to be indigent pursuant to NRS 171.188 and the results of the genetic marker analysis are favorable to the petitioner. If the petitioner is not required to pay the cost of the analysis pursuant to this subsection, the expense of an analysis ordered pursuant to this section is a charge against the Department of Corrections and must be paid upon approval by the Board of State Prison Commissioners as other claims against the State are paid.

~~{14.}~~ ~~{15.}~~ 16. The remedy provided by this section is in addition to, is not a substitute for and is not exclusive of any other remedy, right of action or proceeding available to a person convicted of a crime.

~~{15.}~~ ~~{16.}~~ 17. If a petitioner files a petition pursuant to this section, the court schedules a hearing on the petition and a victim of the crime for which the petitioner was convicted has requested notice pursuant to NRS 178.5698, the district attorney in the county in which the petitioner was convicted shall provide to the victim notice of:

(a) The fact that the petitioner filed a petition pursuant to this section;

(b) The time and place of the hearing scheduled by the court as a result of the petition; and

(c) The outcome of any hearing on the petition.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 605 to Assembly Bill No. 233 expands the provisions of the bill to apply to persons convicted of any felony, not only A and B felonies. The amendment deletes the requirement for a person to be under sentence for a conviction to file a petition requesting genetic marker analysis. It also provides that if a court orders a genetic marker analysis, the State may appeal the order to the Supreme Court.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 639.

"SUMMARY—Revises provisions governing child custody and visitation. (BDR 11-951)"

"AN ACT relating to child custody; authorizing a court to award costs and the reasonable fees of attorneys and experts to a party in certain actions concerning child custody or visitation; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that in an action to determine the parentage of a child, the court may order that the reasonable fees of counsel, experts and the child's guardian ad litem, and other costs of the action, be paid in such proportions as determined by the court. (NRS 126.171, 126.231) Existing law further provides that in an action for divorce, the court may award a reasonable attorney's fee to either party, if those fees are in issue under the pleadings. (NRS 125.150) This bill provides that in an action to determine custody or visitation with respect to a child, the court may order that the reasonable fees of counsel and experts, and other costs of the action, be paid in proportions and at times determined by the court ~~_, if those fees and costs are in issue under the pleadings._~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 125C of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in NRS 125C.180, in an action to determine legal custody, physical custody or visitation with respect to a child, the court may order reasonable fees of counsel and experts and other costs of the proceeding to be paid in proportions and at times determined by the court. ~~_, if those fees and costs are in issue under the pleadings._~~

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 639 to Assembly Bill No. 262 deletes the provision that a court may only order reasonable fees of counsel and experts and other costs of the action, if the fees and costs are in issue under the pleadings.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 306.

Bill read second time.

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

Amendment No. 652.

"SUMMARY—Revises provisions relating to private investigators and related professions. (BDR 54-677)"

"AN ACT relating to certain regulated professions; revising the definition of "private investigator"; exempting certain activities from the applicability of provisions of existing law governing private investigators and related professions; revising provisions governing employees of certain licensees; requiring certain licensees to maintain a principal place of business in this State; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of the term "private investigator" to include certain activities relating to investigations into computerized data not available to the public and certain crimes and torts. Section 2 of this bill revises the applicability of provisions governing private investigators and related professions to exempt from the requirements for licensure certain persons who perform maintenance or repair of computers under certain circumstances.

Section 6 of this bill requires a person licensed to engage in the business of a private investigator, private patrol officer, process server, reposessor, dog handler, security consultant, or polygraphic examiner or intern to maintain a principal place of business in this State. Section 5 of this bill requires that a licensee post his or her license in a conspicuous place in the licensee's principal place of business in this State. Section 4 of this bill requires a licensee to: (1) ensure that every registered person employed in this State by the licensee is supervised by a licensee who is physically located in this State; and (2) maintain at a location in this State records relating to employment, compensation, licensure and registration of employees.

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

Section 1. NRS 648.012 is hereby amended to read as follows:

648.012 "Private investigator" means any person who for any consideration engages in business or accepts employment to furnish, or agrees to make or makes any investigation for the purpose of obtaining, *including, without limitation, through the review, analysis and investigation of computerized data not available to the public*, information with reference to:

1. The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

2. The location, disposition or recovery of lost or stolen property;

3. The cause or responsibility for fires, libels, losses, accidents or damage or injury to persons or to property;

4. *A crime or tort that has been committed, attempted, threatened or suspected ~~for~~, except an expert witness or a consultant who is retained for litigation or a trial, or in anticipation of litigation or a trial, and who performs duties and tasks within his or her field of expertise that are necessary to form his or her opinion;*

5. Securing evidence to be used before any court, board, officer or investigating committee; or

~~{5-}~~ 6. The prevention, detection and removal of surreptitiously installed devices for eavesdropping or observation.

Sec. 2. NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective or officer belonging to the law enforcement agencies of the State of Nevada or the United States, or of any county or city of the State of Nevada, while the detective or officer is engaged in the performance of his or her official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his or her official duties.

3. To insurance adjusters and their associate adjusters licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrol officer, process server, dog handler or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a reposessor employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his or her duties as such.

9. To a collection agency unless engaged in business as a reposessor, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his or her employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.

12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

13. To any commercial registered agent, as defined in NRS 77.040, who obtains copies of, examines or extracts information from public records maintained by any foreign, federal, state or local government, or any agency or political subdivision of any foreign, federal, state or local government.

14. To any holder of a certificate of certified public accountant issued by the Nevada State Board of Accountancy pursuant to chapter 628 of NRS while performing his or her duties pursuant to the certificate.

15. *To a person performing the repair or maintenance of a computer who performs a review or analysis of data contained on a computer solely for the purposes of diagnosing a computer hardware or software problem and who is not otherwise engaged in the business of a private investigator.*

Sec. 3. NRS 648.080 is hereby amended to read as follows:

648.080 Every application for a license must contain:

1. A detailed statement of the applicant's personal history on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

2. A statement of the applicant's financial condition on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

3. ~~{A specific description of the location}~~ *The complete address of the principal place of business of the applicant ~~{the}~~ in this State and of each branch office or other place of business of the applicant in this State.*

4. *The business or businesses in which the applicant intends to engage and the category or categories of license he or she desires.*

~~{4.}~~ 5. A complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~{5.}~~ 6. A recent photograph of the applicant or, if the applicant is a corporation, of each officer and director.

~~{6.}~~ 7. Evidence supporting the qualifications of the applicant in meeting the requirements for the license for which he or she is applying.

~~{7.}~~ 8. If the applicant is not a natural person, the full name and residence address of each of its partners, officers, directors and manager, and a certificate of filing of a fictitious name.

~~{8.}~~ 9. Such other facts as may be required by the Board to show the good character, competency and integrity of each signatory.

Sec. 4. NRS 648.140 is hereby amended to read as follows:

648.140 1. Any license obtained pursuant to the provisions of this chapter gives the licensee or any bona fide employee of the licensee authority to engage in the type of business for which he or she is licensed in any county or city in the State of Nevada. A county or city shall not enact

ordinances regulating persons licensed pursuant to this chapter, except general business regulations designed to raise revenue or assure compliance with building codes and ordinances or regulations concerning zoning and safety from fire.

2. Except for polygraphic examiners and interns, a licensee may employ, in connection with his or her business, as many persons registered pursuant to this chapter as may be necessary, but at all times every licensee ~~is~~ :

(a) *Shall ensure that each registered person employed in this State by the licensee is supervised by a licensee who is physically present in this State; and*

(b) *Is accountable for the good conduct of every person employed by the licensee in connection with his or her business.*

3. Each licensee shall ~~furnish~~ :

(a) *Maintain at a location within this State records relating to the employment, compensation, licensure and registration of employees;*

(b) *Furnish the Board with the information requested by it concerning all employees registered pursuant to this chapter, except clerical personnel ; ~~;~~ and ~~shall notify~~*

(c) *Notify the Board within 3 days after such employees begin their employment.*

Sec. 5. NRS 648.142 is hereby amended to read as follows:

648.142 1. The license, when issued, shall be in such form as may be determined by the Board and shall include:

(a) The name of the licensee.

(b) The name under which the licensee is to operate.

(c) The number and date of the license.

(d) The expiration date of the license.

(e) If the licensee is a corporation, the name of the person or persons affiliated with the corporation on the basis of whose qualifications such license is issued.

(f) The classification or classifications of work which the license authorizes.

2. The license shall at all times be posted in a conspicuous place in the licensee's principal place of business ~~(of the licensee.)~~ in this State.

3. Upon the issuance of a license, a pocket card of such size, design and content as may be determined by the Board shall be issued without charge to each licensee, if an individual, or if the licensee is a person other than an individual, to its manager and to each of its officers, directors and partners, which card shall be evidence that the licensee is duly licensed pursuant to this chapter. When any person to whom a card is issued terminates his or her position, office or association with the licensee, the card shall be surrendered to the licensee and within 5 days thereafter shall be mailed or delivered by the licensee to the Board for cancellation.

4. A licensee shall, within 30 days after such change, notify the Board of any and all changes of his or her address, of the name under which the licensee does business, and of any change in its officers, directors or partners.

5. A license issued under this chapter is not assignable.

Sec. 6. NRS 648.148 is hereby amended to read as follows:

648.148 1. Each licensee shall ~~file~~:

(a) *Maintain a principal place of business in this State; and*

(b) *File with the Board the complete address of his or her principal place of business in this State, including the name and number of the street, or, if the street where the business is located is not numbered, the number of the post office box. The Board may require the filing of other information for the purpose of identifying such principal place of business.*

2. Every advertisement by a licensee soliciting or advertising business shall contain the licensee's name and ~~address~~ *the number of the licensee's license* as they appear in the records of the Board.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President. Amendment No. 652 to Assembly Bill No. 306 clarifies that an expert witness or consultant retained by an attorney for litigation or a trial, or in anticipation of litigation or a trial, is not required to be licensed as a private investigator when performing duties and tasks within his or her field of expertise that are necessary to form his or her opinion.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 326.

Bill read second time and ordered to third reading.

Assembly Bill No. 341.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 44.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Senate Bill No. 44 revises the statutory submission process for requesting a grant or loan from the State Disaster Relief Account. Specifically, the bill requires the requestor to submit a written notice of intent for request within 60 days of the disaster to the Division of Emergency Management. Within ten working days of receiving the notice, the Division of Emergency Management must provide a copy of the notice to the State Board of Examiners and the Fiscal Analysis Division of the Legislative Counsel Bureau. The bill further requires the Division of Emergency Management and the Department of Taxation to review the request within 60 days, and send a written report to the State Board of Examiners and the Legislative Counsel Bureau summarizing their findings and recommendations regarding the request. The bill also expands the purposes for which monies in the State Disaster Relief Account may be granted, to include projects to mitigate the likelihood of a similar disaster in the future. Additionally, the bill removes the limitation that funds from the State Disaster Relief Account can be used as matching funds to obtain a grant from a federal "disaster assistance" agency, with the result that money granted or loaned from the Account can be used to match a grant from any federal agency. The bill becomes effective on July 1, 2013.

Roll call on Senate Bill No. 44:

YEAS—21.

NAYS—None.

Senate Bill No. 44 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 142.

Bill read third time.

The following amendment was proposed by the Finance:

Amendment No. 705.

"SUMMARY—Makes various changes to provisions governing local government contracting. (BDR 27-676)"

"AN ACT relating to local governments; revising provisions governing contracting by school districts; revising provisions governing performance contracts for operating cost-savings measures; requiring the Office of Energy to provide local governments with information ~~and~~ and educational resources ~~and support~~ relating to such performance contracts; authorizing the Office of Energy to provide local governments with support relating to operating cost-savings measures under certain circumstances; authorizing the Office of Energy to charge and collect fees relating to such support; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes local governments, including school districts, to enter into performance contracts for the purchase and installation of operating cost-savings measures to reduce costs related to energy, water and the disposal of waste, and related labor costs. (NRS 332.300-332.440) Section 2 of this bill ~~[provides, with limited exceptions, that before]~~ requires the board of trustees of a school district ~~[advertises for, requests or solicits bids or proposals for certain contracts for which the estimated cost exceeds \$100,000, the board of trustees or its designee shall evaluate]~~ to adopt a policy setting forth the process for evaluating whether ~~the~~ work to be performed on a building will be performed pursuant to ~~the contract will include certain operating cost savings measures and qualifies to be performed pursuant to~~ a performance contract ~~and~~ and sets forth certain requirements pertaining to the policy. Section 2 also requires the board of trustees to cause to be produced an annual report ~~[on the evaluation at its next regularly scheduled meeting.] relating to certain operating cost-savings measures.~~

Section 3 of this bill requires the Office of Energy to: (1) provide local governments with information ~~and~~ and educational resources ~~and support~~ relating to operating cost-savings measures and performance contracts; and (2) include on the Internet website maintained by the Office, if any, information and educational resources relating to operating cost-savings measures and performance contracts. Additionally, section 3 authorizes the

Office of Energy to provide a local government, upon request, with support relating to operating cost-savings measures and to charge and collect a fee from the local government for the provision of such support. Section 3 creates an account administered by the Director of the Office of Energy into which such fees must be deposited. Section 3 also provides that a local government may include in a performance contract the costs of any such fees charged by the Office of Energy.

Section 4.5 of this bill authorizes a local government, in lieu of retaining the professional services of a third-party consultant, to enter into a contract with the Office of Energy to assist the local government in evaluating certain proposals and presentations by qualified service companies relating to performance contracts.

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

Section 1. Chapter 332 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. ~~{Except as otherwise provided in subsection 3, before the}~~
~~The board of trustees of a school district {advertises for, requests or solicits}~~
~~bids or proposals for a contract relating to}~~ shall adopt a policy setting forth
the process for evaluating whether work to be performed on a building
~~{for which the estimated cost exceeds \$100,000, the board of trustees or its~~
~~designee shall evaluate whether the work to}~~ will be performed pursuant to
~~{the contract}~~

(a) Will include an operating cost-savings measure; and

(b) Qualifies to be performed pursuant to} a performance contract.

~~2. If the evaluation performed pursuant to subsection 1 indicates that the~~
~~work to be performed will include an operating cost-savings measure and~~
~~qualifies to be performed pursuant to a performance contract, the board of~~
~~trustees shall report on the evaluation at the next regularly scheduled~~
~~meeting of the board of trustees. If the board of trustees determines not to~~
~~award a performance contract for the work, the board of trustees shall state~~
~~the reasons for that determination on the record at the meeting and those~~
~~reasons must be included in the minutes of the meeting.~~

~~3. The provisions of this section do not apply if the board of trustees has~~
~~performed a comprehensive audit and assessment of all potential operating~~
~~cost-savings measures that might be implemented within the buildings of the~~
~~school district within the immediately preceding 7 years and a report of the~~
~~audit and assessment is available on the Internet website, if any, of the~~
~~school district.~~

~~4. The policy must include, without limitation:~~

(a) The criteria for determining the work which will be evaluated pursuant
to the policy;

(b) The requirement that the board of trustees or its designee evaluate
whether the work to be performed;

(1) Consists primarily of one or more operating cost-savings measures;

(2) Qualifies to be performed pursuant to a performance contract with a return on investment that the board of trustees determines would make entering into a performance contract in the best interest of the school district; and

(3) Would be more reasonably included under an existing performance contract rather than a new performance contract; and

(c) The requirement that the board of trustees or its designee, if it determines not to enter into a performance contract, document the reasons for that determination.

2. The board of trustees of a school district shall cause to be prepared an annual report which sets forth the operating cost-savings measures, if any, that:

(a) Were identified in a financial-grade operational audit submitted to the board of trustees pursuant to subsection 5 of NRS 332.360 during the immediately preceding year; and

(b) Were not included in a performance contract during the immediately preceding year.

3. As used in this section, "operating cost-savings measure" means an investment in equipment, products and materials, and strategies for building operation, or any combination thereof, designed to reduce energy and other utility expenses, including, without limitation:

(a) Costs for materials and labor required to replace old equipment with new, more efficient equipment.

(b) Storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed or coated windows or doors, reductions in glass area, and other modifications to windows and doors that will reduce energy consumption.

(c) Automated or computerized energy control systems.

(d) Replacement of, or modifications to, heating, ventilation or air-conditioning systems.

(e) Replacement of, or modifications to, lighting fixtures.

(f) Improvements to the indoor air quality of a building that conform to all requirements of an applicable building code.

(g) Energy recovery systems.

(h) Systems for combined cooling, heating and power that produce steam or other forms of energy, for use primarily within the building or a complex of buildings.

(i) Installation of, or modifications to, existing systems for daylighting, including lighting control systems.

(j) Installation of, or modification to, technologies that use renewable or alternative energy sources.

(k) Programs relating to building operation that reduce operating costs, including, without limitation, computerized programs, training and other similar activities.

(l) Programs for improvement of steam traps to reduce operating costs.

(m) Devices that reduce water consumption in buildings, for lawns and for other irrigation applications.

(n) Trash compaction and waste minimization.

(o) Ground source systems for heating and cooling.

Sec. 3. 1. The Office of Energy shall:

~~1.1~~ (a) Provide to local governments information ~~and~~ and educational resources ~~and support~~ relating to operating cost-savings measures and performance contracts.

~~1.2~~ (b) Include on the Internet website maintained by the Office, if any, information and educational resources relating to operating cost-savings measures and performance contracts.

2. The Office of Energy may, upon receiving a request from a local government for support relating to operating cost-savings measures:

(a) Provide to the local government support relating to operating cost-savings measures; and

(b) Charge and collect a fee from the local government for the provision of any support described in paragraph (a).

3. All fees charged and collected by the Office of Energy pursuant to subsection 2 must be accounted for separately in the State General Fund. The Director of the Office of Energy shall administer the account. Money in the account must be used only to pay the costs incurred by the Office of Energy to provide support to local governments pursuant to subsection 2 and is hereby authorized for expenditure as a continuing appropriation for this purpose.

4. The Director may apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the account. The interest and income earned on money in the account, after deducting any applicable charges, must be credited to the account. Money that remains in the account at the end of the fiscal year does not revert to the State General Fund, and the balance in the account must be carried forward to the next fiscal year.

5. A local government may include in a performance contract the amount of any fee charged by the Office of Energy pursuant to subsection 2.

6. The Director of the Office of Energy may adopt regulations to carry out the provisions of this section, including, without limitation, regulations which establish the amount of the fees to be charged and collected by the Office of Energy pursuant to subsection 2.

Sec. 4. NRS 332.300 is hereby amended to read as follows:

332.300 As used in NRS 332.300 to 332.440, inclusive, and sections 2 and 3 of this act, unless the context otherwise requires, the words and terms defined in NRS 332.310 to 332.350, inclusive, have the meanings ascribed to them in those sections.

Sec. 4.5. NRS 332.360 is hereby amended to read as follows:

332.360 1. Notwithstanding any provision of this chapter and chapter 338 of NRS to the contrary, a local government may enter into a performance contract with a qualified service company for the purchase and

installation of an operating cost-savings measure to reduce costs related to energy, water and the disposal of waste, and related labor costs. Such a performance contract may be in the form of an installment payment contract or a lease-purchase contract. Any operating cost-savings measures put into place as a result of a performance contract must comply with all applicable building codes.

2. If a local government is interested in entering into a performance contract, the local government shall notify each appropriate qualified service company and coordinate an opportunity for each such qualified service company to:

(a) Perform a preliminary and comprehensive audit and assessment of all potential operating cost-savings measures that might be implemented within the buildings of the local government, including any operating cost-savings measures specifically requested by the local government; and

(b) Submit a proposal and make a related presentation to the local government for all such operating cost-savings measures that the qualified service company determines would be practicable to implement.

3. The local government shall:

(a) Evaluate the proposals and presentations made pursuant to subsection 2; and

(b) Select a qualified service company,

↪ pursuant to the provisions of NRS 332.300 to 332.440, inclusive.

4. The local government may enter into a contract with the Office of Energy or retain the professional services of a third-party consultant with the requisite technical expertise to assist the local government in evaluating the proposals and presentations pursuant to subsection 3. ~~[Such]~~ If the local government retains the professional services of a third-party consultant, the third-party consultant must possess a business license issued pursuant to chapter 76 of NRS and any other applicable licenses issued by a licensing board in this State in the same discipline in which the consultant will be advising the local government.

5. The qualified service company selected by the local government pursuant to subsection 3 shall prepare a financial-grade operational audit. Except as otherwise provided in this subsection, the audit prepared by the qualified service company becomes, upon acceptance, a part of the final performance contract and the costs incurred by the qualified service company in preparing the audit shall be deemed to be part of the performance contract. If, after the audit is prepared, the local government decides not to execute the performance contract, the local government shall pay the qualified service company that prepared the audit the costs incurred by the qualified service company in preparing the audit if the local government has specifically appropriated money for that purpose.

6. The local government shall enter into a contract with the Office of Energy or retain the professional services of a third-party consultant with the requisite technical expertise to assist the local government in reviewing the

operating cost-savings measures proposed by the qualified service company and may procure sufficient funding from the qualified service company, through negotiation, to pay for the costs incurred by the Office of Energy or the third-party consultant. ~~[Such]~~ If the local government retains the professional services of a third-party consultant, the third-party consultant must be licensed pursuant to chapter 625 of NRS and certified by the Association of Energy Engineers as a "Certified Energy Manager" or hold similar credentials from a comparable nationally recognized organization. ~~[A]~~ The Office of Energy or a third-party consultant retained pursuant to this subsection shall work on behalf and for the benefit of the local government in coordination with the qualified service company.

Sec. 5. This act becomes effective on July 1, 2013.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 705 to Senate Bill No. 142 authorizes the Office of Energy to provide local governments with support relating to cost savings measures under certain circumstances. It also authorizes the Office of Energy to charge and collect fees relating to such support for school districts. It creates an account that will be used to implement the provisions as well.

Amendment adopted.

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

Senate Bill No. 303.

Bill read third time.

Remarks by Senators Denis, Cegavske, Kihuen, Hutchison, Gustavson and Hardy.

SENATOR DENIS:

Thank you, Mr. President. Senate Bill No. 303 provides for the issuance of driver authorization cards. This bill sets forth the requirements for the application for driver authorization cards and alternative requirements for the application for instruction permits and establishes the information that must be included in such applications. The bill explicitly establishes the type of documentation required that must be furnished by every applicant for proof of his or her name, age and residency in the State. The driver authorization cards expire one year after issuance or renewal, at which time proof of residency is required.

This bill prohibits the Director of the Department of Motor Vehicles from releasing any information from the files and records of the Department of Motor Vehicles relating to legal presence or any other information relating to, or describing, immigration status, nationality or citizenship to any person or federal, State or local government entity for any purpose for the enforcement of immigration laws. As stipulated in the bill, the driver authorization card is not for federal or State identification purposes, and only authorizes the holder to drive. A driver authorization card cannot be used to determine eligibility for any benefits, licenses or services issued or provided by this State or its political subdivisions. Fees will be collected for the issuance of the driver authorization card which will help to offset the one-time and ongoing costs to the Department of Motor Vehicles for implementing the program. Revenues projected from the issuance of the driver authorization card include the driver authorization card annual fee of \$18.50, the initial test fee totaling \$25 and re-test fees totaling \$10. It is projected that 60,000 driver authorization cards will be issued which will generate Highway Fund revenue of approximately \$1.4 million in fiscal year 2014 and \$2 million for fiscal year 2015.

The bill includes appropriations from the Highway Fund for a one-time ongoing cost to develop and issue the driver authorization cards totaling \$739,110 in fiscal year 2014 and

\$893,852 in fiscal year 2015. The provisions providing the appropriation from the Highway Fund are effective on July 1, 2013. All other provisions are effective upon passage and approval for purposes of adopting regulations and performing any other preparatory and administrative tasks that are necessary to carry out the provisions of this act. For all other purposes, the bill is effective on January 1, 2014.

We have worked hard on Senate Bill No. 303. We have tried to work together. It is a bill that will bring safer roads and additional revenue to the Highway Fund. It is an important bill, and I urge your support.

SENATOR CEGAVSKE:

Thank you, Mr. President. I would like to thank the Senator from Senate District No. 2. It meant a lot to include every one of us in the Senate on this bill. You brought the good Senator from Utah here to meet with us. I have served with him on national committees, and I have a lot of respect for him. It went a long way, in my opinion, to have someone who has been doing a program like this for several years, as they have in Utah. We were able to look at the pros and cons of the Utah program.

I thank you for bringing this forward. It is an issue that is bipartisan. Thank you again for including all of us and for listening to our concerns. Amendments were crafted to reflect those discussions so we can all support it.

SENATOR KIHUEN:

Thank you, Mr. President. I rise in strong support of Senate Bill No. 303. I, too, want to commend my colleague from Senate District No. 2 for all of his tireless work on this bill. We started working on this bill approximately four years ago. I am glad to see it now come to a vote here in the Senate.

As all of you know, I serve as the Chair of the Senate Committee on Revenue and Economic Development: the Committee tasked with raising the revenue needed to properly fund our State's needs. Senate Bill No. 303 will bring in new revenue at a time when we desperately need it. We have over 100,000 undocumented people in Nevada who could benefit from this proposed bill. This could mean millions of dollars in revenue and a much-needed stimulus to our economy. People will pay for a permit who will then go out and purchase a car, purchase insurance, drive to the store, take road trips, more easily find a job since they will not have to rely on public transportation, and have more money to spend.

Furthermore, this bill is simply about public safety. Denying driver privilege cards to the undocumented population, jeopardizes public safety and drives up insurance rates. According to a study done by the National Immigration Law Center, unlicensed drivers make our roads more dangerous. The AAA Foundation for Traffic Safety describes unlicensed drivers as among the worst drivers on the road. They found that unlicensed drivers are almost five times more likely to be in a fatal crash than a validly licensed driver. More than 14 percent of all accidents are caused by uninsured drivers, costing more than \$4.1 billion in insurance losses per year. This means that licensed drivers must pay higher premiums for accidents and injuries caused by unlicensed drivers. An Illinois study estimated that the average additional auto insurance policy cost per person due to accidents caused by unlicensed and uninsured immigrant drivers is \$160.90 per year.

Lastly, four of the six states that provide licenses or permits to undocumented immigrants fall below the national average for uninsured motorists. Due to a 2003 New Mexico law that allowed undocumented immigrants to obtain driver's licenses, the uninsurance rate in the state dropped from 33 percent in 2002 to 10.6 percent in 2007. When Utah changed its policy in 1999, Utah's uninsurance rate dropped from 10 percent in 1998 to 6.34 percent in 2004. When New York was considering allowing undocumented immigrants to obtain driver's licenses, the State Department of Insurance estimated that the expanded license access would reduce the premium costs associated with uninsured motorist coverage by 34 percent, which would have saved New York drivers \$120 million each year.

For these reasons, I urge this Body's support.

SENATOR HUTCHISON:

Thank you, Mr. President. I am likewise thankful for my friend and colleague from Senate

District No. 2. Early during this Session we spoke, and I also spoke with law enforcement which is strongly in favor of this bill as a public safety measure. It makes a lot of sense to me. The bill has been legally tested in other states, including Utah. We have the benefit of following and understanding their model. After its implementation, there is wide bipartisan support in Utah for this type of measure. There should be wide bipartisan support from an insurance perspective to ensure we protect those who are on the roads in Nevada.

At one time, this bill seemed to intersect with the immigration debate. I have made my views known on that topic to this Body previously. This bill does not change, in any way, the immigration status of anyone. That subject can be addressed in other proceedings. The bill makes a lot of sense from a public safety standpoint, makes a lot of sense from an insurance standpoint, and it makes a lot of sense from the standpoint of benefitting those who will have an opportunity to drive to work, take children to school and drive more safely on the streets of Nevada. I am in strong support of Senate Bill No. 303.

SENATOR GUSTAVSON:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 303. First, I would like to say that I agree with many portions of this bill. I do believe everyone should have insurance who is driving on our highways. I believe it is a public safety issue.

I also have a lot of constituents who overwhelmingly disagree with this bill, and I am here to represent them. The last amendment to the bill removed from Section 4, Subsection 5, some issues that were initially in the bill to include information stating “not for federal or state identification purposes and only authorizes the holder to drive.” This was removed, and it is one of the reasons I am not supporting the bill.

SENATOR DENIS:

Thank you, Mr. President. I would like to clarify that the reason the last amendment made the changes described by my colleague from Senate District No. 14 was because we are waiting for the federal government to give us an actual statement of what exact language needs to go on the cards. It will either say, “for federal identification purposes,” or it is going to say “not for identification purposes.” Because we did not have that clarification from the federal agency that does it, we opted to let the State Department of Motor Vehicles add that language. It is required under the REAL ID Act, but this bill grants the flexibility of moving the bill forward and allowing the Department of Motor Vehicles to label it as needed.

SENATOR HARDY:

Thank you, Mr. President. I rise in support of Senate Bill No. 303. One of the issues that this bill corrects is the protection of jobs. For people who are undocumented, research has shown this will allow them to be safe. The reality is they are here with us and working with and for us. There are insurance issues and training issues too. The protection of jobs is most critical—to let people live without fear of having to be deported on their way to work. I think it will be a critical part of the economy of our State.

I would like to thank the sponsor of the bill for allowing me to participate on this bill.

Roll call on Senate Bill No. 303:

YEAS—20.

NAYS—Gustavson.

Senate Bill No. 303 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 416.

Bill read third time.

The following amendment was proposed by the Finance:

Amendment No. 704.

"SUMMARY—Revises provisions governing gaming. (BDR 41-1104)"

"AN ACT relating to gaming; providing certain restrictions governing restricted licenses to operate gaming; revising provisions governing the operation of race books or sports pools; ~~requiring the Gaming Policy Committee to study certain issues relating to restricted licenses; making an appropriation;~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law: (1) defines a "restricted license" as a state gaming license to operate not more than 15 slot machines at an establishment in which the operation of slot machines is incidental to the primary business of the establishment; and (2) provides that such a license may only be granted to the operator of the primary business or to a licensed operator of a slot machine route. (NRS 463.0189, 463.161) Section 1 of this bill clarifies that a restricted license means a state gaming license for the operation of not more than 15 slot machines and which does not include a race book or sports pool. Section 3 of this bill provides that, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), a restricted license may only be granted at certain establishments if the establishment contains: (1) a minimum of 2,500 square feet of space available for patrons; (2) a permanent, physical bar; and (3) a restaurant which meets certain requirements.

Existing law: (1) prohibits certain actions relating to gaming without procuring and maintaining the required licensure; and (2) provides that a single establishment may not contain more than one licensed operation unless the establishment holds a nonrestricted gaming license. (NRS 463.160, 463.245) Existing law also defines: (1) "race book" as the business of accepting pari-mutuel wagers upon the outcome of an event held at a track; and (2) "sports pool" as the business of accepting wagers on sporting events by any system or method of wagering. (NRS 463.01858, 463.0193) Section 2 of this bill provides that a separate license is required for each location of a race book or sports pool, and further provides that certain activities relating to the acceptance and payment of wagers and transactions in person or through mechanical means, such as a kiosk or similar device, are considered within the operation of a race book or sports pool. Section 4 of this bill clarifies that the exception to the single license at one establishment only applies to those nonrestricted licenses at an establishment with 16 or more slot machines or at an establishment with any number of slot machines together with any other game, gaming device, race book or sports pool.

~~Existing law establishes the Gaming Policy Committee and authorizes the Governor to call meetings of the Committee for the purpose of discussing matters of gaming policy. (NRS 463.021) Section 5 of this bill requires the Committee to: (1) study issues regarding the compliance of certain establishments with a restricted gaming license with the provisions of section 3 of this act; and (2) submit a report to the Nevada Gaming Commission and the State Gaming Control Board.~~

Section 7 of this bill provides that the provisions of this bill prohibiting the granting of restricted licenses, unless the establishment meets certain criteria, apply prospectively to new restricted licenses issued on or after July 1, 2013. Section 7 further provides that certain establishments, which were granted a restricted license before July 1, 2013, must comply with the requirement to contain a permanent bar with a certain number of slot machines embedded in the bar upon the earlier of: (1) a change in ownership of the business or the transfer of 50 percent or more of the stock or other ownership interest; or (2) July 1, 2015. Establishments which were granted a gaming license before December 22, 1990, and which have been operating at the same location since that date, are not required to comply with the requirement associated with a permanent bar. Finally, section 7 provides that an establishment that was granted a restricted gaming license before July 1, 2013, does not need to occupy at least 2,500 square feet or have a restaurant unless the establishment ceases operation for 18 or more consecutive months.

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

Section 1. NRS 463.0189 is hereby amended to read as follows:

463.0189 "Restricted license" or "restricted operation" means a state gaming license for, or an operation consisting of, not more than 15 slot machines and no other game or gaming device, *race book or sports pool* at an establishment in which the operation of slot machines is incidental to the primary business of the establishment.

Sec. 2. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 4 and NRS 463.172, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, inter-casino linked system, mobile gaming system, slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon;

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, mobile gaming system, race book or sports pool;

(e) To operate as a cash access and wagering instrument service provider;
or

(f) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

➡ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. The licensure of an operator of an inter-casino linked system is not required if:

(a) A gaming licensee is operating an inter-casino linked system on the premises of an affiliated licensee; or

(b) An operator of a slot machine route is operating an inter-casino linked system consisting of slot machines only.

3. Except as otherwise provided in subsection 4, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, inter-casino linked system, mobile gaming system, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

4. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

5. *For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:*

(a) Allowing patrons to establish an account for wagering with the race book or sports pool;

(b) Accepting wagers from patrons;

(c) Allowing patrons to place wagers;

(d) Paying winning wagers to patrons; or

(e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

↪ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.

6. As used in this section, "affiliated licensee" has the meaning ascribed to it in NRS 463.430.

Sec. 3. NRS 463.161 is hereby amended to read as follows:

463.161 1. A license to operate 15 or fewer slot machines at an establishment in which the operation of slot machines is incidental to the primary business conducted at the establishment may only be granted to the operator of the primary business or to a licensed operator of a slot machine route.

2. *In a county whose population is 100,000 or more, a license to operate 15 or fewer slot machines at an establishment which is licensed to sell alcoholic beverages at retail by the drink to the general public may only be*

granted if the establishment meets the requirements of this subsection. The establishment must:

(a) Occupy an area comprised of at least 2,500 square feet which is open and available for use by patrons.

(b) Contain a permanent ~~bar~~ physical bar ~~into which are embedded~~

~~(1) At least eight slot machines, if there are more than eight slot machines in the establishment.~~

~~(2) All the slot machines, if there are eight or fewer slot machines in the establishment.~~

(c) Contain a restaurant which:

(1) Serves food ordered by patrons from tables or booths.

(2) Includes a dining area with seating for at least 25 persons in a room separate from the on-premise kitchen. For the purposes of determining the number of seats pursuant to this subparagraph, the stools at the bar or the seats outside the dining area must not be counted.

(3) Includes a kitchen which is operated not less than 12 hours each day the establishment is open for business to the public, or the entire time the establishment is open for business to the public if it is open for business 12 hours or less each day.

3. As used in this section:

(a) "Bar" means a physical structure with a flat horizontal counter, on one side of which alcoholic beverages are kept and maintained, where seats may be placed on the side opposite from where the alcohol is kept, and where the sale and service of alcoholic beverages are by the drink across such structure.

(b) "Restaurant" means a public place where hot meals are prepared and served on the premises.

Sec. 4. NRS 463.245 is hereby amended to read as follows:

463.245 1. Except as otherwise provided in this section:

(a) All licenses issued to the same person, including a wholly owned subsidiary of that person, for the operation of any game, including a sports pool or race book, which authorize gaming at the same establishment must be merged into a single gaming license.

(b) A gaming license may not be issued to any person if the issuance would result in more than one licensed operation at a single establishment, whether or not the profits or revenue from gaming are shared between the licensed operations.

2. A person who has been issued a nonrestricted gaming license for an operation described in subsection 1, 2 or 5 of NRS 463.0177 may establish a sports pool or race book on the premises of the establishment ~~at which the person conducts a nonrestricted gaming operation~~ only after obtaining permission from the Commission.

3. A person who has been issued a license to operate a sports pool or race book at an establishment may be issued a license to operate a sports pool or race book at ~~another~~ a second establishment described in subsection 1 or 2

of NRS 463.0177 only if the second establishment is operated by a person who has been issued a nonrestricted license ~~for~~ *for that establishment*. A person who has been issued a license to operate a race book or sports pool at an establishment is prohibited from operating a race book or sports pool at:

- (a) An establishment for which a restricted license has been granted; or
- (b) An establishment at which only a nonrestricted license has been granted for an operation described in subsection 3 or 4 of NRS 463.0177.

4. ~~Nothing~~ A person who has been issued a license to operate a race book or sports pool shall not enter into an agreement for the sharing of revenue from the operation of the race book or sports pool with another person in consideration for the offering, placing or maintaining of a kiosk or other similar device not physically located on the licensed premises of the race book or sports pool, except:

- (a) An affiliated licensed race book or sports pool; or
- (b) The licensee of an establishment at which the race book or sports pool holds or obtains a license to operate pursuant to this section.

➡ This subsection does not prohibit an operator of a race book or sports pool from entering into an agreement with another person for the provision of shared services relating to advertising or marketing.

5. Nothing in this section limits or prohibits an operator of an inter-casino linked system from placing and operating such a system on the premises of two or more gaming licensees and receiving, either directly or indirectly, any compensation or any percentage or share of the money or property played from the linked games in accordance with the provisions of this chapter and the regulations adopted by the Commission. An inter-casino linked system must not be used to link games other than slot machines, unless such games are located at an establishment that is licensed for games other than slot machines.

~~§~~ 6. For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:

- (a) Allowing patrons to establish an account for wagering with the race book or sports pool;
- (b) Accepting wagers from patrons;
- (c) Allowing patrons to place wagers;
- (d) Paying winning wagers to patrons; or
- (e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

➡ whether by a transaction in person at an establishment or through mechanical means such as a kiosk or other similar device, regardless of whether that device would otherwise be considered associated equipment.

7. The provisions of this section do not apply to a license to operate a mobile gaming system or to operate interactive gaming.

~~Sec. 5. [1. The Gaming Policy Committee created pursuant to NRS 463.021, with the assistance of the State Gaming Control Board, shall conduct a study of any establishments that have been granted a restricted license by the Nevada Gaming Commission to determine the level of compliance of those establishments with the provisions of NRS 463.161, as amended by section 3 of this act.~~

~~2. The study required pursuant to this section must include an analysis of the economic impact of the provisions of section 7 of this act on establishments that have been granted a restricted license by the Commission, but which are not in compliance with the provisions of paragraph (b) of subsection 2 of NRS 463.161, as amended by section 3 of this act.~~

~~3. On or before June 1, 2014, the Committee shall submit to the Commission and the Board a report of the results of the study and any recommendations for legislation.] (Deleted by amendment.)~~

~~Sec. 6. [1. There is hereby appropriated from the State General Fund to the State Gaming Control Board the sum of \$15,000 for assistance in conducting the study required pursuant to section 5 of this act.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, by the Board 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 18, 2015, by either the Board 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 18, 2015.] (Deleted by amendment.)~~

Sec. 7. 1. Except as otherwise provided in this section, the amendatory provisions of section 3 of this act apply to the issuance of a restricted license on or after July 1, 2013.

2. Except as otherwise provided in subsection 3, an establishment that has been granted a restricted license by the Nevada Gaming Commission before July 1, 2013, but which is not in compliance with the provisions of paragraph (b) of subsection 2 of NRS 463.161, as amended by section 3 of this act, must come into compliance with those provisions upon the earlier of:

(a) A change of ownership of the business or the transfer of 50 percent or more of the stock or other ownership interest in the entity owning the business; or

(b) July 1, 2015.

3. An establishment which was granted a gaming license before December 22, 1990, and which has been operating at the same location since that date is not required to comply with the provisions of paragraph (b) of subsection 2 of NRS 463.161, as amended by section 3 of this act.

4. An establishment that has been granted a restricted license by the Commission before July 1, 2013, but which is not in compliance with the provisions of paragraph (a) or (c) of subsection 2 of NRS 463.161, as amended by section 3 of this act, is not required to come into compliance with those provisions unless the establishment ceases gaming operations for 18 or more consecutive months.

5. The Commission shall not renew the restricted license of an establishment that does not come into compliance with the amendatory provisions of section 3 of this act within the time required by this section.

6. This act applies to all race books, sports pools and associated equipment in existence on July 1, 2013.

Sec. 8. This act becomes effective on July 1, 2013.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 704 to Senate Bill No. 416 removes the interim study and the appropriation that was amended into this bill.

Amendment adopted.

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

Senate Bill No. 423.

Bill read third time.

Remarks by Senator Cegavske.

Thank you, Mr. President. Senate Bill No. 423 requires the Director of the Nevada Department of Corrections to provide a photo identification card to an offender upon their release if the offender is currently eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles, and if the offender requests an identification card from the Department of Corrections. Section 860 of Chapter 483 of *Nevada Revised Statutes* requires an applicant for a Nevada identification card to provide proof of their legal name and age. Senate Bill No. 423 expands Section 860 of Chapter 483 of *Nevada Revised Statutes* to include a photo identification card issued by the Department of Corrections as proof of an individual's identification. The bill becomes effective upon passage and approval for preparatory administrative tasks necessary to carry out Senate Bill No. 423. All other provisions identified in the bill become effective January 1, 2014.

Roll call on Senate Bill No. 423:

YEAS—21.

NAYS—None.

Senate Bill No. 423 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill No. 463 and Assembly Bills Nos. 48, 60, 487, be taken from the General File and placed at the top of the General File for the next legislative day.

Motion carried.

Senator Smith moved that Assembly Bills Nos. 147, 377, be taken from the General File and placed on the Secretary's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 466.

Bill read third time.

Remarks by Senator Roberson.

Thank you, Mr. President. Senate Bill No. 466 as amended, transfers authority over certain food and nutrition education and assistance programs from the Department of Education to the Director of the State Department of Agriculture. The passage of the bill is required to implement the Nutrition Education Programs budget as closed by the money committees. This act becomes effective on July 1, 2013.

Roll call on Senate Bill No. 466:

YEAS—21.

NAYS—None.

Senate Bill No. 466 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 469.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Senate Bill No. 469 transfers the State Dairy Commission from the Department of Business and Industry to the Department of Agriculture. It also authorizes the Director of the Department of Agriculture to appoint the Manager of Operations of the Commission to serve as Executive Director and Secretary of the Dairy Commission. The bill enacts recommendations included in the Executive Budget and is effective on July 1, 2013.

Roll call on Senate Bill No. 469:

YEAS—21.

NAYS—None.

Senate Bill No. 469 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 471.

Bill read third time.

Remarks by Senator Denis.

Thank you, Mr. President. Senate Bill No. 471 transfers the responsibility for managing the Account for Charter Schools from the Department of Education to the State Public Charter School Authority. Pursuant to statute, the Account for Charter Schools is a revolving loan account, the money in which may only be used to make loans at or below market rate to new and existing charter schools. The measure further specifies that a loan made to a charter school from the Account for Charter Schools must not exceed the lesser of an amount equal to \$500 per pupil enrolled or proposed to be enrolled in the school, or \$200,000. The passage of the bill is required to implement the Public Charter School Loan Program budget as recommended by the Governor. This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 471:

YEAS—21.

NAYS—None.

Senate Bill No. 471 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 490.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Senate Bill No. 490 transfers the Supplemental Food Program, also known as the Commodity Food Program, from the Department of Administration to the Department of Agriculture. It also repeals language related to the Commodity Food Program from Chapter 333 of *Nevada Revised Statutes* and adds this language in Chapter 561 of *Nevada Revised Statutes*. The bill enacts recommendations included in the Executive Budget and is effective on July 1, 2013.

Roll call on Senate Bill No. 490:

YEAS—21.

NAYS—None.

Senate Bill No. 490 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 14 of the 76th Legislative Session.

Resolution read third time.

Remarks by Senators Kieckhefer, Cegavske, Hutchison, Jones, Brower, Segerblom and Gustavson.

SENATOR KIECKHEFER:

Thank you, Mr. President. Senate Joint Resolution No. 14 of the 76th Session proposes an amendment to the *Nevada Constitution* to create an intermediate appellate court, known as the Court of Appeals. The creation of the Court of Appeals is contingent upon approval of the resolution by the 2013 Legislature and ratification by the voters at the election on November 5, 2014. If approved, the jurisdiction and review of the Court of Appeals would be set by the Nevada Supreme Court. Senate Bill No. 463 of the 77th Session is the enabling legislation to implement the Court of Appeals pursuant to Senate Joint Resolution No. 14 of the 76th Session.

This is a *mea culpa* moment for me, I voted against Senate Joint Resolution No. 14 of the 76th Session two years ago at this time. Since then, I have learned a lot more of the burden that is currently on the Nevada Supreme Court. The caseload that they face on a daily basis is overwhelming and that backlog creates a significant delay on the administration of justice in our State. This is a significant problem that is bad for people and bad for business. I think that going back to the voters and asking their reconsideration of this issue is wise at this time. Despite my vote against this resolution two years ago, I will be supporting it now and I encourage my colleagues to do the same.

SENATOR CEGAVSKE:

Thank you, Mr. President. I appreciate the opportunity to ask a few questions. I sat on the Legislative Commission's Subcommittee to Study the Benefits, Costs and Feasibility of the Implementation of Courts of Chancery during the 2007-2008 Interim, and we were discussing many of these issues. I remember the Committee recommended the creation of a business court, and I do not think anything has come of that. I do have a question with that. What I am concerned about with this legislation is: are small businesses going to be allowed to have the

same access as everybody else? That is the concern that I had with the Business Court Interim Study recommendation where it looked like the system was just for those who were financially able to have their cases heard and those small business would be unable to gain the same level of access. If someone from the Senate Committee on Judiciary would address these questions, I would appreciate it.

SENATOR HUTCHISON:

Thank you, Mr. President. I appreciate the questions of my colleague from Senate District No. 8, and I am happy to answer them. The primary benefit that this Court of Appeals will have on small businesses is that there will be an acceleration of the pace in which cases are decided by the courts. Currently, what happens is that no matter what size case, a business or an individual has—whether large, small or intermediate—if they want to appeal from a district court decision from which they do not agree—the case must proceed to the Nevada Supreme Court. But, the Nevada Supreme Court has such a crushing caseload that cases are often delayed. If we had an intermediate court, those cases can be addressed more quickly. Thus, cases can be resolved much more quickly and much more satisfactorily for business owners than they are currently resolved. If there are any cases with significant policy issues that need to be resolved, then those cases can be brought to the Nevada Supreme Court. But, I think, the intermediate level court can provide quicker access and more meaningful access to small businesses, as well as individuals, to address the cases they have within the legal system. It is just becoming difficult for small business owners and individuals to attain appellate resolution because it takes so long and is, consequently, so expensive.

I support Senate Joint Resolution No. 14 of the 76th Session as somebody, who like many of my colleagues, practices regularly in our district courts where we see the crushing caseload that I referred to previously at the Nevada Supreme Court. By Fiscal Year 2015, it is estimated that there will be over 3,300 cases at the Nevada Supreme Court. This matter will go before the voters in 2014. One of the things the Nevada Supreme Court has tried to do with the potential implementation is to use existing facilities and staff to cut down on the economic and financial burden of full implementation. We know the old adage, *justice delayed is justice denied*. We are beginning to see that more and more with the crushing caseload. I encourage my colleagues to support Senate Joint Resolution No. 14 of the 76th Session.

SENATOR JONES:

Thank you, Mr. President. I rise in strong support of Senate Joint Resolution No. 14 of the 76th Session. To respond further to my colleague from Senate District No. 8, the structure of this resolution is such that the Nevada Supreme Court will determine which cases are pushed to the appellate court. I think that should resolve your concerns. I appreciate the comments of my colleague from Senate District No. 6, and I join with him on what he said.

I want to note that, as a State, we are trying to market ourselves as an alternative to Delaware for bringing corporations to register in our State. However, we cannot get there and be a leader in representing businesses and being a haven for business if we do not have an appellate court. We are one of a small minority of states in the Nation that do not have an intermediate appellate court, and it is time for our State to grow up and provide that type of a resource for those who are litigating in our courts.

We need to move forward. I know that we have had this on the ballot before, and there was, frankly, not a very strong effort on behalf of the legal community to press the constitutional amendment forward. It unfortunately lost by a narrow percentage. But, now, we have a commitment from the Nevada Supreme Court, the State Bar of Nevada—and the Litigation Section of the State Bar of Nevada, that my colleague from Senate District No. 6 and I sit on—to raise the funds that are necessary to get the word out to the community about this bill and why it is important for us to have an intermediate appellate court. I strongly urge my colleagues to support Senate Joint Resolution No. 14 of the 76th Session.

SENATOR BROWER:

Thank you, Mr. President. I just want to echo briefly the comments of the previous speakers and the fellow members of the State Bar of Nevada. When companies are looking at whether Nevada is the place they should be located, they look at our substantive laws to see if they are

business friendly, but they also look at the type of court system that we have. As has been mentioned, right now, we have a court system that is overloaded. Every single appeal—criminal, civil and otherwise—would have to go to the Nevada Supreme Court. This would allow the Court to create a system that is much more efficient, and as a result would be much more attractive to business in our State and those thinking about moving to our State. I also want to mention the failed effort from a couple of years ago. I do think that if the voters do get another chance to think about the points that are being made today and why it is important for our State to further develop our judicial system, the voters will understand that this is the right thing to do, and I support giving the voters another chance. I support Senate Joint Resolution No. 14 of the 76th Session.

SENATOR CEGAUSKE:

Thank you, Mr. President. I am struggling with Senate Joint Resolution No. 14 of the 76th Session. I understand the comments from my colleagues. The one issue that did not get an answer is what would be the difference if we had a business court rather than an appellate court? My colleague from Senate District No. 9 did mention that the people voted down the creation of an appellate court during the last election. I am also grappling with the cost of implementation. Will all of the cost be raised? What will the cost be for the State? I have not heard that addressed yet.

SENATOR SEGERBLOM:

Thank you, Mr. President. First, I want the Body to know that we already have business courts in both Las Vegas and in Reno. We have addressed that issue. Therefore, the question is on the appeal. The problem right now is that our Supreme Court takes all of the cases. They really do not have the ability to focus in on the few important business decisions. That is what this intermediate court will allow us to do. It will take all of the cases that are not that important and send them to the intermediate court so that the Nevada Supreme Court can start to issue a body of law on business cases that come from our business courts that we already have.

As far as the cost goes, there will be a cost of several hundred thousand dollars, but if that means an appeal will take six months instead of three years, what is the cost to that? It is very efficient. The money will actually come out of the court system. It will not come out of the General Fund. I do not remember what the third question was from my colleague from Senate District No. 8, but I think that this resolution is important. Once this passes the Legislature, I urge all of my colleagues to go to their communities and tell the people of Nevada that we have to come out of the dark ages and become a modern state. We need to have a court system that functions, where we have an intermediate court that deals with appeals that are not that important so our Supreme Court can be the ultimate arbiter and make clear decisions in important cases.

SENATOR GUSTAVSON:

Thank you, Mr. President. I too have been struggling with this bill. I did vote against it two years ago in the 2011 Legislative Session. I understand all of the arguments in support, and I agree with most of them. However, I am struggling with developing another level of court and bureaucracy, yet I know it might be helpful to the people. I am going to support Senate Joint Resolution No. 14 of the 76th Session to let it go to the people in November of 2014 and let them decide.

Roll call on Senate Joint Resolution No. 14 of the 76th Legislative Session:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 14 of the 76th Legislative Session having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 2.

Bill read third time.

Remarks by Senator Settelmeyer.

Thank you, Mr. President. Assembly Bill No. 2 makes various changes to provisions governing the Land Use Planning Advisory Council. It specifies that the Governor's appointments to the Council will represent each county based on nominations provided by the boards of county commissioners of the counties. In addition to 17 voting members appointed by the Governor, the bill provides that one nonvoting member will be appointed to the Council by the Nevada Association of Counties. The bill further provides that Council members who are also county commissioners may be appointed by the Governor to one other board, commission or similar body. Provisions of the bill concerning the expiration of current Council members' terms and the nomination and appointment of voting members to initial terms are effective on July 1, 2013. Other provisions of the bill are effective on January 1, 2014.

Roll call on Assembly Bill No. 2:

YEAS—21.

NAYS—None.

Assembly Bill No. 2 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 11.

Bill read third time.

Remarks by Senator Hutchison.

Thank you, Mr. President. Assembly Bill No. 11 narrows the scope of written reports required to be filed with the Division of Industrial Relations by insurers concerning claims for certain occupational diseases by requiring that only claims made by firefighters, police officers, arson investigators or emergency medical attendants are required to be reported.

Roll call on Assembly Bill No. 11:

YEAS—21.

NAYS—None.

Assembly Bill No. 11 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 17.

Bill read third time.

Remarks by Senator Ford.

Thank you, Mr. President. Assembly Bill No. 17 revises provisions governing the exclusion of a school district employee from a facility or institution operated by the Department of Corrections in conjunction with the statewide program of education for incarcerated persons. The bill allows the Director of the Department of Corrections, upon good cause, to restrict a teacher's access to a correctional facility, for up to 30 days, while the teacher's case is being heard by an interagency panel. The bill further clarifies that "good cause" cannot include disagreements that the Director may have regarding course content, but may include issues related to health and safety in a correctional facility. It also requires the Director to take steps to protect the health and safety of school district employees working in a correctional facility or institution. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 17:

YEAS—21.

NAYS—None.

Assembly Bill No. 17 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 19.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Assembly Bill No. 19 abolishes the State Advisory Board of Trustees for the Trust Relating to the Fairground and transfers the duties of that Board to the Nevada Junior Livestock Show Board. The bill also adds a representative from the Reno Rodeo Association to the Nevada Junior Livestock Show Board. Testimony indicated that the State Advisory Board of Trustees for the Trust Relating to the Fairground was created in 1981 and has never met. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 19:

YEAS—21.

NAYS—None.

Assembly Bill No. 19 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 23.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Assembly Bill No. 23 clarifies that a provider of services related to the sale, installation and occupancy of a manufactured home includes any person who provides such a service, regardless of whether the manufactured home is new or used. I urge passage of this bill.

Roll call on Assembly Bill No. 23:

YEAS—21.

NAYS—None.

Assembly Bill No. 23 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 25.

Bill read third time.

Remarks by Senator Hammond.

Thank you, Mr. President. Assembly Bill No. 25 provides that a designee of a Board of County Commissioners or of the governing body of a city may impose a special assessment for the costs of abatement and civil penalties related to a chronic or abandoned nuisance or a dangerous or noxious condition. The designee must periodically report certain information about each such assessment to the governing body. The measure also shortens from 12 months to 180 days the length of time that must elapse before a special assessment for civil penalties may be imposed, in some instances.

Roll call on Assembly Bill No. 25:

YEAS—21.

NAYS—None.

Assembly Bill No. 25 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 29.

Bill read third time.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Assembly Bill No. 29 creates within the Department of Health and Human Services the Committee to Review Suicide Fatalities consisting of ten members appointed by the Director of the Department of Health and Human Services from among certain persons and groups. The Committee must adopt written protocols setting forth suicide fatalities that must be reported to the Committee and obtain data to determine trends, risk factors and strategies for the prevention of suicide fatalities. Additionally, the Committee may conduct investigations, review death certificates, share information, petition a district court for issuance of subpoenas, recommend legislation and issue special reports. Each year the Committee must submit a report to the Director concerning activities of the Committee. Lastly, the bill requires the Coordinator of the Statewide Program for Suicide Prevention to employ at least one trainer for suicide prevention in any county whose population is greater than 700,000. This bill is effective on October 1, 2013.

Roll call on Assembly Bill No. 29:

YEAS—21.

NAYS—None.

Assembly Bill No. 29 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 30.

Bill read third time.

Remarks by Senator Ford.

Thank you, Mr. President. Assembly Bill No. 30 specifies that the community notification website, maintained by the Central Repository of Criminal Records, is the source of information available to the public concerning offenders listed in the statewide registry of sex offenders. This measure also removes the requirement that the Central Repository of Criminal Records maintain a log of requests for information from the website, and it provides that the contents of a record of registration are confidential and not subject to inspection by the general public. This measure is effective on passage and approval.

Roll call on Assembly Bill No. 30:

YEAS—21.

NAYS—None.

Assembly Bill No. 30 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 39.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Assembly Bill No. 39 limits the sale or transfer of certain materials that can be used to manufacture methamphetamine to 9 grams to the same person within a 30-day period. The bill requires the Board of Pharmacy to approve a real-time, stop-sale system, if one is available, for use by pharmacies in this State to limit sales of these chemicals. After approval, a pharmacy will be required to use the system and will be prohibited from completing a sale or transfer if the system alerts that the transaction would be in violation of the law.

Roll call on Assembly Bill No. 39:

YEAS—21.

NAYS—None.

Assembly Bill No. 39 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 40.

Bill read third time.

Remarks by Senator Ford.

Thank you, Mr. President. Assembly Bill No. 40 authorizes the State Board of Parole Commissioners to enter into an agreement with the manager of an automated victim-notification system in order to provide required notice when: an offender requests to serve a term of residential confinement, the Board fixes the date of a parole hearing or the Board makes a final decision on the parole of an offender. This measure is effective upon passage and approval.

Roll call on Assembly Bill No. 40:

YEAS—21.

NAYS—None.

Assembly Bill No. 40 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 55.

Bill read third time.

Remarks by Senator Brower.

Thank you, Mr. President. Assembly Bill No. 55 imposes enhanced penalties for attempting, or conspiring to commit, embezzlement or obtain money or property of a value of \$650 or more by false pretenses against a person who is 60 years of age or older or a vulnerable person. This measure is effective on October 1, 2013. This bill was passed unanimously by the Senate Committee on Judiciary. We urge your "yes" vote.

Roll call on Assembly Bill No. 55:

YEAS—21.

NAYS—None.

Assembly Bill No. 55 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 59.

Bill read third time.

Remarks by Senator Parks.

Thank you, Mr. President. Assembly Bill No. 59 formalizes and renames existing components of the State Public Works Division, Department of Administration, to create a Public Works-Compliance and Code Enforcement Section and a Public Works-Professional Services Section within the State Public Works Division. Each of the sections will be led by one of the existing deputy administrators. The Administrator of the State Public Works Division is authorized to adopt necessary regulations for these two new sections and to recommend to the State Public Works Board the adoption of such regulations.

Assembly Bill No. 59 eliminates the requirement that a proposal for the construction of a State building include operating costs for personnel and other expenses of operation for the building. Further, the measure repeals the requirement that the State Public Works Division compile a report concerning State building projects that are financed by general obligation bonds, revenue bonds or medium-term obligations for each fiscal year and submitted annually to the Legislature. This measure is effective upon passage and approval.

Roll call on Assembly Bill No. 59:

YEAS—21.

NAYS—None.

Assembly Bill No. 59 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 61.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President. Assembly Bill No. 61 makes various changes relating to economic development, including: (1) clarifying when an abatement must be approved either by the Director of the Office of Economic Development or the Board of Economic Development; (2) revising the composition of the Board of Economic Development to include the Director of the Department of Employment, Training and Rehabilitation; (3) allowing the Director of the Office to declare void any contract between the Office and a regional development authority; (4) removing the requirement for the Office to develop a State Plan for Inland Ports; (5) specifying that only counties or cities may apply for grants or loans from the Catalyst Fund; (6) abolishing the Interagency Committee for Coordinating Tourism and Economic Development; and (7) abolishing the Advisory Council on Economic Development. This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 61:

YEAS—21.

NAYS—None.

Assembly Bill No. 61 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 65.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President. Assembly Bill No. 65 provides certain exceptions and exemptions to the Open Meeting Law and clarifies that any other provision of law which: (1) exempts a meeting, hearing or proceeding from the requirements of the Open Meeting Law; or (2) otherwise authorizes or requires a closed meeting, hearing or proceeding, prevails over the general provisions of the Open Meeting Law. The measure prohibits a member of a public body from

designating a person to attend a meeting of the public body in the place of a member unless members of the public body are expressly authorized to do so by the provisions in law or other legal authority that created the public body. When permitted, any such designation must be in writing or made on the record at a meeting of the public body.

Assembly Bill No. 65 provides that the Attorney General may decide not to commence prosecution of an alleged violation of the Open Meeting Law by a public body if the public body takes corrective action within 30 days of the alleged violation. The corrective action must take place in a public meeting for which the item has been clearly denoted on the agenda, and it is prospective. A quorum of members may be present in person or by means of electronic communication as long as all members of the public body and the members of the public who are present at the meeting can hear or observe and participate in the meeting. Certain public bodies must upload supporting material to their website at the same time that the supporting material is provided to members of the public body or within 24 hours of the conclusion of the meeting when material is provided at the meeting. The measure codifies a definition for “deliberate.” This measure is effective on July 1, 2013.

Roll call on Assembly Bill No. 65:

YEAS—21.

NAYS—None.

Assembly Bill No. 65 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 72.

Bill read third time.

Remarks by Senator Settelmeyer.

Thank you, Mr. President. Assembly Bill No. 72 increases the number of members of the Board of Veterinary Medical Examiners from seven to eight and requires that one member is a Nevada resident and veterinary technician with no less than five years of experience practicing in Nevada. The bill also increases the number of members required to constitute a quorum from four to five.

Roll call on Assembly Bill No. 72:

YEAS—21.

NAYS—None.

Assembly Bill No. 72 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 79.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Assembly Bill No. 79 establishes the Nevada Early Childhood Advisory Council by the Governor. Membership of the Council is appointed by the Governor and consists of representatives as required by federal law, plus representatives from nonprofit organizations located in southern and northern Nevada that provide early-childhood education programs. Among other things, the Council is required to strengthen State-level coordination of early-childhood education programs among various sectors, conduct periodic statewide needs assessments and assess effectiveness of higher education institutions related to early-childhood educators. Additionally, the Council shall develop recommendations for increasing student participation, developing core elements and standards, establishing statewide professional development for teachers, and increasing parental involvement.

Roll call on Assembly Bill No. 79:

YEAS—21.

NAYS—None.

Assembly Bill No. 79 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

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

Senate in recess at 2:59 p.m.

SENATE IN SESSION

At 3:05 p.m.

President pro Tempore Parks presiding.

Quorum present.

Assembly Bill No. 82.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President pro Tempore. Assembly Bill No. 82 prohibits, in a custody hearing, a related hearing concerning the protection of children or a hearing on termination of parental rights, a party from presenting evidence of a child's previous sexual conduct to challenge the child's credibility unless the attorney for the child has first presented evidence or the child has testified concerning the presence or absence of such conduct on direct examination by the district attorney or the attorney for the child. The bill also limits the scope of cross-examination or rebuttal to the evidence presented by the child's attorney or the child.

Roll call on Assembly Bill No. 82:

YEAS—21.

NAYS—None.

Assembly Bill No. 82 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

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

Senate in recess at 3:07 p.m.

SENATE IN SESSION

At 3:07 p.m.

President Krolicki presiding.

Quorum present.

Assembly Bill No. 83.

Bill read third time.

Remarks by Senator Atkinson.

Thank you, Mr. President. Assembly Bill No. 83 provides that, in order for money to be disbursed by an escrow agent, title insurer, title agent or escrow officer the same day it is deposited, a money order, certified check or cashier's check must be drawn from a financial institution authorized to do business in this State.

Roll call on Assembly Bill No. 83:

YEAS—21.

NAYS—None.

Assembly Bill No. 83 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 89.

Bill read third time.

Remarks by Senator Segerblom.

Thank you, Mr. President. Assembly Bill No. 89 authorizes the formation of benefit corporations in Nevada. A benefit corporation does not require that profit motive be its sole objective. It can have a different objective to make some public purpose. I urge your support.

Roll call on Assembly Bill No. 89:

YEAS—21.

NAYS—None.

Assembly Bill No. 89 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 90.

Bill read third time.

Remarks by Senator Woodhouse.

Thank you, Mr. President. Assembly Bill No. 90 allows any person employed by an injured worker's labor organization, whether full-time or part-time, and who is not an independent contractor, to represent an individual before a hearing officer or in negotiations, settlements, hearings or other meetings with an insurer concerning a claim. This bill is effective on October 1, 2013.

Roll call on Assembly Bill No. 90:

YEAS—21.

NAYS—None.

Assembly Bill No. 90 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 93.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Assembly Bill No. 93 requires an applicant for a license or licensee of a child care facility to notify the Health Division, Department of Health and Human Services, as soon as practicable but not later than 24 hours after: (1) the licensee hires an employee of a

child-care facility; (2) an employee begins residence at a child-care facility; or (3) an employee begins participation in an outdoor youth program.

Roll call on Assembly Bill No. 93:

YEAS—21.

NAYS—None.

Assembly Bill No. 93 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 94.

Bill read third time.

Remarks by Senator Settlemeyer.

Thank you, Mr. President. Assembly Bill No. 94 removes the requirement that examinations for licensure as a professional engineer or professional land surveyor be eight hours long.

Roll call on Assembly Bill No. 94:

YEAS—21.

NAYS—none.

Assembly Bill No. 94 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 102.

Bill read third time.

Remarks by Senator Brower.

Thank you, Mr. President. Assembly Bill No. 102 defines the crime of organized retail theft as intentionally committing, alone or with others, a series of thefts of retail merchandise against one or more merchants, with the intent to return or resell the merchandise for value.

Roll call on Assembly Bill No. 102:

YEAS—21.

NAYS—None.

Assembly Bill No. 102 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 109.

Bill read third time.

Remarks by Senators Hardy and Cegavske.

SENATOR HARDY:

Thank you, Mr. President. Assembly Bill No. 109 sets forth the required qualifications of a licensee or person appointed by the licensee responsible for the daily operations of a child-care facility that cares for 12 or more children. In addition, the licensee or person appointed by the licensee is required to apply to the Nevada Registry when initially licensed and upon annual renewal. The bill increases the amount of training required for all employees of a child-care facility. Finally, directors of child-care facilities approved by the Health Division of the Department of Health and Human Services before the effective date of this bill can obtain a waiver to bypass the requirements until January 1, 2016.

SENATOR CEGAUSKE:

Thank you, Mr. President. I have a couple of questions on Assembly Bill No. 109. Several day-care providers reached out to me with concerns about the costs to them associated with this bill. I am hoping someone can help address this piece and answer whether the Committee who heard this bill was in unanimous agreement. I am also interested in any concerns expressed by the Committee and, if so, have they been addressed in this bill.

SENATOR HARDY:

Thank you, Mr. President. Training usually does cost money so there will be an impact. The background of this bill is that the person who is the licensee, or the person who acts for the licensee, must: (1) be at least 21 years old; (2) have a background in early-childhood education, associate's degree, high school diploma or credential; (3) have a number of verifiable hours of experience in a child care facility; and (4) have at least 1,000 verifiable hours in business administration. Training requirements in this bill are increased from 15 hours per year to: (1) 18 hours between January 1, 2014, to January 1, 2015; (2) 21 hours between January 1, 2015, to January 1, 2016; and (3) 24 hours per year after January 1, 2016. Yes, there will be costs incurred from training.

What we are seeing in prekindergarten education, childhood development and child-care facilities is that most people want their children to have the opportunity to be pre-taught so they are prepared for pre-school and kindergarten. This will be a burden on some, but it is my hope that the burden will be shared in such a way that it benefits children in being prepared to read by age three and ultimately graduate from high school.

SENATOR CEGAUSKE:

Thank you, Mr. President. That helps.

Roll call on Assembly Bill No. 109:

YEAS—21.

NAYS—None.

Assembly Bill No. 109 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 110.

Bill read third time.

Remarks by Senator Segerblom.

Thank you, Mr. President. As you know, it is illegal to discriminate against people. Assembly Bill No. 110 makes it illegal to discriminate against dogs. I urge your support.

Roll call on Assembly Bill No. 110:

YEAS—20.

NAYS—Smith.

Assembly Bill No. 110 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 117.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Assembly Bill No. 117 allows a person driving a motorcycle, moped or tri-mobile or riding a bicycle or an electric bicycle to proceed into an intersection against a red traffic signal if: (1) the person stops as required by the signal; (2) the person waits for two complete cycles of the lights or lighted arrows and the signal does not change because of

a malfunction or the failure of the signal to detect the presence of the vehicle; (3) no other device at the place prohibits a turn, if applicable; and (4) the person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection. The bill also provides that, if the person commits certain violations while proceeding into an intersection against a red signal that result in an injury to another person, the violations create a rebuttable presumption of facts necessary to impose civil liability.

Roll call on Assembly Bill No. 117:

YEAS—21.

NAYS—None.

Assembly Bill No. 117 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 120.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Assembly Bill No. 120 requires the Division of Insurance to post on its Internet website, a list of companies that do not use an insurance score for the purposes of rating an applicant or calculating the premium for a policy of insurance for a passenger car or homeowner's insurance.

Roll call on Assembly Bill No. 120:

YEAS—21.

NAYS—None.

Assembly Bill No. 120 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 128.

Bill read third time.

Remarks by Senator Settelmeyer.

Thank you, Mr. President. Assembly Bill No. 128 exempts the following persons from requirements to pay an aquatic invasive species fee and display an aquatic invasive species decal in Nevada: a person who operates a vessel on the Colorado River, Lake Mead or Lake Mohave, if the vessel is registered in Arizona and Arizona has an aquatic invasive species management program in effect; and a person who operates a vessel on Lake Tahoe or Topaz Lake, if the vessel is registered in California and California has an aquatic invasive species management program in effect.

Roll call on Assembly Bill No. 128:

YEAS—21.

NAYS—None.

Assembly Bill No. 128 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Manendo moved that Assembly Bill No. 129 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 132.

Bill read third time.

Remarks by Senator Brower.

Thank you, Mr. President. Assembly Bill No. 132 provides that a person employed by a licensed agency to provide personal-care services in the home is not liable for civil damages as the result of a certain act or omission not amounting to gross negligence.

Roll call on Assembly Bill No. 132:

YEAS—21.

NAYS—None.

Assembly Bill No. 132 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 144.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Assembly Bill No. 144 provides that an anatomical gift, made by an unemancipated minor who is at least 16 years old and possesses a driver's license or identification card, cannot be revoked or amended if both the donor and a parent or guardian have executed a form authorizing the anatomical gift.

Roll call on Assembly Bill No. 144:

YEAS—21.

NAYS—None.

Assembly Bill No. 144 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 154.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Assembly Bill No. 154 authorizes a multidisciplinary team reviewing the death of a child to use aggregated and unidentified data relative to the death of a child for research and prevention purposes. The bill consolidates the State Administrative Team into the Executive Committee to Review the Death of Children, which is required to review reports and recommendations of multidisciplinary teams. Additionally, this bill provides that certain administrators of child-welfare agencies and agencies responsible for mental health and public safety serve as nonvoting members of the Executive Committee.

Roll call on Assembly Bill No. 154:

YEAS—21.

NAYS—None.

Assembly Bill No. 154 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 155.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Assembly Bill No. 155 makes various changes related to the reporting of suspected child abuse and neglect. Assembly Bill No. 155 provides that attorneys are not mandated to report suspected abuse or neglect of a child if the information was acquired through privileged communication with a client who: (1) has been or may be accused of committing the abuse or neglect; or (2) is the victim, is in foster care, and does not give consent to the report. However, this bill does not relieve the attorneys of the duty to advocate for and take actions to protect the safety of their client.

Roll call on Assembly Bill No. 155:

YEAS—21.

NAYS—None.

Assembly Bill No. 155 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 158.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Assembly Bill No. 158 renames the State Program for Fitness and Wellness to be the State Program for Wellness and the Prevention of Chronic Disease.

Roll call on Assembly Bill No. 158:

YEAS—21.

NAYS—None.

Assembly Bill No. 158 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 168.

Bill read third time.

Remarks by Senator Settelmeyer.

Thank you, Mr. President. Assembly Bill No. 168 requires that one member of each county advisory board to manage wildlife must represent the interests of the general public. The bill requires the appointment of such a member as soon as practicable after the first board vacancy that occurs on or after July 1, 2013. This measure also specifies that the other advisory board members must be appointed based on recommendations from ranchers and farmers in the county and from organizations that represent hunters, trappers or anglers.

Roll call on Assembly Bill No. 168:

YEAS—21.

NAYS—None.

Assembly Bill No. 168 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 173.

Bill read third time.

Remarks by Senator Woodhouse.

Thank you, Mr. President. Assembly Bill No. 173 prohibits an electric utility from making changes to a schedule or imposing a rate based on the time of day, day of the week or time of year during which electricity is purchased by a residential consumer, unless the consumer has voluntarily subscribed to a program imposing such a rate. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 173:

YEAS—21.

NAYS—None.

Assembly Bill No. 173 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 174.

Bill read third time.

Remarks by Senator Hammond.

Thank you, Mr. President. Assembly Bill No. 174 requires an agency which provides child-welfare services, that has taken a child into protective custody, to do a number of things. I urge your "yes" vote.

Roll call on Assembly Bill No. 174:

YEAS—21.

NAYS—None.

Assembly Bill No. 174 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 182.

Bill read third time.

Remarks by Senator Brower.

Thank you, Mr. President. Assembly Bill No. 182 authorizes the owner of a storage space at a storage facility to impose a reasonable late fee for each month an occupant does not pay rent pursuant to a rental agreement. The bill also removes the requirement for the owner of a storage facility to use the summary eviction process to evict a person who is using a storage space as a residence.

Roll call on Assembly Bill No. 182:

YEAS—21.

NAYS—None.

Assembly Bill No. 182 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 185.

Bill read third time.

Remarks by Senator Denis.

Thank you, Mr. President. Assembly Bill No. 185 allows the Labor Commissioner to enter into a memorandum of understanding with the Wage and Hour Division of the United States Department of Labor to promote compliance with labor laws of common concern.

Roll call on Assembly Bill No. 185:

YEAS—21.

NAYS—None.

Assembly Bill No. 185 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 194.

Bill read third time.

Remarks by Senator Hammond.

Thank you, Mr. President. Assembly Bill No. 194 provides that holding a leasehold interest in real property destroyed or injured is not a defense to the crime of willfully and maliciously injuring the real or personal property of another.

Roll call on Assembly Bill No. 194:

YEAS—21.

NAYS—None.

Assembly Bill No. 194 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 199.

Bill read third time.

Remarks by Senators Hutchison and Jones.

SENATOR HUTCHISON:

Thank you, Mr. President. Assembly Bill No. 199 authorizes the Colorado River Commission to contract with certain new eligible customers based on an allocation of capacity and associated firm energy from a resource pool created pursuant to federal law, without subjecting the Colorado River Commission to regulation by the Public Utilities Commission of Nevada. The bill prohibits the Colorado River Commission from serving any new customer located within the service territory of an electric utility that primarily serves densely-populated counties in excess of the allocation made to that customer pursuant to federal law. Lastly, the bill requires the Public Utilities Commission of Nevada to establish a tariff for certain services provided by an electric utility for its sale of electric or transmission services, or both, to a customer of the Colorado River Commission. This bill is effective upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks and on October 1, 2013, for all other purposes.

SENATOR JONES:

Thank you, Mr. President. I am wondering if my colleague from Senate District No. 6 can provide me with the key provisions of the Hoover Power Allocation Act for the Body's edification?

SENATOR HUTCHISON:

Thank you, Mr. President. The Hoover Power Allocation Act of 2011 was based on the Hoover Power Act of 1936. The Act establishes the basis for allocations of low-cost renewable hydropower from Hoover Dam to customers in Arizona, California and Nevada for a 50-year term.

Roll call on Assembly Bill No. 199:

YEAS—21.

NAYS—None.

Assembly Bill No. 199 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Denis moved that the Senate recess until 8:00 p.m.

Motion carried.

Senate in recess at 3:47 p.m.

SENATE IN SESSION

At 8:46 p.m.

President Krolicki presiding.

Quorum present.

Assembly Bill No. 205.

Bill read third time.

Remarks by Senator Cegavske.

Thank you, Mr. President. Assembly Bill No. 205 requires Nevada charter schools to operate under performance-based contracts rather than written charters. It further requires those contracts to include performance measures for student achievement, proficiency, attendance and re-enrollment rates; graduation rates, if applicable, and financial and governance outcomes and indicators which are specific to a school's mission. This is a good bill, and I urge your support.

Roll call on Assembly Bill No. 205:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Assembly Bill No. 209 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 210.

Bill read third time.

Remarks by Senator Woodhouse.

Thank you, Mr. President. Assembly Bill No. 210 requires that when developing an individualized education program for a pupil with a hearing impairment, the pupil's individualized education program team consider certain factors in order to achieve the best feasible instruction for the pupil. The bill provides that a pupil with a hearing impairment cannot be denied the opportunity for instruction in a particular communication mode solely because the pupil's chosen mode of communication differs from that recommended by the individualized education program team. The bill further requires that, to the extent feasible, a school provide instruction to such pupils in more than one communication mode. Finally, this measure requires the Department of Education to post certain data on its website within 30 days after submitting that data to the federal government. This bill is effective on July 1, 2013.

Roll call on Assembly Bill No. 210:

YEAS—21.

NAYS—None.

Assembly Bill No. 210 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 217.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Assembly Bill No. 217 requires a county department of juvenile justice services and an agency that provides child-welfare services to obtain background information and a personal history for each applicant for employment and each employee to determine whether the applicant or employee has been convicted of or charged with specific crimes. If the background check indicates the applicant or employee has pending charges, the bill authorizes the agency or department to deny or terminate employment. I urge your support.

Roll call on Assembly Bill No. 217:

YEAS—21.

NAYS—None.

Assembly Bill No. 217 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 221.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Assembly Bill No. 221 requires the Director of the Department of Health and Human Services to issue a request for information by January 1, 2014, to determine availability and cost of technology, data verification and resources to assist the Department in reducing waste, fraud and abuse under Medicaid and the Children's Health Insurance Program. The request for information must seek: (1) strategies for determining the validity of claims before payments are made to Medicaid and Children's Health Insurance Program providers; (2) whether technology is capable of being integrated into the existing system; and (3) information on other fraud investigation services that combine a retrospective analysis of claims. I urge your support.

Roll call on Assembly Bill No. 221:

YEAS—21.

NAYS—None.

Assembly Bill No. 221 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Assembly Bill No. 227 be taken from the General File and placed at the top of the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 231.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Assembly Bill No. 231 provides that a vacancy in the membership of the governing board of a town board or town advisory board must be filled by an appointment by the applicable Board of County Commissioners. In addition, the Board of County Commissioners shall appoint a member to fill a vacancy on the board of directors of a local improvement district if the board of directors of a local improvement district fails to do so within 30 days. This bill is effective July 1, 2013.

Roll call on Assembly Bill No. 231:

YEAS—21.

NAYS—None.

Assembly Bill No. 231 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 243.

Bill read third time.

Remarks by Senators Spearman, Gustavson, Brower and Roberson.

SENATOR SPEARMAN:

Thank you, Mr. President. Assembly Bill No. 243 requires all special license plates designed, prepared and issued by the Department of Motor Vehicles after October 1, 2013, to have a uniform design and background color. This bill is effective on October 1, 2013.

SENATOR GUSTAVSON:

Thank you, Mr. President. I rise in opposition to Assembly Bill No. 243. Special license plates were created a few years back, and they all have a uniqueness to them. This bill will change that uniqueness, only allowing a third of the license plate on the left side to be unique. The rest of the plate will be a specific color. People who buy special license plates do so because of the uniqueness and to donate to a charitable cause they endorse. For that reason, I stand in opposition to the bill.

SENATOR BROWER:

Thank you, Mr. President. A question to the bill's sponsor: what would happen to the existing special license plates that are out in circulation currently? Would they be illegal upon the passage of this bill?

SENATOR ROBERSON:

Thank you, Mr. President. The sponsor of the bill is in the Assembly.

Roll call on Assembly Bill No. 243:

YEAS—10.

NAYS—Brower, Cegavske, Denis, Goicoechea, Gustavson, Hammond, Hutchison, Kieckhefer, Roberson, Settlemeyer, Smith—11.

Assembly Bill No. 243 having failed to receive a constitutional majority, Mr. President declared it lost.

Assembly Bill No. 244.

Bill read third time.

Remarks by Senator Manendo.

Thank you, Mr. President. Assembly Bill No. 244 sets the minimum number of active registrations for special license plates at 1,000 for all special license plates. This bill is effective on October 1, 2013.

Roll call on Assembly Bill No. 244:

YEAS—21.

NAYS—None.

Assembly Bill No. 244 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 248.

Bill read third time.

Senator Smith moved that Assembly Bill No. 248 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

Assembly Bill No. 249.

Bill read third time.

Remarks by Senator Parks.

Thank you, Mr. President. Assembly Bill No. 249 removes language providing for an appointed district attorney to serve the unexpired remainder of the four-year term. Instead, an appointed district attorney would have to comply with the statutory provisions that apply to appointments made to fill vacancies in most county offices.

When a vacancy occurs in most county offices, current law provides that the office must be placed on the ballot at the next biennial election if: (1) the vacancy requiring the permanent appointment of a new county officer occurred at least 30 days before the date upon which a person must declare candidacy for the office; and (2) the office is not otherwise scheduled for election at the next biennial election. If the vacancy occurred fewer than 30 days before the deadline for declaring candidacy, the appointee would serve the unexpired portion of the term. This bill is effective on October 1, 2013.

Roll call on Assembly Bill No. 249:

YEAS—21.

NAYS—None.

Assembly Bill No. 249 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 255.

Bill read third time.

Remarks by Senator Smith.

Thank you, Mr. President. Assembly Bill No. 255 requires the Legislative Auditor to conduct an audit concerning the use by the Department of Health and Human Services of certain assessments paid by counties. A final written report must be submitted by the Legislative Auditor to the Audit Subcommittee of the Legislative Commission by January 31, 2015. This bill is effective upon passage and approval. I urge your support.

Roll call on Assembly Bill No. 255:

YEAS—21.

NAYS—None.

Assembly Bill No. 255 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 259.

Bill read third time.

Remarks by Senators Cegavske, Smith and Hardy.

SENATOR CEGAVSKE:

Thank you, Mr. President. Assembly Bill No. 259 makes various changes to the P-16 Advisory Council, including: (1) changing the name of the Council to the “P-20W Advisory Council” and highlighting its role in the early childhood and workforce sectors; (2) adding the Director of the Department of Employment, Training and Rehabilitation as an ex officio member of the Council; and (3) broadening the role of the Council in using the Statewide Longitudinal Data System to: improve the college and career readiness of Nevada’s students, assess the effective preparation of teachers and administrators, and evaluate the return on investment of workforce development programs. I urge your support.

SENATOR SMITH:

Thank you, Mr. President. I rise in support of Assembly Bill No. 259, but I would like to say, on the record, that I think it is odd and frustrating that we keep talking about expanding this Council. We always talk about the “P,” prekindergarten, but we do not do much about the “P.” We do not do much about the “K,” kindergarten, yet either. If we are going to change names, we really should step up and take care of the programs.

SENATOR HARDY:

Thank you, Mr. President. I rise in support of Assembly Bill No. 259, recognizing that a prior bill did not use the “P,” but we did support early-childhood education programs.

Roll call on Assembly Bill No. 259:

YEAS—21.

NAYS—None.

Assembly Bill No. 259 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 266.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President. Assembly Bill No. 266 defines “veteran” in Chapter 417 of *Nevada Revised Statutes*, which is specific to Veterans’ Services, for the purpose of establishing who is entitled to certain privileges and benefits. This measure is effective on July 1, 2013.

Caleb S. Cage, Captain, United States Army, Executive Director, Office of Veterans’ Services, noted that it is a national best practice to define “veteran” uniformly, and the definition as proposed in the amendment would bring Nevada in line with the federal definition.

Roll call on Assembly Bill No. 266:

YEAS—21.

NAYS—None.

Assembly Bill No. 266 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 277.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Assembly Bill No. 277 allows a dental hygienist, not a dental assistant, with a special endorsement in public health dental hygiene to provide certain services without the supervision of an actively-licensed dentist under certain circumstances—especially involving public health by endorsement.

Roll call on Assembly Bill No. 277:

YEAS—21

NAYS—None.

Assembly Bill No. 277 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 281.

Bill read third time.

Remarks by Senator Manendo.

Thank you, Mr. President. Assembly Bill No. 281 revises provisions related to certain records about the workers that are required to be kept by a contractor and a subcontractor engaged on a public-work project. Specifically, a contractor and subcontractor must include the gender and ethnicity of each such worker, but only if the worker agrees to supply such information voluntarily. Such records must be open at all reasonable hours to the inspection of the public body that awarded the contract and are considered public records of the public entity.

Roll call on Assembly Bill No. 281:

YEAS—20.

NAYS—Gustavson.

Assembly Bill No. 281 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 282.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Assembly Bill No. 282 revises provisions governing surety bonds related to motor-vehicle sales. This bill provides that surety bond compensation is for the use and benefit of a consumer injured by the action of a broker, dealer, distributor, manufacturer, rebuilder or their representative or salesperson. This bill is effective on July 1, 2013.

The Nevada Supreme Court has liberally interpreted the phrase “any person” to allow any individual person or group of persons, including a finance company, who is injured by the actions of a broker, manufacturer, distributor, dealer or rebuilder of motor vehicles to apply for compensation from surety bonds. This bill removes the phrase “any person” and replaces it with “consumer” to clarify that surety bond compensation is only for the benefit of a consumer.

Roll call on Assembly Bill No. 282:

YEAS—21.

NAYS—None.

Assembly Bill No. 282 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 307.

Bill read third time.

Remarks by Senator Hammond.

Thank you, Mr. President. Assembly Bill No. 307 requires a county to pay any costs incurred by a hospital for a forensic medical examination of a victim of sexual assault. The bill also specifies that any costs incurred by a county for medical care provided to a victim within 72 hours after arriving for treatment and any costs for a forensic medical examination must be charged to the county where the offense was committed, and that the filing of a police report must not be a prerequisite to qualifying for a forensic medical examination. The bill also requires a victim of sexual assault to file a police report or submit to a forensic medical examination in order for the victim or the victim's spouse, relative or close friend to be eligible for any additional treatment at county expense for physical injuries or emotional trauma suffered as the result of the sexual assault.

Roll call on Assembly Bill No. 307:

YEAS—21.

NAYS—None.

Assembly Bill No. 307 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 310.

Bill read third time.

Remarks by Senator Settlemeyer.

Thank you, Mr. President. Assembly Bill No. 310 allows an irrigation district to buy insurance or make other financial arrangements, on behalf of its agents, officers, employees, delegates and representatives, for liability and expenses related to such persons' involvement with the district. The bill also raises the limit on indebtedness for an irrigation district from \$500,000 to \$1 million. This bill is effective on July 1, 2013.

Roll call on Assembly Bill No. 310:

YEAS—21.

NAYS—None.

Assembly Bill No. 310 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 321.

Bill read third time.

Remarks by Senator Hammond.

Thank you, Mr. President. Assembly Bill No. 321 requires each State agency to provide its employees with information relating to the Merit Award Program.

Senator Smith moved that Assembly Bill No. 321 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

Assembly Bill No. 322.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Assembly Bill No. 322 removes the term "private" from the phrase "passenger car" for purposes of providing certain materials concerning personal injury claims under a policy of motor-vehicle insurance. I strongly urge passage of this bill by my colleagues.

Roll call on Assembly Bill No. 322:

YEAS—21.

NAYS—None.

Assembly Bill No. 322 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 183.

Bill read third time.

Remarks by Senators Jones, Ford and Atkinson.

SENATOR JONES:

Assembly Bill No. 183 allows any person 16 years of age to donate blood with the consent of his or her parent or guardian.

SENATOR FORD:

Can someone please clarify if the bill requires consent?

SENATOR JONES:

The bill requires consent of the parents.

SENATOR ATKINSON:

How is the consent of the parent verified? Is it by signature?

SENATOR JONES:

It is my understanding that it is by signature verification. I can look back at the bill text. I do not believe the parent had to physically be present to give consent the first time someone of the age in this bill donates blood.

Roll call on Assembly Bill No. 183:

YEAS—21.

NAYS—None.

Assembly Bill No. 183 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Assembly Bills Nos. 327, 333, 334, 337, 352, 354, 358, 365, 366, 381, 382, 383, 389, 393, 417, 418, 421, 432, 434, 437, 441, 442, 455, 459, 460, 478, 483, Assembly Joint Resolutions Nos. 1, 3, be

taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Assembly Bills Nos. 95, 170, 181, 324, 339, 391, 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Education, to which was referred Assembly Bill No. 288, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

Mr. President:

Your Committee on Finance, to which was re-referred Senate Bill No. 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 83, 84, 164, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

DEBBIE SMITH, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 9, 50, 87, 99, 131, 172, 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 21, 165, 176, 189, 198, 263, 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK A. MANENDO, *Chair*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

May 17, 2013

Pursuant to paragraph (a) of Subsection 4 of Joint Standing Rule No. 14.6, Senate Bill No. 298 is not subject to the provisions of Subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

RICHARD S. COMBS

Director, Legislative Counsel Bureau

SECOND READING AND AMENDMENT

Assembly Bill No. 9.

Bill read second time.

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

Amendment No. 601.

"SUMMARY—Makes various changes to the Charter of the City of Reno. (BDR S-266)"

"AN ACT relating to the City of Reno; making various changes to the provisions of the Charter of the City of Reno relating to the Mayor, Assistant Mayor, City Council, City Manager and Civil Service Commission; providing for the creation and duties of a Charter Committee; authorizing the City Council to establish additional appointive positions for officers and employees of the City; repealing certain provisions relating to employment in the Civil Service System and authorizing the Civil Service Commission to provide for such matters by rule; making various other changes to the Charter; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill amends various provisions of the Charter of the City of Reno. Sections 1 and 2 of this bill adopt certain definitions and rules of construction applicable to the Charter as a whole. Section 1.5 of this bill provides for the creation, membership and duties of a Charter Committee to make recommendations to the City Council regarding amendments to the Charter. Section 6 of this bill expands the prohibition against holding other employment or another office, which is applicable to the Mayor or a Council Member. Section 9 of this bill provides that certain provisions applicable to appointive officers also apply to appointive employees of the City. Section 15 of this bill authorizes the Mayor and any Council Member to waive the payment of any part of the salary or benefits otherwise payable to him or her and establishes the requirements for such a waiver. Section 27 of this bill prohibits the Mayor and Council Members from giving orders to any subordinate of the City Manager, or otherwise dealing directly with such a person.

The existing provisions of the Charter permit the City Council to establish additional departments in the Municipal Court and thereby increase the number of Municipal Judges. (Reno City Charter § 4.010) Section 28 of this bill prohibits the Council from reducing the term of office of any Municipal Judge.

Sections 31 and 32 of this bill revise provisions relating to the general city election to clarify that the election is to occur concurrently with the statewide general election. Section 34 of this bill establishes a procedure for determining a tie vote in any city election.

Under existing law, various provisions governing the examination, appointment and transfer of employees in the Civil Service System are codified in the Charter. (Reno City Charter §§ 9.090, 9.190-9.250) Section 47 of this bill repeals those provisions, and section 43 of this bill provides that such matters are to be governed by the rules of the City's Civil Service Commission. Section 44 of this bill expands the list of characteristics that may not affect appointment to or removal from a position in the Civil Service.

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

Section 1. The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto new sections to be designated as sections 1.011, 1.012, 1.013, 1.014, 1.015, 1.016, 1.017, 1.018 and 1.019, respectively, immediately following section 1.010, to read as follows:

Sec. 1.011 Definitions. As used in this Charter, unless the context otherwise requires, the words and terms defined in sections 1.012 to 1.018, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.012 "Appointive employee" defined. "Appointive employee" means a person who is appointed to a position described in subsection 4 of section 1.090.

Sec. 1.013 "City" defined. "City" means the City of Reno in Washoe County, Nevada.

~~*Sec. 1.013*~~ *Sec. 1.014 "City Council" or "Council" defined. "City Council" or "Council" means the governing body of the City.*

~~*Sec. 1.014*~~ *Sec. 1.015 "Civil Service" or "Civil Service System" defined. "Civil Service" or "Civil Service System" means the system created by section 9.020.*

~~*Sec. 1.015*~~ *Sec. 1.016 "Commission" defined. "Commission" means the Civil Service Commission created by section 9.030.*

Sec. 1.017 "County" defined. "County" means Washoe County, Nevada.

Sec. 1.018 "State" defined. "State" means the State of Nevada.

Sec. 1.019 Construction of Charter.

1. Except where the context by clear implication otherwise requires, this Charter must be construed as follows:

(a) The titles or leadlines which are applied to the articles and sections of this Charter are inserted only as a matter of convenience and ease in reference and are not intended to limit the scope or intent of any provision of this Charter.

(b) Words in the singular number include the plural, and words in the plural include the singular number.

(c) Words in the masculine gender include the feminine, and words in the neuter gender refer to any gender.

2. This Charter being necessary to secure and preserve the public health, safety, prosperity, security, comfort, convenience, general welfare and property of the residents of the City, it is expressly declared that it is the intent of the Legislature that each of the provisions of this Charter be liberally construed to effect the purposes and objects for which this Charter is intended, and the specific mention of particular powers must not be construed as limiting in any way the general powers which are necessary to carry out the purposes and objects of this Charter.

Sec. 1.5. The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto new sections to be designated as sections 1.140, 1.150 and 1.160, respectively, immediately following section 1.130, to read as follows:

Sec. 1.140 Charter Committee: Appointment; terms; qualifications; vacancies; compensation.

1. The Charter Committee must be appointed as follows:

(a) Each Council Member shall appoint one member;

(b) The Mayor shall appoint one member;

(c) The members of the Senate delegation representing the residents of the City and belonging to the majority party of the Senate shall appoint two members;

(d) The members of the Senate delegation representing the residents of the City and belonging to the minority party of the Senate shall appoint one member;

(e) The members of the Assembly delegation representing the residents of the City and belonging to the majority party of the Assembly shall appoint two members; and

(f) The members of the Assembly delegation representing the residents of the City and belonging to the minority party of the Assembly shall appoint one member.

2. Each member of the Charter Committee:

(a) If appointed by a Council Member or the Mayor, serves during the term of the person by whom he or she was appointed;

(b) If appointed by members of the Senate delegation, serves a term of 4 years;

(c) If appointed by members of the Assembly delegation, serves a term of 2 years;

(d) Must be a registered voter in the City; and

(e) Must reside in the City during his or her term of office.

3. If a vacancy occurs on the Charter Committee, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. Members of the Charter Committee are entitled to receive compensation, in an amount set by ordinance of the City Council, for each full meeting of the Charter Committee they attend.

Sec. 1.150 Charter Committee: Officers; meetings; duties. The Charter Committee shall:

1. Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;

2. Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the City Council or the Chair of the Charter Committee;

3. Meet jointly with the City Council on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant

to subsection 2 and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Charter Committee concerning necessary amendments to this Charter;

4. If the City Council elects to submit the Charter Committee's recommended amendments to the Legislature as one of the City's bill draft requests, assist the City Council in the timely preparation of such amendments for presentation to the Legislature on behalf of the City;

5. If the City Council elects not to submit the Charter Committee's recommended amendments to the Legislature as one of the City's bill draft requests, seek sponsorship of a legislative measure by a member of the Senate or Assembly delegation representing the residents of the City and assist such member in the timely preparation of such amendments for presentation to the Legislature; and

6. Perform all functions and do all things necessary to accomplish the purposes for which it is established, including, but not limited to, holding meetings and public hearings, and obtaining assistance from City officers.

Sec. 1.160 Charter Committee: Removal of member; grounds. Any member of the Charter Committee may be removed by a majority of the remaining members of the Charter Committee for cause, including failure or refusal to perform the duties of the office, absence from three successive regular meetings or ceasing to meet any qualification for appointment to the Charter Committee.

Sec. 2. Section 1.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended to read as follows:

Section 1.010 ~~[Preamble: Legislative intent.]~~ *Purpose; other laws.*

1. In order to provide for the orderly government of the City of Reno and the general welfare of its citizens the Legislature hereby establishes this Charter for the government of the City of Reno. ~~[It is expressly declared as the intent of the Legislature that all provisions of this Charter be liberally construed to carry out the express purposes of the Charter and that the specific mention of particular powers shall not be construed as limiting in any way the general powers necessary to carry out the purposes of the Charter.]~~

2. Any powers expressly granted by this Charter are in addition to any powers granted to a city by the general law of this state. All provisions of Nevada Revised Statutes which are applicable generally to cities (not including, unless otherwise expressly mentioned in this Charter, chapter 265, 266 or 267 of NRS) which are not in conflict with the provisions of this Charter apply to the City of Reno.

Sec. 3. Section 1.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended to read as follows:

Sec. 1.020 Incorporation of City.

~~[1.]~~ All persons who are inhabitants of that portion of the State ~~[of Nevada]~~ embraced within the limits set forth in section 1.030 shall constitute a political and corporate body by the name of "City of Reno" and by that name they and their successors shall be known in law, have perpetual succession and may sue and be sued in all courts.

~~[2. Whenever used throughout this charter, "City" means the City of Reno.]~~

Sec. 4. Section 1.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 482, Statutes of Nevada 1973, at page 714, is hereby amended to read as follows:

Sec. 1.030 Description of territory.

1. The territory embraced in the City is that certain land described in the official plat required by NRS 234.250 to be filed with the County Recorder and County Assessor, ~~[of Washoe County,]~~ as such plat is amended from time to time.

2. The territory described in paragraph (a) of subsection 2 of section 1 of article I of chapter 180, Statutes of Nevada 1949, lying within the City ~~[of Reno]~~ is hereby detached from the City ~~[of Reno]~~ and is included within the boundaries of the City of Sparks.

Sec. 5. Section 1.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2452, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. Except as otherwise provided in this section, a vacancy in the City Council or in the office of City Attorney or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In ~~[such a case,]~~ *filling a prospective vacancy*, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

2. The appointee shall serve until the next general municipal election and until his or her successor is elected and qualified. Notwithstanding the provisions of section 5.010 of this Charter to the contrary, the office must be filled by election at the next general municipal election. If that election is other than the election specified in section 5.010 of this Charter for the filing of the office, the election is only for the balance of the unexpired term for that office.

3. If a vacancy occurs in an office of City Council, in lieu of appointment, the City Council may, by resolution, declare a special election to fill the vacancy. The special election must be conducted in accordance with the provisions of the resolution declaring the special election and section 5.030 of this Charter.

Sec. 6. Section 1.080 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 1.080 Mayor and Council Members not to hold other office or employment.

1. The Mayor and Council Members shall not:

(a) Hold any other elective *or appointive* office, ~~for employment with Washoe County or the City,~~ except as provided by law or as a member of a board or commission *which is ancillary to the office of Mayor or Council Member* and for which no compensation is received.

(b) *Hold any other employment with the County, the City or any other political subdivision of the State which is governed or advised by a board or commission to which the Mayor or Council Member may be appointed in the course of his or her duties as Mayor or Council Member.*

(c) Be appointed to any office or position created by or the compensation for which was increased or fixed by the City Council until 1 year after the expiration of the term for which ~~such person~~ *the Mayor or Council Member* was elected.

2. Any person who violates the provisions of subsection 1 shall automatically forfeit his or her office.

Sec. 7. (Deleted by amendment.)

Sec. 7.5. Section 1.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 734, is hereby amended to read as follows:

Sec. 1.090 Appointive officers ~~and~~ *and appointive employees.*

1. The City Council shall provide for the appointment of a City Manager to perform the duties outlined in section 3.020. A vacancy in the office of City Manager must be filled within 6 months.

2. Applicants for the position of City Manager need not be residents of the City or State at the time of their appointment, except that applicants who are residents of the City and who have qualifications equal to those of nonresidents must be given preference in filling the position.

3. The City Council may establish such other appointive offices as it may deem necessary for the operation of the City by designating the position and the qualifications therefor by ordinance. Appointive offices are limited to the head of each department or division except:

(a) One immediate assistant for the Director of Public Works.

(b) ~~[Special technical staff members who report directly to the City Manager]~~

~~(c)~~ In the Fire Department and Police Department, no positions below the office of Chief.

~~[4.]~~ 4. Special technical staff members who report directly to the City Manager serve as appointive employees.

5. Appointment of ~~[such]~~ officers and employees pursuant to subsections 3 and 4 must be made by the City Manager, and the appointment of the Chief of Police and the Fire Chief must be confirmed by the City Council.

~~[4.]~~ 6. A City Clerk must be appointed by the City Council.

Sec. 8. Section 1.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 734, is hereby amended to read as follows:

Sec. 1.100 Appointive officers ~~[]~~ and appointive employees: Miscellaneous provisions.

1. All appointive officers ~~[]~~ and appointive employees, except the City Clerk and his or her deputy, shall perform such duties as ~~[may be]~~ are designated by the City Manager.

2. Any employee of the City holding a Civil Service rating under the City ~~[and]~~ who is appointed to any position provided for in section 1.090 does not lose his or her Civil Service rating while serving in that position.

3. ~~[All appointive officers are entitled to all employment benefits to which Civil Service employees are entitled.]~~

~~4.]~~ The City Council may require from all other officers and employees of the City constituted or appointed under this Charter, except the Mayor and Council Members, sufficient security for the faithful and honest performance of their respective duties.

Sec. 9. Section 1.110 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1964, is hereby amended to read as follows:

Sec. 1.110 Appointive officers ~~[]~~ and appointive employees: Duties; salary ~~[]~~; benefits.

1. All appointive officers and appointive employees of the City, including those appointed by the City Council, except ~~[the]~~ :

(a) The City Manager ;

(b) The City Clerk and the chief deputy and the Manager of Record Systems appointed by the City Clerk pursuant to section 3.040;

(c) Assistants appointed by the City Attorney pursuant to section 3.060; and ~~[the]~~

(d) The members of the City Board of Health and the City Health Officer, if the City administers the operations of the Board of Health,

↪ shall perform ~~{such}~~ *their* duties under the direction of the City Manager ~~{as may be}~~ *or as* designated by the City Council ~~{}~~ *through the City Manager.*

2. All appointive officers *and appointive employees* of the City ~~{shall receive such salary as may be}~~ *are entitled to the salary* designated by the City Council ~~{}~~ *through the adoption of a resolution establishing the salary ranges applicable to each office and position.*

3. *All appointive officers and appointive employees are entitled to the employment benefits established by the applicable law of the State and to such other benefits as the City Council provides by resolution.*

Sec. 10. (Deleted by amendment.)

Sec. 11. Section 2.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1965, is hereby amended to read as follows:

Sec. 2.030 City Council: Discipline of members, other persons; subpoena power.

1. The City Council may:

(a) Provide for the punishment of *the City Clerk or* any member for disorderly conduct committed in its presence.

(b) Order the attendance of witnesses and the production of all papers relating to any business before the City Council.

2. If any person ordered to appear before the City Council fails to obey such *an* order:

(a) The City Council or any member thereof may apply to the clerk of the district court for a subpoena commanding the attendance of the person before the City Council.

(b) ~~{Such Clerk}~~ *The clerk of the district court* may issue the subpoena, and any peace officer may serve it.

(c) If the person upon whom the subpoena is served fails to obey it, the court may issue an order to show cause why ~~{such}~~ *the* person should not be held in contempt of court and upon *the* hearing of the matter may adjudge ~~{such}~~ *the* person guilty of contempt and punish him or her accordingly.

Sec. 12. Section 2.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 255, Statutes of Nevada 2001, at page 1131, is hereby amended to read as follows:

Sec. 2.040 Meetings: Quorum.

1. The City Council shall hold not less than two regular meetings each month. The times and dates of ~~{the}~~ *regular* meetings must be established by ~~{ordinance}~~ *resolution.*

2. *Special meetings of the City Council may be held at the call of the Mayor.*

3. Except as otherwise provided in NRS 241.0355, a majority of all the members of the City Council constitutes a quorum to do

business, but a lesser number may meet and recess from time to time, and compel the attendance of the absent members.

~~{3. Except as otherwise provided by law, all sessions and all proceedings of the City Council must be public.}~~

4. The meetings of the City Council must be conducted in accordance with chapter 241 of NRS.

Sec. 13. (Deleted by amendment.)

Sec. 14. Section 2.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 553, Statutes of Nevada 1973, at page 878, is hereby amended to read as follows:

Sec. 2.070 Oaths and affirmations. The Mayor, ~~{Assistant}~~ *the Vice Mayor* while acting in the place of the Mayor, each Council Member and the City Clerk may administer oaths and affirmations relating to any business pertaining to the City, before the City Council or to be considered by the City Council.

Sec. 15. Section 2.080 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 599, Statutes of Nevada 1993, at page 2499, is hereby amended to read as follows:

Sec. 2.080 Powers of City Council: Ordinances, resolutions and orders ~~{ }~~; *waiver of salary and benefits.*

1. The City Council may make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States or the *Constitution of the State of Nevada*, or to the provisions of Nevada Revised Statutes or of this Charter, necessary for the municipal government and the management of the affairs of the City, and for the execution of all the powers vested in the City.

2. When power is conferred upon the City Council to do and perform anything ~~{ }~~ and the manner of exercising such power is not specifically provided for, the City Council may provide by ordinance the manner and details necessary for the full exercise of such power.

3. The City Council may enforce ordinances by providing penalties not to exceed those established by the Legislature for misdemeanors.

4. The City Council shall have such powers, not in conflict with the express or implied provisions of this Charter, as are conferred generally by statute upon the governing bodies of cities organized under a special charter.

5. Except as otherwise provided in this subsection ~~{ }~~ *and subsection 6*, the City Council shall not pass any ordinance or resolution increasing or diminishing the salary of any elective officer during the term for which he or she is elected or appointed. The City Council may pass an ordinance increasing the salary of a Municipal Judge during the term for which he or she is elected or appointed.

6. Except as otherwise prohibited or limited by statute or regulation or as otherwise provided in this subsection, the Mayor and

any Council Member may waive the payment of any part of the salary and benefits otherwise payable to him or her during any budget year. Any such waiver must be in writing, does not extend beyond the current term of the Mayor or Council Member and may not be rescinded.

Sec. 16. Section 2.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 553, Statutes of Nevada 1973, at page 878, is hereby amended to read as follows:

Sec. 2.090 Ordinances: Passage by bill; amendments; subject matter; title requirements.

1. No ordinance may be passed except by bill and by a majority vote of the City Council. The style of all ordinances ~~{shall}~~ *must* be as follows: "The City Council of the City of Reno ~~{do}~~ *does* ordain:".

2. No ordinance ~~{shall}~~ *may* contain more than one *general* subject ~~[which shall]~~ *matter and matters which pertain to or are necessarily connected with the general subject matter, and the general subject must* be briefly indicated in the title. Where the *general* subject of the ordinance is not so expressed in the title, the ordinance is void . ~~[as to the matter not expressed in the title.]~~

3. Any ordinance which amends an existing ordinance ~~{shall}~~ *must* set out in full the ordinance or sections thereof to be amended, and ~~{shall}~~ *must* indicate matter to be omitted by enclosing it in brackets and ~~{shall indicate}~~ *any* new matter by underscoring or by italics.

Sec. 17. Section 2.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed must be ~~{referred to a committee for consideration,}~~ *read to the City Council by title*, after which an adequate number of copies of the proposed ordinance must be filed with the City Clerk for public distribution. Except as otherwise provided in subsection 3, notice of the filing must be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, and published in the City at least 10 days before the adoption of the ordinance. The City Council shall adopt or reject the ordinance, or an amendment thereto, within 45 days after the date of publication.

2. At the next regular meeting or adjourned *regular* meeting of the City Council held at least 10 days after the date of publication, the ~~{committee shall report the ordinance back to the City Council. Thereafter, it}~~ *proposed ordinance must be returned to the City Council for consideration and possible adoption. At that meeting, the title of the proposed ordinance must be read as first proposed or as*

amended, and thereupon the proposed ordinance must be finally voted upon or action thereon postponed.

3. In cases of emergency or where the ordinance is of a kind specified in section 7.030, by unanimous consent of the City Council, final action may be taken immediately or at an emergency meeting called for that purpose, and no notice of the filing of the copies of the proposed ordinance with the City Clerk need be published.

4. All ordinances must be signed by the Mayor, attested by the City Clerk and published by title, together with the names of the *members of the City Council* ~~[Members]~~ voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, and published in the City for at least one publication, before the ordinance becomes effective. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall record all ordinances in a book kept for that purpose, together with the affidavits of publication by the publisher.

Sec. 18. Section 2.120 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 561, Statutes of Nevada 1977, at page 1393, is hereby amended to read as follows:

Sec. 2.120 Codification of ordinances; publication of Code.

1. The City Council may codify and publish a Code of its municipal ordinances in the form of a Municipal Code, which Code may, at the election of the City Council, have incorporated therein a copy of this Charter and such additional data as the City Council ~~[may prescribe. When such Code is published, two copies shall be filed with]~~ *prescribes. Whenever the Code is published or revised, a copy must be provided to the Librarian at the County Public Library in Reno, the County Law Library and the Supreme Court Law Library. The requirements of this subsection are satisfied by the provision of a paper copy, an electronic copy or a copy of the Code in such other format as is requested by a library.*

2. The ordinances in the Code ~~[shall]~~ *must* be arranged in appropriate chapters, articles and sections, excluding the titles, enacting clauses, signature of the Mayor, attestations and other formal parts.

3. The codification ~~[shall]~~ *must* be adopted by an ordinance and ~~[shall]~~ *must* not contain any substantive changes, modifications or alterations of existing ordinances, and the only title necessary for the ordinance ~~[shall be,]~~ *is, "An ordinance for codifying and compiling the general ordinances of the City of Reno."*

4. The codification may be amended or extended by ordinance.

Sec. 19. Section 2.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 216, Statutes of Nevada 2007, at page 726, is hereby amended to read as follows:

Sec. 2.140 General powers of City Council.

1. Except as otherwise provided in subsection 2 and section 2.150, the City Council may:

(a) Acquire, control, improve and dispose of any real or personal property for the use of the City, its residents and visitors.

(b) Except as otherwise provided in NRS 598D.150 and 640C.100, regulate and impose a license tax for revenue upon all businesses, trades and professions.

(c) Provide or grant franchises for public transportation and utilities.

(d) Appropriate money for advertising and publicity and for the support of a municipal band.

(e) Enact and enforce any police, fire, traffic, health, sanitary or other measure which does not conflict with the general laws of the State . ~~of Nevada.~~ An offense that is made a misdemeanor by the laws of the State ~~of Nevada~~ shall ~~also~~ be deemed *also* to be a misdemeanor against the City whenever the offense is committed within the City.

(f) Fix the rate to be paid for any utility service provided by the City as a public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and is perfected by filing with the County Recorder a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Any such lien is:

(1) Coequal with the latest lien upon the property to secure the payment of general taxes.

(2) Not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell telecommunication service to the general public.

(b) May purchase or construct facilities for providing telecommunication that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available

for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunication service to the general public.

5. As used in this section:

(a) "Telecommunication" has the meaning ascribed to it in NRS 704.025.

(b) "Telecommunication service" has the meaning ascribed to it in NRS 704.028.

Sec. 20. Section 3.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 735, is hereby amended to read as follows:

Sec. 3.010 Mayor: Duties; ~~[Assistant]~~ Vice Mayor.

1. The Mayor:

(a) Shall serve as a member of the City Council and preside over its meetings.

(b) Shall not have any administrative duties.

(c) Must be recognized as the head of the City Government for all ceremonial purposes.

(d) Shall determine the order of business at meetings pursuant to the rules of the City Council.

(e) Is entitled to vote and shall vote last on all roll call votes.

(f) Shall take all proper measures for the preservation of the public peace and order and for the suppression of riots and all forms of public disturbance, for which he or she is authorized to appoint extra police officers temporarily and without regard to Civil Service rules and regulations, and to call upon the *County* Sheriff ~~[of Washoe County,]~~ or, if that force is inadequate, to call upon the Governor for assistance.

(g) Shall perform such other duties, except administrative duties, as ~~[may be]~~ are prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized pursuant to the provisions of a special charter.

2. At the first regular City Council meeting in November of each year ~~[]~~ *or whenever a vacancy occurs in the office of Vice Mayor*, the City Council shall elect one of the Council Members to be ~~[Assistant]~~ Vice Mayor. That person:

(a) Holds that office and title, without additional compensation, for a term of 1 year or until removed after a hearing for cause by a vote of six-sevenths of the City Council ~~[]~~ *or the office otherwise becomes vacant*.

(b) Shall perform the duties of Mayor during the absence or disability of the Mayor.

(c) Shall act as Mayor if the office of Mayor becomes vacant until the vacancy is filled pursuant to section 1.070 of this Charter.

Sec. 21. Section 3.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 735, is hereby amended to read as follows:

Sec. 3.020 City Manager: Duties; compensation.

1. The City Manager is the Chief Executive and Administrative Officer of the City Government. He or she is responsible to the City Council for the proper administration of all affairs of the City. The duties and salary of the City Manager must be fixed by the City Council and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

2. The City Manager may appoint such clerical and administrative assistants as he or she ~~[may deem]~~ *deems* necessary.

3. ~~[He or she]~~ *The City Manager* may designate an acting City Manager to serve in his or her absence or, if he or she fails to do so, the City Council may appoint an acting City Manager.

4. No *member of the City Council* ~~[Member]~~ may be appointed as City Manager during the term for which he or she was elected, or for 1 year thereafter.

5. The City Manager shall appoint all officers and employees of the City and may remove any officer or employee of the City except as otherwise provided in this Charter. The City Manager may authorize the head of a department or office to appoint or remove his or her subordinates. The appointment of a Chief of Police or a Fire Chief by the City Manager does not take effect until it has been confirmed by a majority vote of the members of the City Council. If a person so nominated is not confirmed, the City Manager shall continue to submit nominations until a nominee is confirmed.

Sec. 22. (Deleted by amendment.)

Sec. 23. Section 3.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 737, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Duties.

1. The City Clerk shall:

(a) Keep the corporate seal and all books and papers belonging to the City.

(b) Attend all meetings of the City Council and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the City Council, the City Clerk shall attest the journal after it has been signed by the Mayor.

(c) Sign all warrants *for payment* issued.

(d) Number and sign all *business* licenses issued by the City. All *business* licenses must be in a form devised by the City Clerk and approved by the City Council.

(e) Enter upon the journal the result of the vote of the City Council upon the passage of ordinances, or of any resolution appropriating money, abolishing licenses, or increasing or decreasing the rates of licenses.

(f) Be the official collector of all business license fees and penalties of the City, and all money making up the City revenues, except general taxes and special assessments, must be paid over to him or her.

2. The City Clerk has custody of all the official records of the City. He or she is responsible to the City Council for the proper discharge of his or her duties. The duties and salary of the City Clerk are fixed by the City Council, and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

3. The City Clerk may, with approval of the City Council, appoint one chief deputy and one Manager of Record Systems, who are not subject to the provisions of article IX of this Charter. The City Clerk may designate a member of his or her staff as acting City Clerk to:

(a) Administer oaths; and

(b) Perform all the duties of the City Clerk in his or her absence.

Sec. 24. Section 3.060 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1369, is hereby amended to read as follows:

Sec. 3.060 City Attorney: Qualifications; duties; salary.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada and a qualified elector within the City. Once elected, he or she shall hold office for a term of 4 years and until his or her successor is duly elected and qualified.

2. The City Attorney is the Legal Officer of the City and shall:

(a) Perform such duties as ~~may be~~ are designated by ordinance;

(b) Be present at all meetings of the City Council;

(c) Be counsel for the ~~Civil Service~~ Commission;

(d) Devote his or her full time to the duties of the office; and

(e) Not engage in the private practice of law.

3. The City Attorney is entitled to receive a salary as fixed by resolution of the City Council.

4. The City Attorney may appoint and remove such assistants as he or she ~~may require~~ requires in the discharge of the duties of his or her office. Such assistants must not be Civil Service employees. The Council may appropriate such an amount of money as it ~~may deem~~ deems proper to compensate such assistants. Such assistants who are attorneys and are employed for more than 20 hours per week by the City Attorney shall not engage in the private practice of law.

Sec. 25. Section 3.080 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1975, is hereby amended to read as follows:

Sec. 3.080 County Assessor to be ex officio City Assessor; duties.

1. The County Assessor of ~~Washoe~~ the County shall be ex officio City Assessor of the City. The County Assessor shall perform such duties for the City without additional compensation.

2. Upon request of the ex officio City Assessor, the City Council may appoint and set the salary of a Deputy City Assessor to perform such duties relative to city assessments as may be deemed necessary.

Sec. 26. Section 3.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 414, Statutes of Nevada 1975, at page 607, is hereby amended to read as follows:

Sec. 3.090 County Treasurer to be ex officio City Treasurer; duties.

1. The Treasurer of ~~Washoe~~ the County shall be ex officio City Treasurer and Tax Receiver of the City. The County Treasurer shall perform such duties for the City without additional compensation.

2. The City Treasurer shall, with the consent of the City Council, appoint the City Clerk or other city officer as Deputy City Treasurer to perform such duties as may be designated by the City Council.

3. The City shall compensate ~~Washoe~~ the County annually in an amount agreed upon by the City Council and the Board of County Commissioners of ~~Washoe~~ the County for the services rendered by the Treasurer of ~~Washoe~~ the County under this section.

Sec. 27. Section 3.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 210, Statutes of Nevada 1997, at page 737, is hereby amended to read as follows:

Sec. 3.140 Interference *and direction* by City Council.

1. The Mayor or Council Members shall not dictate the appointment, suspension or removal of any City administrative officer or employee appointed by the City Manager or his or her subordinates. No person covered by the rules and regulations of the ~~Civil Service~~ Commission may be appointed, suspended or removed except as provided in those rules and regulations.

2. *Any action directed by the City Council in a public meeting shall be deemed to be direction to the City Manager and not to any subordinate of the City Manager.* The City Council or its members shall not ~~deal~~ :

(a) *Deal* directly with a City official or employee on a matter pertaining to City business , *except for the purpose of inquiry*, but shall deal through the City Manager ~~[-]~~ ; or

(b) *Give any order, publicly or privately, to any subordinate of the City Manager.*

Sec. 28. Section 4.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 9, Statutes of Nevada 1993, at page 21, is hereby amended to read as follows:

Sec. 4.010 Municipal Court.

1. The Municipal Court must include one department and may include additional departments in the discretion of the City Council. If the City Council determines to create additional departments, it shall do so by resolution and may appoint additional Municipal Judges to serve until the next election.

2. *The City Council may not reduce the term of office of any appointed or elected Municipal Judge.*

Sec. 29. Section 4.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1369, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judge; salary.

1. A Municipal Judge must be:

(a) An attorney licensed to practice law in the State . ~~{of Nevada.}~~

(b) A qualified elector within the City.

2. A Municipal Judge shall not engage in the private practice of law.

3. The salary of a Municipal Judge must be:

(a) Fixed by resolution of the City Council.

(b) Uniform for all judges in the Municipal Court.

Sec. 30. Section 4.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 208, Statutes of Nevada 1985, at page 676, is hereby amended to read as follows:

Sec. 4.040 Procedure, additional judges. The practice and proceedings in the Court must conform as nearly as practicable to that of justices' courts in similar cases. Upon the written request of the City Manager an additional temporary Municipal Judge may be provided for so long as the City Council authorizes additional compensation for such a Judge. ~~{Whenever a person is sentenced to pay a fine, the Court may adjudge and enter upon the docket a supplemental order that the offender may, if he or she desires, work on the streets or public works of the City at the rate of \$25 for each day. The money so earned must be applied against the fine until it is satisfied.}~~

Sec. 31. Section 5.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 87, Statutes of Nevada 2001, at page 557, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. ~~{On the Tuesday after the first Monday in November 1998, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, a Mayor, Council Members from the second and fourth wards, a Municipal Judge and a City Attorney, all of whom hold office for a term of 4 years and until~~

~~their successors have been elected and qualified pursuant to subsection 3 or 4.~~

~~2. On the Tuesday after the first Monday in November 2000, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, Council Members from the first, third and fifth wards, one Council Member at large and two Municipal Judges, all of whom hold office for a term of 4 years and until their successors have been elected and qualified pursuant to subsection 5 or 6.~~

~~3.} On the {Tuesday after the first Monday} date fixed by the election laws of the State for the statewide general election in November 2002, and at each successive interval of 6 years, there must be elected by the qualified voters of the City, at the general election, a Municipal Judge, who holds office for a term of 6 years and until his or her successor has been elected and qualified.~~

~~{4.} 2. On the {Tuesday after the first Monday} date fixed by the election laws of the State for the statewide general election in November 2002, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, a Mayor, Council Members from the second and fourth wards, and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.~~

~~{5.} 3. On the {Tuesday after the first Monday} date fixed by the election laws of the State for the statewide general election in November 2004, and at each successive interval of 6 years, there must be elected by the qualified voters of the City, at the general election, {three} one or more Municipal Judges, other than the Municipal Judge referred to in subsection 1, all of whom hold office for a term of 6 years and until their successors have been elected and qualified.~~

~~{6.} 4. On the {Tuesday after the first Monday} date fixed by the election laws of the State for the statewide general election in November 2004, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, Council Members from the first, third and fifth wards and one Council Member at large, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.~~

Sec. 32. Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 376, Statutes of Nevada 2005, at page 1438, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.

2. If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the date fixed by the election laws of ~~this~~ the State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election. *The general election must be held on the date fixed by the election laws of the State for the statewide general election.*

3. In the primary election:

(a) The names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.

(b) Candidates for Council Member who represent a specific ward must be voted upon only by the registered voters of that ward.

(c) Candidates for Mayor and Council Member at large must be voted upon by all registered voters of the City.

4. The Mayor and all Council Members must be voted upon by all registered voters of the City at the general election.

Sec. 33. Section 5.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 470, Statutes of Nevada 2005, at page 2304, is hereby amended to read as follows:

Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to an election or to candidates or issues involved in that election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.5002 and 293.558, permit the organization, group or person to copy the voters' names and addresses from the official register of voters or furnish such a list upon payment of the cost established by ~~state~~ the election ~~law~~ laws of the State.

Sec. 34. Section 5.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 9, Statutes of Nevada 1993, at page 24, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may handle, inspect or in any manner interfere with those returns until canvassed by the City Council.

2. The City Council and City Manager shall meet within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie ~~by lot.~~ *as provided in this subsection. The City Clerk shall provide and open in the presence of the candidates who received the tie vote an unused 52-card deck of playing cards, removing any jokers and blank cards. The City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose. One of the candidates who received the tie vote shall then draw one card from the deck, and the City Clerk shall record the suit and number of the card. The card then must be returned to the deck, and the City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose, and another of the candidates who received the tie vote shall draw one card from the deck. This process must be repeated until each of the candidates who received the tie vote has drawn one card from the deck and the result of each draw has been recorded. The candidate who draws the high card shall be deemed the winner of the election. For the purposes of this subsection, aces are high and twos are low. If the candidates draw cards of otherwise equal value, the card of the higher suit is the high card. Spades are highest, followed in descending order by hearts, clubs and diamonds.* The City Clerk shall issue to the winner a certificate of election.

Sec. 35. Section 6.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2106, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. Except as otherwise provided in subsection 2 of section 2.140 and section 2.150, the City Council, on behalf of the City and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;
2. Drainage projects;
3. Off-street parking projects;
4. Overpass projects;

5. Park projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Underground electric and communication facilities;
12. Underpass projects; ~~and~~
13. Water projects ~~[-]~~; and
14. *Any other projects authorized by the laws of the State, including, without limitation, chapter 271 of NRS.*

Sec. 36. Section 7.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1980, is hereby amended to read as follows:

Sec. 7.010 Debt limit.

1. The City shall not incur an indebtedness in excess of 15 percent of the total assessed valuation of the taxable property within the boundaries of the City ~~[-]~~, *as shown on the tax list or assessment roll in effect as of the date of issuance of the municipal securities constituting the debt.*

2. In determining any debt limitation under this section, there shall not be counted as indebtedness:

(a) Warrants or other securities which are payable upon presentation or demand or within 1 year from the date thereof.

(b) Securities payable from special assessments against benefited property, whether issued pursuant to any general or special law and irrespective of whether such special assessment securities are payable from general ad valorem taxes.

(c) Securities issued pursuant to any general or special law the principal and interest of which are payable solely from revenues of the City derived from other than general ad valorem taxes.

Sec. 37. Section 7A.040 of the Charter of the City of Reno, being chapter 460, Statutes of Nevada 1979, at page 860, is hereby amended to read as follows:

Sec. 7A.040 "Engineer" defined. "Engineer" means the *Director of Public Works, the City Engineer or a firm of engineers* employed by the City in connection with any undertaking, any project or the exercise of any power authorized in this article.

Sec. 38. Section 8.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 561, Statutes of Nevada 1977, at page 1397, is hereby amended to read as follows:

Sec. 8.010 Municipal taxes.

1. The City Council shall annually, at the time prescribed by law for levying taxes for State and County purposes, levy a tax not exceeding 2 percent upon the assessed value of all real and personal

property within the City except as otherwise provided in the Local Government Securities Law and the Consolidated Local Improvements Law, as amended from time to time. The taxes so levied ~~[shall]~~ *must* be collected at the same time and in the same manner and by the same officers, exercising the same functions, as prescribed in the laws of the State ~~[of Nevada]~~ for collection of State and County taxes. The revenue laws of the State ~~[shall]~~ *are*, in every respect not inconsistent with the provisions of this Charter, ~~[be]~~ applicable to the levying, assessing and collecting of the municipal taxes.

2. In the matter of the equalization of assessments, the rights of the City and the inhabitants thereof ~~[shall]~~ *must* be protected in the same manner and to the same extent by the action of the County Board of Equalization as are the State and County.

3. All forms and blanks used in levying, assessing and collecting the revenues of the State and counties ~~[shall]~~ *must*, with such alterations or additions as ~~[may be]~~ *are* necessary, be used in levying, assessing and collecting the revenues of the City. The City Council shall enact all such ordinances as it ~~[may deem]~~ *deems* necessary and not inconsistent with this Charter and the laws of the State for the prompt, convenient and economical collecting of the revenue.

Sec. 39. Section 9.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 553, Statutes of Nevada 1973, at page 882, is hereby amended to read as follows:

Sec. 9.010 Civil Service: Objectives. The purpose of this article is to provide the City ~~[of Reno]~~ with an efficient workforce, with equity to all persons concerned. To attain this objective:

1. All appointments and promotions to positions in the Civil Service ~~[shall]~~ *must* be made on the sole basis of merit and fitness, without regard to non-job-related considerations.

2. Career and promotional opportunities ~~[shall]~~ *must* be readily available to employees.

3. A high level of performance ~~[shall be]~~ *is* required of employees to meet their obligations to the City administration, to the users of City services and to the taxpayers.

Sec. 40. Section 9.020 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 561, Statutes of Nevada 1977, at page 1398, is hereby amended to read as follows:

Sec. 9.020 Civil Service and exempt positions.

1. A Civil Service System is created for the selection, appointment and promotion of all employees *of the City* except:

(a) A person *elected or* appointed to a position pursuant to this Charter.

(b) A person *who serves as a member of any board, commission, committee or other body created pursuant to the authority of the City.*

(c) *A person employed by the City for less than 18 hours per week.*

~~[(e)]~~ (d) *A person for whose position half or more of the money is provided by a source other than the City.*

~~[(d)]~~ (e) *A person employed as a trainee for a period of time which is not more than that period prescribed for a probationary employee.*

(f) *An employee of the Municipal Court who is hired directly by the Court.*

2. *The provisions of this article are not applicable to the selection, appointment, promotion, demotion, transfer, suspension, discipline or dismissal of any person described in subsection 1.*

3. Any employee whose position was within the provisions of the Civil Service System before ~~[May 15, 1977,]~~ *the effective date of this act* shall retain all rights and benefits to which he or she would otherwise be entitled under the *Civil Service System*.

Sec. 41. Section 9.040 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.040 Commission meetings. The Commission shall provide by rule for the holding of not less than one regular meeting per month, for special meetings as needed, for the election of one member as Chair, for the election of one member or appointment of a nonmember as Secretary, for public announcement of the time and place of meetings, and for meetings to be open to the public except as provided for by Commission rule. *A special meeting of the Commission may be called by the Chair of the Commission.*

Sec. 42. Section 9.050 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 599, Statutes of Nevada 1993, at page 2501, is hereby amended to read as follows:

Sec. 9.050 Authority of Commission. Except as otherwise provided in ~~[subsection 3 of section 9.250 of this article,]~~ *this Charter*, the Commission has authority over and is responsible for:

1. All phases of the selection, appointment and promotion of employees in the Civil Service;

2. The appeal rights of such employees in regard to dismissal, demotion, suspension and disciplinary actions; and

3. The transfer of employees,

↪ together with all responsibilities assigned to the Commission by this article.

Sec. 43. Section 9.060 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.060 Rules.

1. ~~[(The)]~~ *Except as otherwise provided in this section, the Commission shall adopt or amend rules for the Civil Service System, consistent with the provisions of this article. [At] The Commission*

shall give or cause to be given at least 10 days' notice of time and place of a ~~[hearing]~~ public meeting of the Commission on proposed rules ~~[shall be given]~~ by posting ~~[such]~~ the notice and a copy of each proposed rule on the bulletin board of each department and by giving ~~[three copies thereof]~~ a copy of the notice and each proposed rule to the City Council, the City Manager, each department head, and the president or secretary of each employee organization formally recognized by the City. At the meeting, the Commission shall permit a representative of the City Council or the City Manager, or both, to comment on any proposed rule. Any amendment of the rule governing the number of qualified persons certified to the appointing authority on the Civil Service eligibility list is not effective until the amendment is approved by the City Council.

2. The rules adopted by the Commission must provide for the following matters relating to the Civil Service System:

(a) The review and approval by the Commission of minimum qualifications set out in class specifications for positions.

(b) Open and promotional recruitment of employees.

(c) The development and scoring of examinations of candidates for positions.

(d) The development, maintenance and certification of Civil Service eligibility lists, which must include criteria for the use of selective certification as applicable to a position.

(e) Procedures for emergency, temporary, provisional and such other types of appointments as the Commission deems desirable to facilitate the business of the City.

(f) The establishment of probationary periods, procedures for the confirmation of employees into the Civil Service System after completion of any applicable probationary period, and procedures for the dismissal of probationary employees, including, without limitation, the identification of circumstances in which a probationary employee, including, without limitation, a promoted employee, may not be dismissed by the head of a department without right of appeal.

(g) Procedures for the promotion of employees and any right of promoted employees to return to their previous positions.

(h) Procedures for the transfer and layoff of employees.

(i) Procedures for investigating and hearing appeals relating to the discipline or discharge of employees or alleged violations of the rules of the Commission.

3. A copy of all rules adopted and all changes in them ~~[shall]~~ must be filed in the Office of the City Clerk. The Commission shall cause the rules and all changes in them to be ~~[printed and]~~ distributed as it ~~[shall deem necessary. Copies shall be]~~ deems necessary, except that the Commission shall cause a copy to be made available to all officers and employees of the City ~~[-~~

~~2.] on the City's website or in such other format as the Commission determines is appropriate.~~

4. The head of each department may adopt ~~[rules]~~ procedures for the governance of his or her department not inconsistent with this article or *the rules of the Commission* adopted thereunder.

5. *As used in this section, "selective certification" means the certification of a person for inclusion on a Civil Service eligibility list for a position based upon specialized knowledge, skills or abilities of the person, in addition to those required to meet the minimum qualifications for the position, that are required to perform the duties of the position successfully.*

Sec. 44. Section 9.160 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 886, is hereby amended to read as follows:

Sec. 9.160 Prohibited acts.

1. No ~~[appointments]~~ appointment to or removal from a position in the Civil Service ~~[shall]~~ may be affected in any manner by any ~~[individual's;] person's:~~

(a) Race, color, national origin, *age, sex, marital status, sexual orientation, gender identity or expression, disability,* membership or nonmembership in an employee organization, ~~[or]~~ religion, religious beliefs or affiliations ~~[-]~~

~~(b) Sex, marital status, age, or physical or visual handicap except when the Commission has certified that such fact constitutes a reasonable occupational qualification or disqualification for employment.~~

~~(c)] , or any other characteristic for which such action is prohibited by the law of the State or of the United States, except when based upon a bona fide occupational qualification or otherwise authorized by law.~~

(b) Political beliefs or affiliations except if that ~~[individual]~~ person advocates or is a member of any organization that advocates the overthrow of the government of the United States by other than lawful means.

2. ~~[No]~~ A person shall *not* practice any deception, fraud or unfair practice with respect to application, examination, employment or any other procedure authorized under this article or Commission rule, or in any information given to the Commission.

Sec. 45. Section 9.270 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as last amended by chapter 65, Statutes of Nevada 1981, at page 162, is hereby amended to read as follows:

Sec. 9.270 Appeals to the Commission.

1. An employee in the Civil Service who has been suspended for a period of more than 3 days or who is the subject of an action by the City Manager to demote or terminate him or her may appeal such

action to the Commission by serving the Secretary of the Commission with a written notice of appeal within 10 days after such action. The Commission shall set the time for hearing the appeal not less than 5 nor more than 15 days after the date of service of the notice of appeal.

2. The Commission shall adopt a rule for hearing such appeals and making any investigations it deems appropriate. In all appeals to the Commission, the City Attorney shall represent the interest of the City.

3. In connection with any hearing or investigation contemplated by this article each member of the Commission may administer oaths, secure by subpoena the attendance of witnesses residing within 50 miles of the City ~~of Reno~~ and the production of books and papers relevant to the hearing or investigation, compel witnesses to answer and punish for contempt in the same manner as provided by law for the governing of trials before justices of the peace for failure to answer or produce books and other evidence necessary for the hearing. All witnesses must be under oath. The accused has the right to be heard in person and by attorney in his or her own defense and is entitled to secure the attendance of witnesses at the expense of the City if within the reach of the Commission's subpoena and necessary for his or her defense. Upon a showing of necessity an accused may secure from the Commission an order requiring the taking of depositions of witnesses who are necessary to his or her defense and not within the reach of a subpoena. The Commission shall determine to what extent the expense of such depositions will be paid for by the City. Hearings on appeal must be reported and may be transcribed if a transcript is necessary for a deliberation of the Commission or for an appeal to the district court. The Commission shall render its decision within 7 days after the date of the hearing.

4. The action taken by the City Manager may be affirmed, modified or revoked by the Commission. If the Commission finds that the reason for which the action was taken is insufficient it must modify or revoke the action.

5. The Commission shall adopt a rule for the hearing and disposition of appeals concerning procedures or the content of examinations.

Sec. 46. Section 9.280 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 97, Statutes of Nevada 1995, at page 115, is hereby amended to read as follows:

Sec. 9.280 Disciplinary authority of Commission; judicial review.

1. Verified charges may be filed with the Commission setting forth cause for disciplinary action against any Civil Service employee by any resident of the City. The Commission may conduct

investigations and hold such hearings as it deems appropriate to determine the facts. If the Commission finds the charges true it may order the suspension, dismissal or discipline of the employee.

2. The Commission on its own initiative may conduct investigations and hearings with respect to violations of this article or rules of the Commission and impose such sanctions as it deems appropriate.

3. ~~[Any]~~ *Within 180 days after service of the decision, any person who is aggrieved by a final decision of the Commission may petition for judicial review in the manner provided by chapter 233B of NRS, the district court in the County for relief in the form of a writ of certiorari, mandamus or prohibition where such relief is otherwise authorized by chapter 34 of NRS or other applicable law.*

Sec. 47. Section 7A.030 of the Charter of the City of Reno, being chapter 460, Statutes of Nevada 1979, at page 860, section 9.090 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, section 9.190 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 886, section 9.200 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, section 9.210 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, section 9.220 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, section 9.240 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, and section 9.250 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 599, Statutes of Nevada 1993, at page 2502, are hereby repealed.

Sec. 48. The amendatory provisions of this act apply prospectively.

Sec. 49. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

Sec. 7A.030 "County" defined.

Sec. 9.090 Transfer of employees.

Sec. 9.190 Examinations, general.

Sec. 9.200 Open and promotional examinations.

Sec. 9.210 Assembled and continuous examinations.

Sec. 9.220 Examination scores.

Sec. 9.240 Eligible lists.

Sec. 9.250 Appointments.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 601 to Assembly Bill No. 9 adds a definition of "appointive employee" to the Reno City Charter to mean persons who are "special technical staff members who report directly to the City Manager."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 21.

Bill read second time and ordered to third reading.

Assembly Bill No. 50.

Bill read second time.

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

Amendment No. 762.

"SUMMARY—Revises provisions relating to local government finance. (BDR 22-253)"

"AN ACT relating to local government finance; revising the termination date of certain redevelopment plans; requiring certain redevelopment agencies to make available to the public certain reports concerning proposed redevelopment projects; requiring certain redevelopment agencies to include additional information in certain annual reports; revising provisions governing the set aside and use of certain revenues from taxes imposed on property in a redevelopment area; eliminating the prohibition on certain local governments creating a tourism improvement district that includes any property within the boundaries of a redevelopment area; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that a redevelopment plan adopted by a redevelopment agency of a city or county before January 1, 1991, terminates at the end of the fiscal year in which the later of the following events occurs: (1) the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid; or (2) 45 years after the date on which the original redevelopment plan was adopted. (NRS 279.438) Section 1.5 of this bill extends the deadline for that second event from 45 years to 60 years with respect to a redevelopment plan adopted by the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) if certain requirements are met.

Under existing law, the redevelopment agency of a city or county, with the consent of the governing body of the city or county, is authorized, in certain circumstances, to pay all or part of the value of the land for and the cost of the construction of a building, facility, structure or other improvement to real property or installation of an improvement which is publicly or privately owned and is located within or without a redevelopment area for which the agency has adopted a redevelopment plan. (NRS 279.486) Section 2 of this bill requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to make available to the general public a detailed report concerning such a proposed expenditure for land or improvements by the agency at least ~~77~~ 14 days before a meeting at which the governing body of the city is scheduled to consider the proposed expenditure.

Under existing law, a redevelopment agency that has adopted a redevelopment plan for a redevelopment area on or after July 1, 2011, is required to submit soon after the adoption of the plan one report to the Legislature and the governing body of the city or county, as applicable, containing certain initial information about the redevelopment area. Existing law also requires a redevelopment agency that has adopted a redevelopment plan for a redevelopment area at any time to submit to the Legislature and the governing body of the city or county, as applicable, an annual report containing information about the redevelopment area for the previous fiscal year. (NRS 279.6025) Section 3 of this bill requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to include certain additional information in the annual report.

Under existing law, a city whose population is 500,000 or more (currently the City of Las Vegas) is required to set aside 18 percent of the revenue received from taxes levied upon taxable property in a redevelopment area each year to increase, improve and preserve the number of: (1) dwelling units in the community for low-income households; and (2) educational facilities within the redevelopment area. Section 3.5 of this bill instead requires that 18 percent of such revenues received on or after October 1, 2011, but before March 6, 2031, be set aside to: (1) increase, improve, preserve or enhance the operating viability of dwelling units in the community for low-income households; and (2) improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. Section 3.5 requires that on or after March 6, 2031, 18 percent of such revenues be set aside and used to improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. Section 1 of this bill prohibits a school district from using any money received pursuant to section 3.5 to reduce or supplant the amount of any money which the school district would otherwise expend to improve such public educational facilities.

Section 5 of this bill eliminates the prohibition in existing law against a city or county creating a tourism improvement district after October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area.

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

Section 1. Chapter 279 of NRS is hereby amended by adding thereto a new section to read as follows:

A school district shall not use any money received pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 or paragraph (c) of subsection 1 of NRS 279.685 to reduce or supplant the amount of any money which the school district would otherwise expend for the purposes described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 and paragraph (c) of subsection 1 of NRS 279.685, respectively.

Sec. 1.5. NRS 279.438 is hereby amended to read as follows:

279.438 1. A redevelopment plan adopted before January 1, 1991, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or :

(a) *With respect to a redevelopment plan adopted by the agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are met, 60 years after the date on which the original redevelopment plan was adopted, whichever is later.*

(b) *With respect to any other redevelopment plan, including a redevelopment plan adopted by an agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are not met, 45 years after the date on which the original redevelopment plan was adopted, whichever is later.*

2. *A redevelopment plan adopted by an agency of a city whose population is 500,000 or more may terminate on the date prescribed by paragraph (a) of subsection 1 only if ~~the~~ the legislative body adopts an extension of the redevelopment plan by ordinance and, on the date on which the ~~redevelopment plan would otherwise terminate pursuant to paragraph (b) of subsection 1,~~ extension is adopted:*

(a) *The assessed value of each redevelopment project in the redevelopment area is not less than the assessed value of the redevelopment project in the year in which the redevelopment plan was adopted;*

(b) *The assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted; and*

(c) *The agency has \$100 million or more in total outstanding indebtedness represented by bonds and other securities.*

Sec. 2. NRS 279.486 is hereby amended to read as follows:

279.486 1. An agency may, with the consent of the legislative body, pay all or part of the value of the land for and the cost of the construction of any building, facility, structure or other improvement and the installation of any improvement which is publicly or privately owned and located within or without the redevelopment area.

2. *Within ~~the~~ 14 days before a meeting at which the legislative body of a city whose population is 500,000 or more is scheduled to consider an action proposed by the agency of the city pursuant to subsection 1, the agency shall make available to the public a detailed report which includes, without limitation:*

(a) *A copy of any contract, memorandum of understanding or other agreement between the agency or the legislative body and any other person relating to the redevelopment project.*

(b) *A summary of the redevelopment project which includes, without limitation:*

(1) *A full and complete description of:*

(I) The costs of the redevelopment project, including, without limitation, the costs of acquiring any real property, clearance costs, relocation costs, the costs of any improvements which will be paid by the agency and the amount of the anticipated interest on any bonds issued or sold to finance the project.

(II) The estimated current value of the real property interest to be conveyed or leased, determined at its highest and best use permitted under the redevelopment plan.

(III) The estimated value of the real property interest to be conveyed or leased, determined at the use and with the conditions, covenants and restrictions, and development costs required by the sale or lease, and the current purchase price or present value of the lease payments which the lessee is required to make during the term of the lease. If the sale price or present value of the total rental amount to be paid to the agency or legislative body is less than the fair market value of the real property interest to be conveyed or leased, determined at the highest and best use permitted under the redevelopment plan, the agency shall provide an explanation of the reason for the difference.

(2) An explanation of how the project will assist in the elimination of blight, including, without limitation, reference to all supporting facts and materials relied on in reaching the conclusions presented in the explanation.

3. Before the legislative body may give its consent ~~{-}~~ to an action proposed by the agency pursuant to subsection 1, it must determine that:

(a) The buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located; and

(b) No other reasonable means of financing those buildings, facilities, structures or other improvements are available.

➡ Those determinations by the agency and the legislative body are final and conclusive.

~~{2-}~~ 4. In reaching its determination that the buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located, the legislative body shall consider:

(a) Whether the buildings, facilities, structures or other improvements are likely to:

(1) Encourage the creation of new business or other appropriate development;

(2) Create jobs or other business opportunities for nearby residents;

(3) Increase local revenues from desirable sources;

(4) Increase levels of human activity in the redevelopment area or the immediate neighborhood in which the redevelopment area is located;

(5) Possess attributes that are unique, either as to type of use or level of quality and design;

(6) Require for their construction, installation or operation the use of qualified and trained labor; and

(7) Demonstrate greater social or financial benefits to the community than would a similar set of buildings, facilities, structures or other improvements not paid for by the agency.

(b) The opinions of persons who reside in the redevelopment area or the immediate neighborhood in which the redevelopment area is located.

(c) Comparisons between the level of spending proposed by the agency and projections, made on a pro forma basis by the agency, of future revenues attributable to the buildings, facilities, structures or other improvements.

~~{3-}~~ 5. If the value of that land or the cost of the construction of that building, facility, structure or other improvement, or the installation of any improvement has been, or will be, paid or provided for initially by the community or other governmental entity, the agency may enter into a contract with that community or governmental entity under which it agrees to reimburse the community or governmental entity for all or part of the value of that land or of the cost of the building, facility, structure or other improvement, or both, by periodic payments over a period of years. The obligation of the agency under that contract constitutes an indebtedness of the agency which may be payable out of taxes levied and allocated to the agency under paragraph (b) of subsection 1 of NRS 279.676, or out of any other available money.

Sec. 3. NRS 279.6025 is hereby amended to read as follows:

279.6025 1. In addition to the report required pursuant to the provisions of subsection 2, for each redevelopment area for which a redevelopment plan is adopted pursuant to the provisions of NRS 279.586 on or after July 1, 2011, the agency shall, on or before the January 1 next after the adoption of the plan, submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, and to the legislative body a report on a form prescribed by the Committee on Local Government Finance that includes, without limitation, the following information for the redevelopment area:

- (a) A legal description of the boundaries of the redevelopment area;
- (b) The date on which the redevelopment plan for the redevelopment area was adopted;
- (c) The scheduled termination date of the redevelopment plan;
- (d) The total sum of the assessed value of the taxable property in the redevelopment area for:

(1) The fiscal year immediately preceding the adoption of the redevelopment plan; and

(2) The fiscal year during which the redevelopment plan was adopted, if such fiscal year ends before the reporting deadline;

(e) The combined overlapping tax rate of the redevelopment area;

(f) The property tax rate of the redevelopment area;

(g) The property tax revenue expected to be received from any tax increment area, as defined in NRS 278C.130, within the redevelopment area during the first fiscal year that the agency will receive an allocation pursuant to the provisions of NRS 279.676;

(h) Copies of any memoranda of understanding into which the agency enters during the fiscal year in which the redevelopment plan was adopted; and

(i) The amortization schedule for any debt incurred for the redevelopment area and the reasons for incurring the debt.

2. On or before January 1 of each year, for each redevelopment area for which a redevelopment plan has been adopted pursuant to the provisions of NRS 279.586, the agency shall submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, and to the legislative body a report on a form prescribed by the Committee on Local Government Finance that includes, without limitation, the following information for the redevelopment area for the previous fiscal year:

(a) The property tax revenue received from any tax increment area, as defined in NRS 278C.130, within the redevelopment area;

(b) The combined overlapping tax rate of the redevelopment area;

(c) The property tax rate of the redevelopment area;

(d) The total sum of the assessed value of the taxable property in the redevelopment area;

(e) If the amount reported pursuant to the provisions of paragraph (d) is less than the total sum of the assessed value of the taxable property in the redevelopment area for any other previous fiscal year, an explanation of the reason for the difference;

(f) Copies of any memoranda of understanding into which the agency enters;

(g) The amortization schedule for any debt incurred for the redevelopment area and the reasons for incurring the debt; and

(h) Any change to the boundary of the redevelopment area and an explanation of the reason for the change.

3. *In addition to the information required pursuant to the provisions of subsection 2, an agency of a city whose population is 500,000 or more shall include in the report submitted pursuant to subsection 2 the following information for the redevelopment area for the previous fiscal year:*

(a) A statement of all revenues and expenditures of the agency.

(b) A statement of efforts by the agency to promote the goals of the regional development authority, as defined in NRS 231.009, including, without limitation, an explanation of the extent to which the activities of the agency have promoted private investment, the formation of businesses and the creation of jobs.

4. Any report for a redevelopment area submitted pursuant to the provisions of subsection 1 must be submitted with the report for the redevelopment area submitted pursuant to the provisions of subsection 2.

Sec. 3.5. NRS 279.685 is hereby amended to read as follows:

279.685 1. Except as otherwise provided in this section, an agency of a city whose population is 500,000 or more that receives revenue from taxes pursuant to paragraph (b) of subsection 1 of NRS 279.676 shall set aside not less than:

(a) Fifteen percent of that revenue received on or before October 1, 1999, and 18 percent of that revenue received after October 1, 1999, but before October 1, 2011, to increase, improve and preserve the number of dwelling units in the community for low-income households; ~~and~~

(b) Eighteen percent of that revenue received on or after October 1, 2011, *but before March 6, 2031*, to ~~increase,~~ :

(1) *Increase, improve, ~~and~~ preserve ~~the number of~~*

~~(1) Dwelling~~ *or enhance the operating viability of dwelling* units in the community for low-income households; and

(2) ~~Educational~~ *Improve existing public educational facilities located within ~~the~~ a redevelopment area ~~or~~ within 1 mile of a redevelopment area; and*

(c) *Eighteen percent of that revenue received on or after March 6, 2031, to improve existing public educational facilities described in subparagraph (2) of paragraph (b).*

➤ *For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in subparagraph (2) of paragraph (b) or paragraph (c), as applicable, and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.*

2. The obligation of an agency to set aside not less than 15 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before July 1, 1993, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after July 1, 1993, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

3. The obligation of an agency to set aside an additional 3 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before October 1, 1999, to finance or refinance in whole or in

part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after October 1, 1999, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

4. From the revenue set aside by an agency pursuant to paragraph (b) of subsection 1, not more than 50 percent of that amount may be used to:

(a) Increase, improve, ~~and~~ preserve ~~the number~~ *or enhance the operating viability* of dwelling units in the community for low-income households; or

(b) ~~Increase, improve and preserve the number of~~ *Improve existing public educational facilities located within* ~~the~~ *a redevelopment area* ~~or within 1 mile of a redevelopment area,~~

↪ unless the agency establishes that such an amount is insufficient to pay the cost of a project identified in the redevelopment plan for the redevelopment area.

5. Except as otherwise provided in ~~paragraph~~ *paragraphs (b) and (c)* of subsection 1 and subsection 4, the agency may expend or otherwise commit money for the purposes of subsection 1 outside the boundaries of the redevelopment area.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 271A.070 is hereby amended to read as follows:

271A.070 1. Except as otherwise provided in this section and NRS 271A.080, the governing body of a municipality may:

(a) Create a tourism improvement district for the purposes of carrying out this chapter and revise the boundaries of the district by adopting an ordinance describing the boundaries of the district and generally describing the types of projects which may be financed within the district pursuant to this chapter.

(b) Without any election, acquire, improve, equip, operate and maintain a project within a district created pursuant to paragraph (a). The project may be owned by the municipality, another governmental entity, any other person, or any combination thereof.

(c) For the purposes of carrying out paragraph (b), include in an ordinance adopted pursuant to paragraph (a) the pledge of a single percentage specified in the ordinance, which must not exceed 75 percent, of:

(1) An amount equal to the proceeds of the taxes imposed pursuant to NRS 372.105 and 372.185 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of a sum equal to 1.75 percent of the amount of those proceeds;

(2) The amount of the proceeds of the taxes imposed pursuant to NRS 374.110 and 374.190 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of 0.75 percent of the amount of those proceeds; and

(3) The amount of the proceeds of the tax imposed pursuant to NRS 377.030 with regard to tangible personal property sold at retail, or

stored, used or otherwise consumed, in the improvement district during a fiscal year, after the deduction of 1.75 percent of the amount of those proceeds.

2. A district created pursuant to this section by:

(a) A city must be located entirely within the boundaries of that city.

(b) A county must be located entirely within the boundaries of that county and, when the district is created, entirely outside of the boundaries of any city.

3. If any property within the boundaries of a district is also included within the boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650, the total amount of money pledged pursuant to this section and NRS 271.650 with respect to such property by all such districts must not exceed the amount authorized pursuant to this section.

4. ~~[The] If the governing body of a municipality [shall not, after October 1, 2009, create]~~ *creates* a tourism improvement district that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS ~~[]~~, *the governing body and an agency:*

(a) May provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of NRS 271A.120 or 279.610 to 279.685, inclusive, whichever is applicable.

(b) Shall not provide such financing or reimbursement related to the project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

5. *As used in this section:*

(a) "Agency" has the meaning ascribed to it in NRS 279.386.

(b) "Redevelopment project" has the meaning ascribed to it in NRS 279.412.

Sec. 6. This act becomes effective upon passage and approval.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Thank you, Mr. President. Amendment No. 762 makes two revisions to Assembly Bill No. 50. First, it adds language to clarify when a redevelopment plan that has been extended by ordinance may terminate. Second, it extends from 7 days to 14 days the length of time prior to a public meeting that a redevelopment agency must make available to the public a detailed report concerning certain actions that the agency proposes to take and that will be under consideration at the meeting.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 87.

Bill read second time.

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

Amendment No. 613.

"SUMMARY—Revises provisions relating to consistency in zoning ordinances with respect to certain standards and specifications for the construction or alteration of public schools in certain counties. (BDR 22-274)"

"AN ACT relating to public schools; requiring consistency in zoning ordinances with respect to certain standards and specifications for the construction or alteration of public schools in certain counties; requiring ~~the approval of the board of trustees of~~ that such standards and specifications be developed in conjunction with the school district ~~for such standards and specifications;~~ of that county; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that in a county whose population is less than 700,000 (currently all counties other than Clark County), certain plans, designs and specifications for the erection of any new school building or for any addition to or alteration of an existing school building must be submitted by the board of trustees of the school district to the building department of the county or other appropriate local government for approval. (NRS 393.110) Section 1.3 of this bill requires that in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), the standards and specifications for the erection of any new school building or for any addition to or alteration of an existing school building in any ordinance relating to zoning adopted or amended by the governing body of the county and the governing body of any city in the county which address the height of the building, the setback of the building, the landscaping and the amount of parking space must be: (1) consistent in all such ordinances; and (2) ~~approved by the board of trustees of~~ developed in conjunction with the school district of that county. Section 3 of this bill requires such ordinances to be adopted on or before February 28, 2014.

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

Section 1. (Deleted by amendment.)

Sec. 1.3. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

In a county whose population is 100,000 or more but less than 700,000, the standards and specifications for the erection of any new school building or for any addition to or alteration of an existing school building in any ordinance relating to zoning adopted or amended by the governing body of the county and the governing body of any city in the county which address the height of the building, the setback of the building, the landscaping and the amount of parking space must be:

1. *Consistent in all such ordinances; and*
2. ~~*Approved by the board of trustees of*~~ *Developed in conjunction with* the school district of that county.

Sec. 1.7. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 1.3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. (Deleted by amendment.)

Sec. 3. 1. On or before February 28, 2014, in a county whose population is 100,000 or more but less than 700,000, the governing body of the county and the governing body of each city in the county shall each adopt by ordinance standards and specifications for the erection of any new school building or for any addition to or alteration of any existing school building which address the height of the building, the setback of the building, the landscaping and the amount of parking space that:

(a) Are consistent in all such ordinances; and

(b) Have been ~~approved by the board of trustees of~~ developed in conjunction with the school district of the county.

2. As used in this section, "governing body" has the meaning ascribed to it in NRS 278.015.

Sec. 4. This act becomes effective on July 1, 2013.

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Thank you, Mr. President. Amendment No. 613 to Assembly Bill No. 87 provides that standards and specifications set forth in zoning ordinances for the construction or alteration of public schools in counties with populations between 100,000 and 700,000, currently Washoe County, must be "developed in conjunction with" the school district rather than "approved by the board of trustees" of the school district.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 95.

Bill read second time.

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

Amendment No. 766.

"SUMMARY—Revises provisions governing prescription labels. (BDR 54-648)"

"AN ACT relating to pharmacy; ~~requiring, with limited exceptions,~~ revising provisions authorizing a pharmacist or practitioner to indicate on a prescription label if a generic drug has been substituted for a drug prescribed by brand name; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes a pharmacist or practitioner to indicate on the label of a prescription that a generic drug has been substituted for a drug prescribed by brand name unless the indication is prohibited by the practitioner who prescribed the drug. (NRS 639.2587) This bill requires such an indication ~~in every circumstance where a~~ the first time that the generic drug is substituted for a drug prescribed by brand name unless the person for

whom the drug is dispensed elects not to have such an indication written or typed on the label.

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

Section 1. NRS 639.2587 is hereby amended to read as follows:

639.2587 If a generic drug is substituted for a drug prescribed by brand name, the pharmacist or practitioner {

~~1. Shall note~~ shall:

1. Note the name of the manufacturer, packer or distributor of the drug actually dispensed on the prescription; and

2. ~~{Unless prohibited by the practitioner, may indicate}~~ Indicate the substitution by writing or typing on the label the words "substituted for {", " or substantially similar language, following the generic name and preceding the brand name of the drug { } unless the person for whom the drug is dispensed elects not to have such an indication written or typed on the label. The provisions of this subsection apply only to the initial substitution of the generic drug for a drug prescribed by brand name.

Sec. 2. This act becomes effective on July 1, 2013.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senators Atkinson, Ford and Settelmeyer.

SENATOR ATKINSON:

Thank you, Mr. President. Amendment No. 766 to Assembly Bill No. 95 provides that a pharmacist or practitioner must indicate that a generic drug is being substituted for a drug prescribed by brand name, only for the initial filling of the prescription.

SENATOR FORD:

Thank you, Mr. President. I am wondering if someone from the Committee who heard this bill could let me know the rationale for only requiring the substitution to be indicated on the initial prescription. Specifically, I wonder what happens if someone has a prescription six months apart from the next. Would this require the pharmacist to let the person know they are getting a generic brand as opposed to what was prescribed by their doctor?

SENATOR SETTELMAYER:

Thank you, Mr. President. The testimony during Committee indicated that computer problems occur if we allow the indication to occur anytime the prescription is filled. If it occurs only at the first filing, especially for larger national firms—Walgreens testified along with other large drug stores—it created a problem. Therefore, it needs to be at the initial stage of prescribing a medication for a patient. Otherwise, it creates a computer problem.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 99.

Bill read second time.

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

Amendment No. 614.

"SUMMARY—Revises ~~{the Uniform Law on Notarial Acts}~~ provisions relating to notarial acts. (BDR 19-1)"

"AN ACT relating to notarial acts; revising certain provisions of the Uniform Law on Notarial Acts; revising certain provisions governing notaries public; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law contains the Uniform Law on Notarial Acts, which provides the manner in which notarial acts must be performed. (NRS 240.161-240.169) Existing law also allows the Secretary of State to appoint electronic notaries public and provides for the performance of notarial acts on electronic records by electronic notaries public. (NRS 240.181-240.206) Under existing law, to become an electronic notary public, a person must already be a notarial officer in Nevada and must successfully complete a course of study on electronic notarization, enter into a bond, pay an application fee and take an oath. (NRS 240.192)

This bill revises various provisions of the Uniform Law on Notarial Acts and maintains existing law relating to the performance of notarial acts on electronic records by electronic notaries public. Sections 10 and 33 of this bill prohibit a notarial officer from performing a notarial act with respect to a record to which the officer or the officer's spouse or domestic partner is a party or in which either of them has a direct beneficial interest.

Under existing law, a notary public is required to maintain a journal in which he or she records certain information concerning each notarial act he or she performs. A notary public is required to have a person whose signature he or she notarizes sign the journal unless the notary public has performed a notarial act for the person within the previous 6 months and has personal knowledge of the identity of the person. (NRS 240.120) Section 34 of this bill adds the further conditions that the person must also be an employer or coworker of the notary public and that the notarial act must relate to a transaction performed in the ordinary course of the person's business.

Section 13 of this bill establishes a standard for determining whether a notarial officer has personal knowledge of the identity of a person appearing before the notarial officer. Section 35.3 of this bill specifically authorizes a notarial act to be performed in this State by a person authorized to perform that specific notarial act by the law of a federally recognized Indian tribe or nation. Section 35.5 of this bill revises provisions governing notarial acts performed within the jurisdiction of a foreign nation or a multinational or international organization.

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

Section 1. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 28, inclusive, of this act.

Sec. 1.5. *"Domestic partners" has the meaning ascribed to it in NRS 122A.030.*

Sec. 2. *"Notary public" means a person appointed to perform a notarial act by the Secretary of State pursuant to NRS 240.010.*

Sec. 3. (Deleted by amendment.)

Sec. 4. *"Person" means a natural person.*

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. *"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.*

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. *A notarial officer may perform a notarial act authorized by NRS 240.001 to 240.169, inclusive, and sections 1.5 to 28, inclusive, of this act or by law of this State other than NRS 240.001 to 240.169, inclusive, and sections 1.5 to 28, inclusive, of this act.*

2. *A notarial officer other than a notary public may not perform a notarial act with respect to a document to which the officer or the officer's spouse or domestic partner is a party, or in which either of them has a direct beneficial interest. A notary public may not perform a notarial act if the notarial act is prohibited by NRS 240.001 to 240.169, inclusive, and sections 1.5 to 28, inclusive, of this act. A notarial act performed in violation of this subsection is voidable.*

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. *For the purposes of NRS 240.001 to 240.169, inclusive, and sections 1.5 to 28, inclusive, of this act, a notarial officer has personal knowledge of the identity of a person appearing before the officer if the person is personally known to the officer through dealings sufficient to provide reasonable certainty that the person has the identity claimed.*

Sec. 14. (Deleted by amendment.)

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. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 240.001 is hereby amended to read as follows:

240.001 As used in NRS 240.001 to 240.206, inclusive, and sections 1.5 to 28, inclusive, of this act, unless the context otherwise requires, the words

and terms defined in NRS 240.002 to 240.0055, inclusive, *and sections 1.5, 2, 4 and 7 of this act* have the meanings ascribed to them in those sections.

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. NRS 240.065 is hereby amended to read as follows:

240.065 1. A notary public may not perform a notarial act if:

(a) The notary public executed or is named in the instrument acknowledged, ~~for~~ sworn to ~~to~~ *or witnessed or attested*;

(b) Except as otherwise provided in subsection 2, the notary public has or will receive directly from a transaction relating to the instrument or pleading a commission, fee, advantage, right, title, interest, property or other consideration in excess of the fee authorized pursuant to NRS 240.100 for the notarial act; ~~for~~

(c) The *notary public and the* person whose signature is to be acknowledged, ~~for~~ sworn to *or witnessed or attested are domestic partners*; *or*

(d) *The person whose signature is to be acknowledged, sworn to or witnessed or attested is a relative of the domestic partner of the notary public or a relative of the notary public by marriage or consanguinity.*

2. A notary public who is an attorney licensed to practice law in this State may perform a notarial act on an instrument or pleading if the notary public has or will receive directly from a transaction relating to the instrument or pleading a fee for providing legal services in excess of the fee authorized pursuant to NRS 240.100 for the notarial act.

3. As used in this section, "relative" includes, without limitation:

(a) A spouse ~~to~~ *or domestic partner*, parent, grandparent or stepparent;

(b) A natural born child, stepchild or adopted child;

(c) A grandchild, brother, sister, half brother, half sister, stepbrother or stepsister;

(d) A grandparent, parent, brother, sister, half brother, half sister, stepbrother or stepsister of the spouse *or domestic partner* of the notary public; and

(e) A natural born child, stepchild or adopted child of a sibling or half sibling of the notary public or of a sibling or half sibling of the spouse *or domestic partner* of the notary public.

Sec. 34. NRS 240.120 is hereby amended to read as follows:

240.120 1. Except as otherwise provided in subsection 2, each notary public shall keep a journal in his or her office in which the notary public shall enter for each notarial act performed, at the time the act is performed:

(a) The fees charged, if any;

(b) The title of the document;

(c) The date on which the notary public performed the ~~service~~ *act*;

(d) Except as otherwise provided in subsection 3, the name and signature of the person whose signature is being notarized;

(e) Subject to the provisions of subsection 4, a description of the evidence used by the notary public to verify the identification of the person whose signature is being notarized;

(f) An indication of whether the notary public administered an oath; and

(g) The type of certificate used to evidence the notarial act, as required pursuant to NRS 240.1655.

2. A notary public may make one entry in the journal which documents more than one notarial act if the notarial acts documented are performed:

(a) For the same person and at the same time; and

(b) On one document or on similar documents.

3. When ~~taking an acknowledgment~~ performing a notarial act for a person, a notary public need not require the person to sign the journal if ~~the~~ :

(a) The notary public has performed a notarial act for the person within the previous 6 months ~~and the~~ :

(b) The notary public has personal knowledge of the identity of the person ~~is~~ ; and

(c) The person is an employer or coworker of the notary public and the notarial act relates to a transaction performed in the ordinary course of the person's business.

4. If, pursuant to subsection 3, a notary public does not require a person to sign the journal, the notary public shall enter "known personally" as the description required to be entered into the journal pursuant to paragraph (e) of subsection 1.

5. If the notary verifies the identification of the person whose signature is being notarized on the basis of a credible witness, the notary public shall:

(a) Require the witness to sign the journal in the space provided for the description of the evidence used; and

(b) Make a notation in the journal that the witness is a credible witness.

6. The journal must:

(a) Be open to public inspection.

(b) Be in a bound volume with preprinted page numbers.

7. A notary public shall, upon request and payment of the fee set forth in NRS 240.100, provide a certified copy of an entry in his or her journal.

8. A notary public shall keep his or her journal in a secure location during any period in which the notary public is not making an entry or notation in the journal pursuant to this section.

9. A notary public shall retain each journal that the notary public has kept pursuant to this section until 7 years after the date on which he or she ceases to be a notary public.

10. A notary public shall file a report with the Secretary of State and the appropriate law enforcement agency if the journal of the notary public is lost or stolen.

11. The provisions of this section do not apply to a person who is authorized to perform a notarial act pursuant to paragraph (b), (c) , ~~{or}~~ (d) or (e) of subsection 1 of NRS 240.1635.

Sec. 35. (Deleted by amendment.)

Sec. 35.3. NRS 240.1635 is hereby amended to read as follows:

240.1635 1. A notarial act may be performed within this State by the following persons:

- (a) A notary public of this State;
- (b) A judge, clerk or deputy clerk of any court of this State;
- (c) A justice of the peace; ~~{or}~~
- (d) Any other person authorized to perform the specific act by the law of this State ~~{,}~~; or

(e) *A person authorized to perform the specific act by the law of a federally recognized Indian tribe or nation.*

2. Notarial acts performed within this State under federal authority as provided in NRS 240.1645 have the same effect as if performed by a notarial officer of this State.

3. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

Sec. 35.5. NRS 240.165 is hereby amended to read as follows:

240.165 1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by the following persons:

- (a) A notary public;
- (b) A judge, clerk or deputy clerk of a court of record; ~~{or}~~
- (c) A person authorized by the law of that jurisdiction to perform notarial acts ~~{,}~~;

(d) *A person authorized by federal law to perform notarial acts; or*

(e) *A person authorized by the law of a federally recognized Indian tribe or nation to perform notarial acts.*

2. A certificate by an officer of the foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by an officer of the foreign service or consular officer of that nation stationed in the United States, conclusively establishes a matter relating to the authenticity or validity of the notarial act set forth in the certificate.

3. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

4. An official stamp or seal of an officer listed in paragraph (a) or (b) of subsection 1 is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

5. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

Sec. 35.7. NRS 240.1655 is hereby amended to read as follows:

240.1655 1. A notarial act must be evidenced by a certificate that:

(a) Identifies the county, including, without limitation, Carson City, in this State in which the notarial act was performed in substantially the following form:

State of Nevada

County of

(b) Except as otherwise provided in this paragraph, includes the name of the person whose signature is being notarized. If the certificate is for certifying a copy of a document, the certificate must include the name of the person presenting the document. If the certificate is for the jurat of a subscribing witness, the certificate must include the name of the subscribing witness.

(c) Is signed and dated in ink by the notarial officer performing the notarial act. *The certificate must be signed in the same manner as the signature of the notarial officer that is on file with the Secretary of State.*

(d) If the notarial officer performing the notarial act is a notary public, includes the statement imprinted with the stamp of the notary public, as described in NRS 240.040.

(e) If the notarial officer performing the notarial act is not a notary public, includes the title of the office of the notarial officer and may include the official stamp or seal of that office. If the officer is a commissioned officer on active duty in the military service of the United States, the certificate must also include the officer's rank.

2. ~~[A]~~ *Except as otherwise provided in subsection 8, a notarial officer shall:*

(a) In taking an acknowledgment, determine, from personal knowledge or satisfactory evidence, that the person making the acknowledgment is the person whose signature is on the document. The person who signed the document shall present the document to the notarial officer in person.

(b) In administering an oath or affirmation, determine, from personal knowledge or satisfactory evidence, the identity of the person taking the oath or affirmation.

(c) In certifying a copy of a document, photocopy the entire document and certify that the photocopy is a true and correct copy of the document that was presented to the notarial officer.

(d) In making or noting a protest of a negotiable instrument, verify compliance with the provisions of subsection 2 of NRS 104.3505.

(e) In executing a jurat, administer an oath or affirmation to the affiant and determine, from personal knowledge or satisfactory evidence, that the affiant is the person named in the document. The affiant shall sign the document in

the presence of the notarial officer. The notarial officer shall administer the oath or affirmation required pursuant to this paragraph in substantially the following form:

Do you (solemnly swear, or affirm) that the statements in this document are true, (so help you God)?

3. A certificate of a notarial act is sufficient if it meets the requirements of subsections 1 and 2 and it:

- (a) Is in the short form set forth in NRS 240.166 to 240.169, inclusive;
- (b) Is in a form otherwise prescribed by the law of this State;
- (c) Is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or
- (d) Sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

4. For the purposes of paragraphs (a), (b) and (e) of subsection 2, a notarial officer has satisfactory evidence that a person is the person whose signature is on a document if the person:

- (a) Is personally known to the notarial officer;
- (b) Is identified upon the oath or affirmation of a credible witness ~~[-]~~ *who personally appears before the notarial officer*;
- (c) Is identified on the basis of an identifying document which contains a signature and a photograph;
- (d) Is identified on the basis of a consular identification card;
- (e) Is identified upon an oath or affirmation of a subscribing witness who is personally known to the notarial officer; or
- (f) In the case of a person who is 65 years of age or older and cannot satisfy the requirements of paragraphs (a) to (e), inclusive, is identified upon the basis of an identification card issued by a governmental agency or a senior citizen center.

5. An oath or affirmation administered pursuant to paragraph (b) of subsection 4 must be in substantially the following form:

Do you (solemnly swear, or affirm) that you personally know(name of person who signed the document)....., (so help you God)?

6. A notarial officer shall not affix his or her signature over printed material.

7. By executing a certificate of a notarial act, the notarial officer certifies that the notarial officer has complied with all the requirements of this section.

8. *If a person is physically unable to sign a document that is presented to a notarial officer pursuant to this section, the person may direct a person other than the notarial officer to sign the person's name on the document. The notarial officer shall insert "Signature affixed by (insert name of other person) at the direction of (insert name of person)" or words of similar import.*

9. As used in this section, unless the context otherwise requires, "consular identification card" means an identification card issued by a

consulate of a foreign government, which consulate is located within the State of Nevada.

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

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. The amendatory provisions of this act apply to a notarial act performed on or after January 1, 2014.

Sec. 49. This act becomes effective on January 1, 2014.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Thank you, Mr. President. Amendment No. 614 to Assembly Bill No. 99 provides that a notary public is not required to have the person for whom he or she performs a notarial act sign a journal if he or she has performed a notarial act for the same person within the last six months, has personal knowledge of the person, is an employee or coworker of the person and the notarial act relates to a transaction performed in the ordinary course of the person's business.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 131.

Bill read second time.

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

Amendment No. 600.

"SUMMARY—Revises provisions governing the Board of the Virgin Valley Water District. (BDR S-634)"

"AN ACT relating to the Virgin Valley Water District; requiring each member of the Board of the District to be elected; setting forth the terms of service of the members of the Board; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Board of the Virgin Valley Water District consists of five members. Of the five members, one member is appointed by the Mayor of the City of Mesquite, one member is appointed by the governing body of the town of Bunkerville and three members are elected from the service area of the District. Of the three elected members, one of the members must reside in the geographical area of the District located south of the Virgin River. (Section 5 of chapter 100, Statutes of Nevada 1993, p. 163,

as amended by chapter 266, Statutes of Nevada 1995, p. 444) Section 1 of this bill requires that ~~all~~ the five members of the Board be ~~selected from~~ selected as follows: (1) two members who must reside in and be elected by a plurality of the qualified electors of the ~~service~~ geographical area of the District ~~[. Section 1 also requires that two of the five members be elected from]~~ located south of the Virgin River; and (2) three members who must reside in and be elected by a plurality of the qualified electors of the geographical area of the District located ~~south~~ north of the Virgin River. ~~and~~ Section 1 also provides that, after the initial terms, all five members of the Board serve 4-year terms. Section 3 of this bill: (1) provides that the term of each existing member of the Board expires on December 31, 2014; and (2) requires that those members elected to the Board at the 2014 general election select by lot three members of the Board to serve for an initial term of 4 years and two members of the Board to serve for an initial term of 2 years.

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

Section 1. Section 5 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as amended by chapter 266, Statutes of Nevada 1995, at page 444, is hereby amended to read as follows:

Sec. 5. 1. ~~Except as otherwise provided in section 4 of this act, the~~ The governing Board of the District consists of five members selected as follows:

~~(a) One member appointed by the mayor of the City of Mesquite with the approval of the City Council of that city.~~

~~(b) One member appointed by the governing body of the town of Bunkerville, who must reside in the geographical area of the District located south of the Virgin River. If the town of Bunkerville is annexed into the City of Mesquite, this member must be appointed pursuant to paragraph (a), subject to the residency requirement set forth in this paragraph.~~

~~(c) Three members] [elected from the service area of the District,] [one] ~~two of whom]~~~~

(a) Two members who must reside in and be elected by a plurality of the qualified electors of the geographical area of the District located south of the Virgin River.

(b) Three members who must reside in and be elected by a plurality of the qualified electors of the geographical area of the District located north of the Virgin River.

2. Except for members of the first Board, ~~and appointed members,]~~ members of the Board must be elected at a general district election held in conjunction with the general election of Clark County in 1994 and with subsequent general elections of Clark County. ~~The elected member who is required to reside in the geographical area of the District located south of the Virgin River and one other elected member, who must be chosen by lot,]~~ The members serve terms of

4 years . ~~[and the remaining elected member serves a term of 2 years.
The appointed members serve terms of 2 years.]~~

Sec. 2. Section 7 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, at page 164, is hereby amended to read as follows:

Sec. 7. 1. ~~[Except as otherwise provided in this section and sections 4 and 5 of this act, each member of the Board must:~~

~~(a) Reside in the District for at least 6 months before [his or her appointment or] [the election at which the member is elected;~~

~~(b) Be a qualified elector of the District;~~

~~(c) [If the member is elected to office, be] ~~/Be elected by a plurality of the qualified electors of the District; and~~~~

~~(d) Take office upon qualification therefor as provided in subsection 3, or on the first Monday in January next following the member's election,] [or appointment,] [whichever is later, and leave office upon the first Monday in January next following the election] [or appointment] [of the member's successor in office.~~

~~2. If the Board establishes various election areas within the District, each] Each member [who is elected to] of the Board must:~~

~~(a) Reside in the geographical area represented, or if the Board has established various election areas, the election area represented , for at least 6 months before the election at which the member is elected;~~

~~(b) Be a qualified elector of the geographical area represented or the election area represented; and~~

~~(c) [Be elected by a plurality of the qualified electors of the election area represented; and~~

~~(d) Take office [in the manner prescribed in paragraph (d) of subsection 1.~~

~~3.] upon qualification therefor as provided in subsection 2, or on the first Monday in January next following the member's election, whichever is later, and leave office upon the first Monday in January next following the election of the member's successor in office.~~

2. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:

(a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and

(b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than \$10,000, which bond must guarantee the faithful performance of the duties of the member.

~~[4.]~~ 3. A vacancy in the office of a member ~~[who is elected to] of the Board must be filled by appointment of the remaining members of the Board. The person so appointed must be a resident and elector of the [District,] geographical area represented, or if the Board has~~

established various election areas, the election area represented, and, before taking office, qualify in the manner prescribed in subsection ~~3~~ 2. The person shall serve the remainder of the term of the member whose absence required his or her appointment. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

~~[5. A vacancy in the office of a member who is appointed to the Board must be filled by appointment of the governing body who made the previous appointment. The person so appointed must be a resident and elector of the District and, before taking office, qualify in the manner prescribed in subsection 3. The person shall serve the remainder of the term of the member whose absence required his or her appointment.]~~

Sec. 2.5. Section 8 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as amended by chapter 485, Statutes of Nevada 2011, at page 3076, is hereby amended to read as follows:

Sec. 8. 1. Unless otherwise required for purposes of an election to incur an indebtedness, the Registrar of Voters of Clark County shall conduct, supervise and, by ordinance, regulate all district elections in accordance, as nearly as practicable, with the general election laws of this state, including, but not limited to, laws relating to the time of opening and closing of polls, the manner of conducting the election, the canvassing, announcement and certification of results and the preparation and disposition of ballots.

2. Each candidate for election to the Board must file a declaration of candidacy with the Registrar of Voters not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March. Timely filing of such declaration is a prerequisite to election.

3. If the Board establishes various election areas within the District and there are two or more seats upon the Board to be filled at the same election, each of which represents the same election area, the two candidates therefor receiving the highest number of votes, respectively, are elected.

4. If a member of the Board is unopposed in seeking reelection, the Board may declare that member elected without a formal election, but that member may not participate in the declaration.

5. If no person files candidacy for election to a particular seat upon the Board, the seat must be filled in the manner provided in subsection ~~4~~ 3 of section 7 of this act for filling a vacancy.

Sec. 3. 1. Notwithstanding the provisions of the Virgin Valley Water District Act, the term of each member of the Board of the Virgin Valley Water District expires on December 31, 2014.

2. As soon as practicable after all the members of the Board of the Virgin Valley Water District are elected and qualified pursuant to section 5 of the Virgin Valley Water District Act, as amended by section 1 of this act, the members of the Board shall, by lot, select:

(a) Three members of the Board to serve for terms of 4 years, including:

(1) Two members who reside in and are elected by a plurality of the qualified electors of the geographical area of the District located north of the Virgin River; and

(2) One member who resides in and is elected by a plurality of the qualified electors of the geographical area of the District located south of the Virgin River; and

(b) Two members of the Board to serve for terms of 2 years, including:

(1) One member who resides in and is elected by a plurality of the qualified electors of the geographical area of the District located north of the Virgin River; and

(2) One member who resides in and is elected by a plurality of the qualified electors of the geographical area of the District located south of the Virgin River.

Sec. 4. This act becomes effective on January 1, 2014, for the purpose of filing a declaration of candidacy to serve as a member of the Board of the Virgin Valley Water District and on January 1, 2015, for all other purposes.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Amendment No. 600 to Assembly Bill No. 131 revises the selection of the board members for the Virgin Valley Water District by providing that two members must reside in and be elected by the voters in the area south of the Virgin River, and three members must reside in and be elected by the voters in the area north of the Virgin River. The amendment also staggers the terms.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 165.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Atkinson moved that Assembly Bill No. 170 be taken from the Second Reading File and placed on the Secretary's Desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 172.

Bill read second time.

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

Amendment No. 615.

"SUMMARY—Revises provisions governing bidder preferences on certain public works. (BDR 28-110)"

"AN ACT relating to public works; revising provisions relating to preferences in bidding for contracts for certain public works projects; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires that a contractor, applicant to serve as a construction manager at risk or design-build team that wishes to receive a preference in bidding for a contract for a public work submit an affidavit to the public body sponsoring or financing the public work certifying that: (1) at least 50 percent of all workers employed on the public work will hold a valid Nevada driver's license or identification card; (2) all vehicles used primarily for the public work will be either registered in this State or partially apportioned to this State; (3) at least 50 percent of all design professionals working on the public work will hold a valid Nevada driver's license or identification card; (4) at least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and (5) certain records will be maintained and made available for inspection within this State. (NRS 338.0117) Section 1 of this bill revises the requirements for such a preference in bidding by: (1) limiting the requirement for design professionals to design-build teams; and (2) eliminating the requirement that a percentage of suppliers of the materials used for the public work be located in this State. Section 1 clarifies that the driver's licenses and identification cards used to satisfy the statutory requirements must be issued by the Department of Motor Vehicles of the State of Nevada. Section 1 requires a contractor to meet those requirements only if the contractor was awarded the contract for a public work as a result of the preference in bidding. ~~[Section] Sections 1 [restricts] , 5 and 7 of this bill restrict who can file a written objection alleging a violation of those requirements to only persons who submitted a bid on the public work ~~or~~ or entities.~~

Existing law prohibits a contractor from being qualified to bid on certain state and local public works if the contractor has failed to comply with certain requirements within the preceding year for a contract for a public work that cost more than \$25,000,000 and prohibits a contractor who has failed to comply with certain requirements for a contract for a public work which exceeds \$5,000,000 from receiving a preference in bidding for public works for 5 years. (NRS 338.1379, 338.1382, 338.1389, 338.1415, 338.147, 408.333) Sections 3-8 of this bill instead condition those prohibitions on a material breach of a contract for a public work which exceeds \$25,000,000 or \$5,000,000, as applicable.

Section 9 of this bill provides that the revised requirements for a preference in bidding on a contract for a public work apply to any public work that is first advertised for bid after July 1, 2013. Section 9 also declares that any contract for such a public work that fails to comply with this bill is void.

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

Section 1. NRS 338.0117 is hereby amended to read as follows:

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project ~~[-], collectively, and not on any specific day:~~

(a) At least 50 percent of ~~all~~ the workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles ~~[-] of the State of Nevada;~~

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) ~~At~~ If applying to receive a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, at least 50 percent of the design professionals working on the public work, including, without limitation, ~~any~~ employees of the ~~contractor, applicant or~~ design-build team and of any subcontractor or consultant engaged ~~on~~ in the design of the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles ~~[-] of the State of Nevada;~~ and

(d) ~~At least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and~~

~~(e)~~ The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work *that is* awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 ~~and who receives~~ as a result of the contractor, applicant or design-build team receiving a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to ~~(e)~~ (d), inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to ~~(e)~~ (d), inclusive, of subsection 1 ~~is a material breach of~~

~~the contract and~~ entitles the public body to ~~liquidated damages~~ *a penalty* only as provided in subsections 5 and 6.

3. A person ~~for entity~~ *who submitted a bid on the public work or an entity* who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to ~~((e))~~ (d), inclusive, of subsection 1 may file, *before the substantial completion of the public work*, a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~((e))~~ (d), inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to ~~((e))~~ (d), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~((e))~~ (d), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. A public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to ~~((e))~~ (d), inclusive, of subsection 1, ~~liquidated damages~~ *a penalty* as described in subsection 6 for ~~a breach of a contract for a public work caused by~~ a failure to comply with a requirement of paragraphs (a) to ~~((e))~~ (d), inclusive, of subsection 1. If a public body recovers ~~liquidated damages~~ *a penalty* pursuant to this subsection, ~~for a breach of a contract for a public work,~~ the public body shall report to the State Contractors' Board the date of the ~~breach,~~ *failure to comply*, the name of each entity which ~~breached the contract~~ *failed to comply* and the cost of the contract ~~to which the entity that failed to comply was a party~~. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract ~~to~~ *as a result of that preference*, the contract between the contractor, applicant or design-build team and the

public body, each contract between the contractor, applicant or design-build team and a subcontractor ~~for supplier~~ and each contract between a subcontractor and a *lower tier* subcontractor ~~for supplier~~ must provide that:

(a) If a party to the contract causes ~~a material breach of the contract between~~ the contractor, applicant or design-build team ~~and the public body as a result of a failure~~ to fail to comply with a requirement of paragraphs (a) to ~~(e),~~ (d), inclusive, of subsection 1, the party is liable to the public body for ~~liquidated damages~~ a penalty in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that ~~causes the material breach;~~ *caused the failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1;* and

(c) No other party to the contract is liable to the public body for ~~liquidated damages;~~ a penalty.

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to ~~(e),~~ (d), inclusive, of subsection 1.

8. *As used in this section:*

(a) *"Lower tier subcontractor" means a subcontractor who contracts with another subcontractor to provide labor, materials or services to the other subcontractor for a construction project.*

(b) *"Vehicle used primarily for the public work" does not include any vehicle that is present at the site of the public work only occasionally and for a purpose incidental to the public work including, without limitation, the delivery of materials. Notwithstanding the provisions of the paragraph, the term includes any vehicle which is:*

(1) *Owned or operated by the contractor or any subcontractor who is engaged on the public work; and*

(2) *Present at the site of the public work.*

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 338.1379 is hereby amended to read as follows:

338.1379 1. Except as otherwise provided in NRS 338.1382, a contractor who wishes to qualify as a bidder on a contract for a public work must submit an application to the Division or the local government.

2. Upon receipt of an application pursuant to subsection 1, the Division or the local government shall:

(a) Investigate the applicant to determine whether the applicant is qualified to bid on a contract; and

(b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 45 days after receipt of the application.

3. The Division or the local government shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of the right to a hearing pursuant to NRS 338.1381.

4. The Division or the local government may determine an applicant is qualified to bid:

(a) On a specific project; or

(b) On more than one project over a period of time to be determined by the Division or the local government.

5. Except as otherwise provided in subsection 8, the Division shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.

6. Except as otherwise provided in subsection 8, the local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.

7. Except as otherwise provided in NRS 239.0115, financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the Division or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.

8. The Division or the local government shall deny an application and revoke any existing qualification to bid if it finds that the applicant has, within the preceding year, *materially* breached a contract for a public work for which the cost exceeds \$25,000,000 . ~~{by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117.}~~

Sec. 4. NRS 338.1382 is hereby amended to read as follows:

338.1382 In lieu of adopting criteria pursuant to NRS 338.1377 and determining the qualification of bidders pursuant to NRS 338.1379, a governing body may deem a person to be qualified to bid on:

1. Contracts for public works of the local government if the person has not, within the preceding year, *materially* breached a contract for a public work for which the cost exceeds \$25,000,000 , ~~{by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117.}~~ and has been determined by:

(a) The Division pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of the State pursuant to criteria adopted pursuant to NRS 338.1375; or

(b) Another governing body pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of that local government pursuant to the criteria set forth in NRS 338.1377.

2. A contract for a public work of the local government if:

(a) The person has been determined by the Department of Transportation pursuant to NRS 408.333 to be qualified to bid on the contract for the public work;

(b) The public work will be owned, operated or maintained by the Department of Transportation after the public work is constructed by the local government; and

(c) The Department of Transportation requested that bidders on the contract for the public work be qualified to bid on the contract pursuant to NRS 408.333.

Sec. 5. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, ~~has~~ *provides* a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) ~~[At the time the contractor submits his or her bid,]~~ *Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,* submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not ~~have,~~ *provide*, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, ~~[at the time he or she submits the bid,]~~ *within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,* a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~[(e),]~~ *(d),* inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

↪ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months

immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, *materially* breached a contract for a public work for which the cost exceeds \$5,000,000 , ~~[by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117,]~~ the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may ~~[be deemed the best bid]~~ *receive a preference in bidding* only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person ~~[or entity]~~ *who submitted a bid on the public work ~~[and]~~ or an entity* who believes that ~~[a]~~ *the contractor who was awarded the contract for the public work* wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 6. NRS 338.1415 is hereby amended to read as follows:

338.1415 A local government or its authorized representative shall not accept a bid on a contract for a public work if the contractor who submits the bid has, within the preceding year, *materially* breached a contract for a public

work for which the cost exceeds \$25,000,000 . ~~[by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117.]~~

Sec. 7. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, ~~[has]~~ *provides* a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) ~~[At the time the contractor submits his or her bid,]~~ *Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative,* submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not ~~[have,]~~ *provide*, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, ~~[at the time he or she submits the bid,]~~ *within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,* a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~[(e),]~~ *(d),* inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➡ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately

preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, *materially* breached a contract for a public work for which the cost exceeds \$5,000,000, ~~[by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117,]~~ the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may ~~be deemed a best bid~~ *receive a preference in bidding* only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person ~~for entity~~ *who submitted a bid on the public work ~~land~~ or an entity* who believes that ~~at~~ *the* contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 8. NRS 408.333 is hereby amended to read as follows:

408.333 Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive:

1. Before furnishing any person proposing to bid on any advertised work with the plans and specifications for such work, the Director shall require from the person a statement, verified under oath, in the form of answers to questions contained in a standard form of questionnaire and financial statement, which must include a complete statement of the person's financial ability and experience in performing public work of a similar nature.

2. Such statements must be filed with the Director in ample time to permit the Department to verify the information contained therein in advance of furnishing proposal forms, plans and specifications to any person

proposing to bid on the advertised public work, in accordance with the regulations of the Department.

3. Whenever the Director is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement, the Director may refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. If the Director determines that the person has, within the preceding year, *materially* breached a contract for a public work for which the cost exceeds \$25,000,000, ~~by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117,~~ the Director shall refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. Any bid of any person to whom plans and specifications and the official proposal forms have not been issued in accordance with this section must be disregarded, and the certified check, cash or undertaking of such a bidder returned forthwith.

4. Any person who is disqualified by the Director, in accordance with the provisions of this section, may request, in writing, a hearing before the Director and present again the person's check, cash or undertaking and such further evidence with respect to the person's financial responsibility, organization, plant and equipment, or experience, as might tend to justify, in his or her opinion, issuance to him or her of the plans and specifications for the work.

5. Such a person may appeal the decision of the Director to the Board no later than 5 days before the opening of the bids on the project. If the appeal is sustained by the Board, the person must be granted the rights and privileges of all other bidders.

Sec. 9. 1. The amendatory provisions of this act apply to all public works for which bids are first advertised after July 1, 2013.

2. Any contract awarded for a public work to which the amendatory provisions of this act apply pursuant to subsection 1 and:

(a) Which was not advertised in compliance with the amendatory provisions of this act;

(b) For which bids were not accepted in compliance with the amendatory provisions of this act; or

(c) For which the contract was not awarded in compliance with the amendatory provisions of this act,

↪ is void.

3. As used in this section, "contract" and "public work" have the meanings ascribed to them in NRS 338.010.

Sec. 10. This act becomes effective on July 1, 2013.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Thank you, Mr. President. Amendment No. 615 to Assembly Bill No. 172 revises the bill to provide that either a person, who submitted a bid on a public work or an entity who believes that

a contractor who was awarded a contract for the public work was wrongfully awarded a certificate of eligibility, may challenge the validity of the certificate of eligibility.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 176.

Bill read second time and ordered to third reading.

Assembly Bill No. 181.

Bill read second time.

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

Amendment No. 651.

"SUMMARY—Makes various changes to provisions governing employment practices. (BDR 53-48)"

"AN ACT relating to employment; prohibiting employers from conditioning employment on access to an employee's social media account; prohibiting a person from requesting or considering a consumer report for purposes relating to employment except under certain circumstances; revising provisions relating to the release of a consumer report that is subject to a security freeze; providing civil remedies; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes various unlawful employment practices. (Chapter 613 of NRS) This bill prohibits an employer from conditioning the employment of an employee or prospective employee on his or her disclosure of the user name, password or any other information that provides access to the employee's or prospective employee's personal social media account. This bill also prohibits an employer from taking certain employment actions based on the refusal of an employee or prospective employee to disclose such information. This bill further provides, however, that it is not unlawful for an employer to require an employee to disclose his or her user name, password or any other information to an account or a service, other than a personal social media account, for the purpose of accessing the employer's own internal computer or information system.

Under existing law, a person who complies with the requirements of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and chapter 598C of NRS is allowed to obtain a consumer report for purposes relating to the employment of the consumer. Sections 3 and 4 of this bill prohibit a person from requesting or considering a consumer report for purposes of evaluating a consumer for employment, promotion, reassignment or retention as an employee unless: (1) the use of the report is required or authorized by state or federal law; (2) the person reasonably believes that the consumer has engaged in specific activity which may constitute a violation of state or federal law and is likely to be reflected in the report; or (3) the information in

the report is reasonably related to the position for which the consumer is being evaluated.

Existing law provides that if a consumer places a security freeze on his or her file maintained by a credit reporting agency, the agency is not allowed to release the consumer report without the consumer's consent except for certain purposes, which include certain purposes relating to employment of the consumer. (NRS 598C.350, 598C.380) Section 5 of this bill revises the scope of that exception to conform with section 4.

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

Section 1. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *It is unlawful for any employer in this State to:*

(a) *Directly or indirectly, require, request, suggest or cause any employee or prospective employee to disclose the user name, password or any other information that provides access to his or her personal social media account.*

(b) *Discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against any employee or prospective employee who refuses, declines or fails to disclose the user name, password or any other information that provides access to his or her personal social media account.*

2. *It is not unlawful for an employer in this State to require an employee to disclose the user name, password or any other information to an account or a service, other than a personal social media account, for the purpose of accessing the employer's own internal computer or information system.*

3. *Nothing in this section shall be construed to prevent an employer from complying with any state or federal law or regulation or with any rule of a self-regulatory organization, as defined in NRS 90.300.*

4. *As used in this section, "social media account" means any electronic service or account or electronic content, including, without limitation, videos, photographs, blogs, video blogs, podcasts, instant and text messages, electronic mail programs or services, online services or Internet website profiles.*

Sec. 3. 1. *Except as otherwise provided in section 4 of this act, a person shall not request or consider a consumer report for the purpose of evaluating any other person for employment, promotion, reassignment or retention as an employee.*

2. *As used in this section, "consumer report" has the meaning ascribed to it in NRS 598C.060.*

Sec. 4. Chapter 598C of NRS is hereby amended by adding thereto a new section to read as follows:

A person may request or consider a consumer report for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee if:

1. *The person is required or authorized, pursuant to state or federal law, to use a consumer report for that purpose;*
2. *The person reasonably believes that the consumer has engaged in specific activity which may constitute a violation of state or federal law; or*
3. *The information contained in the consumer report is reasonably related to the position for which the consumer is being evaluated for employment, promotion, reassignment or retention as an employee. The information in the consumer report shall be deemed to be reasonably related to such an evaluation if the duties of the position involve:*
 - (a) The care, custody and handling of or responsibility for money, financial accounts, corporate credit or debit cards, or other assets;*
 - (b) Access to trade secrets or other proprietary or confidential information;*
 - (c) Managerial or supervisory responsibility;*
 - (d) The direct exercise of law enforcement authority as an employee of a state or local law enforcement agency;*
 - (e) The care, custody and handling of or responsibility for the personal information, as defined in NRS 603A.040, of another person;*
 - (f) Access to the personal financial information of another person;*
 - (g) Employment with a financial institution that is chartered under federal or state law; or*
 - (h) Employment with a licensed gaming establishment, as defined in NRS 463.0169.*

Sec. 5. NRS 598C.380 is hereby amended to read as follows:

598C.380 Notwithstanding that a security freeze has been placed in the file of a consumer, a reporting agency may release the consumer report of the consumer to:

1. A person with whom the consumer has an existing business relationship, or the subsidiary, affiliate or agent of that person, for any purpose relating to that business relationship.
2. A licensed collection agency to which an account of the consumer has been assigned for the purposes of collection.
3. A person with whom the consumer has an account or contract or to whom the consumer has issued a negotiable instrument, or the subsidiary, affiliate, agent, assignee or prospective assignee of that person, for purposes relating to that account, contract or negotiable instrument.
4. A person seeking to use information in the file of the consumer for the purposes of prescreening pursuant to the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.
5. A subsidiary, affiliate, agent, assignee or prospective assignee of a person to whom access has been granted pursuant to NRS 598C.350 for the purposes of facilitating the extension of credit.
6. A person seeking to provide the consumer with a copy of the consumer report or the credit score of the consumer upon the request of the consumer.

7. A person administering a credit file monitoring subscription service to which the consumer has subscribed.

8. A person requesting the consumer report pursuant to a court order, warrant or subpoena.

9. A federal, state or local governmental entity, agency or instrumentality that is acting within the scope of its authority, including, without limitation, an agency which is seeking to collect child support payments pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq.

10. A person holding a license issued by the Nevada Gaming Commission pursuant to title 41 of NRS, or the subsidiary, affiliate, agent, assignee or prospective assignee of that person, for purposes relating to any activities conducted pursuant to the license.

11. ~~Am~~ If authorized pursuant to section 4 of this act, an employer, or the subsidiary, affiliate, agent, assignee or prospective assignee of that employer, for purposes of:

(a) Preemployment screenings relating to the consumer; or

(b) Decisions or investigations relating to the consumer's current or former employment with the employer.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President. Amendment No. 651 to Assembly Bill No. 181 provides that nothing in this bill shall prevent an employer from complying with the requirements in State or federal statutes, rules or regulations, case law or rules of self-regulatory organizations.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 189.

Bill read second time and ordered to third reading.

Assembly Bill No. 198.

Bill read second time and ordered to third reading.

Assembly Bill No. 263.

Bill read second time and ordered to third reading.

Assembly Bill No. 288.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 671.

"SUMMARY—Revises provisions governing graduation from high school. (BDR 34-524)"

"AN ACT relating to education; requiring the State Board of Education to select a high school equivalency assessment for certain persons who are not enrolled in high school and have not graduated; providing for the recognition of a document equivalent to a general educational development certificate, general educational development credential and general equivalency diploma; requiring the State Board ~~of Education~~ to select a college and

career readiness assessment for administration to pupils enrolled in grade 11 in public high schools; revising the requirements to receive a standard high school diploma by requiring pupils enrolled in grades 9 and 10 to pass end-of-course examinations for the courses of study prescribed by the State Board; eliminating the option for the issuance of a certificate of attendance indicating a pupil attended high school but did not satisfy the requirements for a standard high school diploma; eliminating the high school proficiency examination; repealing provisions relating to the high school proficiency examination; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes a person who is 16 or 17 years of age, is not enrolled in high school and has not graduated from high school to take the tests of general educational development to obtain a general educational development certificate which demonstrates that the person has achieved an educational level which is an acceptable substitute for completing a high school education. (NRS 385.448) Section 12.3 of this bill removes the reference to the tests of general educational development and requires the State Board of Education to select a high school equivalency assessment. Existing law also makes various references to a: (1) general educational development certificate; (2) general educational development credential; and (3) general equivalency diploma. (NRS 209.396, 209.433, 209.443, 209.446, 209.4465, 211.330, 213.315, 388.575, 389.810, 432B.595, 630.277, 641C.420, 652.127, 697.173) Sections 17.5, 33.5, 41.1-41.7 and 42.2-42.7 of this bill provide for the recognition of a document that is equivalent to such a certificate, credential or diploma.

Existing law requires the administration of examinations based upon the State's academic standards to pupils enrolled in grades 3 through 8 and requires pupils to pass the high school proficiency examination to receive a standard high school diploma. (NRS 389.015, 389.550) Section 43 of this bill eliminates the high school proficiency examination. Section 19 of this bill requires the State Board ~~of Education~~ to select a college and career readiness assessment for administration to pupils enrolled in grade 11 in public high schools commencing with the 2014-2015 school year. Section 19 further requires a pupil enrolled in grade 11 to take the assessment to receive a standard high school diploma, but prohibits the use of the results of the assessment in determining the pupil's eligibility for such a diploma.

Existing law prescribes the requirements for a standard high school diploma, including passage of the high school proficiency examination. (NRS 389.805) Section 33 of this bill eliminates the requirement of passage of the high school proficiency examination and instead requires the State Board to prescribe the criteria for receipt of a standard high school diploma, which must include the requirement that, commencing with the 2014-2015 school year, a pupil enrolled in grade 9 or 10 pass an end-of-course examination. Section 33 also requires the State Board to adopt the courses of study in which pupils enrolled in grades 9 and 10 must pass such an

examination, which must include, without limitation, the subject areas for which the State Board has adopted the common core standards.

Under existing law, a pupil who does not pass the high school proficiency examination may be issued a certificate of attendance in lieu of a diploma if he or she is 18 years of age. (NRS 389.015) Section 33 of this bill prohibits the issuance to a pupil of a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for a standard high school diploma.

As a transition from the administration of the high school proficiency examination to the administration of end-of-course examinations, sections 44-44.7 of this bill require the State Board of Education to prescribe the requirements which a pupil enrolled in grade 10, 11 or 12 in the 2013-2014 school year who has not passed the high school proficiency examination and is required to pass the examination to receive a standard high school diploma must satisfy to receive a standard high school diploma. Such requirements may include the continuation of the administration of the high school proficiency examination to those pupils.

The remaining sections of this bill make conforming changes relating to the elimination of the high school proficiency examination.

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

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ and 389.805, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS ~~389.015 and 389.550~~ ~~and 389.805~~, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(I) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers,

including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. 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.

(n) The total statewide expenditure per pupil. 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.

(o) 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.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the ~~examinations of general educational development.~~ *high school equivalency assessment selected by the State Board pursuant to NRS 385.448.*

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

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

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

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

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

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

(w) 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 paragraph, 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.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma . ~~[reported separately for pupils who received the diploma pursuant to:~~

~~(I) Paragraph (a) of subsection 1 of NRS 389.805; and~~

~~(II) Paragraph (b) of subsection 1 of NRS 389.805.]~~

(2) An adult diploma.

(3) An adjusted diploma.

~~[(4) A certificate of attendance.]~~

~~(cc) [For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.~~

~~(dd)]~~ The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(ee)]~~ (dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

~~[(ff)]~~ (ee) An identification 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.

~~[(gg)]~~ (ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

~~[(hh)]~~ (gg) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma ~~[-] or an adjusted diploma ; [or a certificate of attendance;]~~ and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to ~~pass the high school proficiency examination.~~

~~(ii) satisfy the criteria prescribed by the State Board pursuant to NRS 389.805.~~

(hh) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

2. A separate reporting for a group of pupils must not be made pursuant to this section 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 State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

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

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

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

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

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

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. 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 created by 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, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS ~~389.015 and~~ 389.550 ~~[-]~~ and 389.805; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(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) and to address the specific needs of the pupils enrolled in public schools in this State, 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 Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and

(3) The need for a pupil to make informed decisions about his or her 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) A timeline for carrying out the plan, including, without limitation:

(1) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to subsection 3; and

(2) 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, 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.

(l) A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(1) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to this section; and

(2) Designed to track the progress made in achieving the strategic goals established by the Department.

(m) Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

3. The State Board shall:

(a) In developing the plan to improve the achievement of pupils enrolled in public schools, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

(1) Improving proficiency results in core academic subjects;

(2) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;

(3) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;

(4) Improving the performance of pupils on standardized college entrance examinations;

(5) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and

(6) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

(b) Review the plan annually to evaluate the effectiveness of the plan;

(c) Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained; and

(d) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(1) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(2) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before January 31 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. 3. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;

(2) Possession of a weapon;

(3) Distribution of a controlled substance;

(4) Possession or use of a controlled substance;

(5) Possession or use of alcohol; and

(6) Bullying, cyber-bullying, harassment or intimidation;

(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

(1) Standard diploma;

(2) Adult diploma; *and*

(3) Adjusted diploma; ~~and~~

~~(4) Certificate of attendance;~~

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the:

(1) Examinations administered pursuant to NRS 389.550, including, without limitation, whether public schools have made progress based upon the model adopted by the Department pursuant to NRS 385.3595; and

(2) ~~[High school proficiency examination administered pursuant to NRS 389.015; and]~~ *End-of-course examinations administered pursuant to NRS 389.805; and*

(s) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before October 20 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;

(2) Committee;

(3) Bureau;

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

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

(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

6. As used in this section:

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

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

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Intimidation" has the meaning ascribed to it in NRS 388.129.

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 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 subsection 2 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 September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS ~~{389.015 and}~~ 389.550 and 389.805 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number

of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ and 389.805, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school 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.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➡ A separate reporting for a group of pupils must not be made pursuant to this paragraph 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 State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the

school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. 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.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) 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.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the ~~examinations of general educational development~~ high school equivalency assessment selected by the State Board pursuant to NRS 385.448.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

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

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

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

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

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

(r) 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.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma . ~~[, reported separately for pupils who received the diploma pursuant to:~~

~~(I) Paragraph (a) of subsection 1 of NRS 389.805; and~~

~~(II) Paragraph (b) of subsection 1 of NRS 389.805.]~~

(2) An adult diploma.

(3) An adjusted diploma.

~~[(4) A certificate of attendance.]~~

~~(x) [For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.~~

~~(y)]~~ The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

~~[(z)]~~ (y) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

~~[(aa)]~~ (z) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

~~[(bb)]~~ (aa) Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

~~[(ee)]~~ (bb) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

~~{{dd}}~~ (cc) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

~~{{ee}}~~ (dd) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

~~{{ff}}~~ (ee) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma ~~or an adjusted diploma ; for a certificate of attendance;~~ and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to ~~pass the high school proficiency examination.~~

~~{{gg}}~~ *satisfy the criteria prescribed by the State Board pursuant to NRS 389.805.*

(ff) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

~~{{hh}}~~ (gg) Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare 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 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 paragraphs (a) to ~~[(hh)]~~ (gg), inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

- (a) Acquisition of knowledge or skills relating to the professional development of the teacher; or
- (b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

- (a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and
- (b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 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 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 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 Department of Administration;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

↪ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. 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 in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education 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.

9. 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 that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, 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; and
- (5) Bureau.

(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 that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) 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, 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 does not maintain a website, the State Public Charter School Authority or the institution, 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.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 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 that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

- (a) "Bullying" has the meaning ascribed to it in NRS 388.122.
- (b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.
- (c) "Harassment" has the meaning ascribed to it in NRS 388.125.
- (d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 5. NRS 385.357 is hereby amended to read as follows:

385.357 1. Except as otherwise provided in NRS 385.37603 and 385.37607, 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 or 3 of NRS 385.347, as applicable, 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 group 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 group of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to

ensure that each group will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies and practices which:

(1) Are 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; and

(2) Are designed to improve and promote effective involvement and engagement by parents and families of pupils enrolled in the school which are consistent with the policies and recommendations of the Office of Parental Involvement and Family Engagement made pursuant to NRS 385.635.

(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, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS ~~389.015 and~~ 389.550 ~~[-]~~ and 389.805; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(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) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.

(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 and a support team has been established for the school, the support team shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS 385.36127. If the school is a Title I school that has been designated as demonstrating need for improvement, the support team established for the school 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 support team, outside experts.

6. On or before December 15 of each year, the principal of each school or the 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 January 31 of each year, the principal of each school or the 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 or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than February 15 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 6. NRS 385.361 is hereby amended to read as follows:

385.361 1. The State Board shall define the measurement for determining whether each public school, each school district and this State are making adequate yearly progress. The definition of adequate yearly progress must:

(a) Comply with 20 U.S.C. § 6311(b)(2) and the regulations adopted pursuant thereto;

(b) Be designed to ensure that all pupils will meet or exceed the minimum level of proficiency set by the State Board, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities; and

(4) Pupils who are limited English proficient;

(c) Be based primarily upon the measurement of progress of pupils on the examinations administered pursuant to NRS 389.550 or the ~~high school proficiency examination,~~ *examinations administered pursuant to NRS 389.805*, as applicable;

(d) Include annual measurable objectives established pursuant to 20 U.S.C. § 6311(b)(2)(G) and the regulations adopted pursuant thereto;

(e) For high schools, include the rate of graduation; and

(f) For elementary schools, junior high schools and middle schools, include the rate of attendance.

2. The examination in science must not be included in the definition of adequate yearly progress.

3. The State Board shall prescribe, by regulation, the differentiated corrective actions, the consequences or the sanctions, or any combination thereof, based upon the identified needs of a public school, including, without limitation, the educational needs of English language learners, pupils with disabilities or other groups of pupils identified in paragraph (b) of subsection 1, that apply to the public school that has been designated as demonstrating need for improvement for 4 consecutive years or more, including, without limitation, the establishment of a support team for a school if deemed necessary by the Department in accordance with the regulations of the State Board. In no event may the consequences or sanctions be more strict than the restructuring that applies to Title I schools.

Sec. 7. NRS 385.3612 is hereby amended to read as follows:

385.3612 1. The State Board shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, the manner in which pupils enrolled in:

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

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

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Local, regional or state facility for the detention of children;

(II) Juvenile forestry camp;

(III) Child welfare agency; or

(IV) Correctional institution,

→ will be included within the statewide system of accountability set forth in NRS 385.3455 to 385.391, inclusive.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and

(b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 on the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 and 389.805 will be reported.

Sec. 8. NRS 385.36129 is hereby amended to read as follows:

385.36129 1. In addition to the duties prescribed in NRS 385.36127, a support team established for a school shall prepare an annual written report that includes:

(a) Information concerning the most recent plan to improve the achievement of the school's pupils, the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, including, without limitation, an evaluation of:

(1) The appropriateness of the plan for the school; and

(2) Whether the school has achieved the goals and objectives set forth in the plan;

(b) The written revisions to the plan to improve the achievement of the school's pupils or written recommendations for revisions to the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, submitted by the support team pursuant to NRS 385.36127;

(c) A summary of each program for remediation, if any, purchased for the school with money that is available from the Federal Government, this state and the school district in which the school is located, including, without limitation:

(1) The name of the program;

(2) The date on which the program was purchased and the date on which the program was carried out by the school;

(3) The percentage of personnel at the school who were trained regarding the use of the program;

(4) The satisfaction of the personnel at the school with the program; and

(5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(d) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

- (1) The financial resources of the school;
- (2) The administrative and educational personnel of the school;
- (3) The curriculum of the school;
- (4) The facilities available at the school, including the availability and accessibility of educational technology; and

(5) Any other factors that the support team believes contributed to the designation of the school as demonstrating need for improvement; and

(e) Other information concerning the school, including, without limitation:

(1) The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.550 ~~for the high school proficiency examination, as applicable;~~ *and, if applicable for the grade levels of the school, the end-of-course examinations administered pursuant to NRS 389.805;*

(2) Records of the attendance and truancy of pupils who are enrolled in the school;

(3) The transiency rate of pupils who are enrolled in the school;

(4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;

(5) A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;

(6) A description of each source of money for the remediation of pupils who are enrolled in the school;

(7) Except as otherwise provided in subparagraph (8), a description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information contained in paragraphs (m) to (p), inclusive, of subsection 2 of NRS 385.347; and

(8) For a charter school, a description of the disciplinary problems of the pupils enrolled in the charter school as reported in the annual report of accountability prepared by the State Public Charter School Authority or the college or university within the Nevada System of Higher Education that sponsors the charter school, as applicable, pursuant to subsection 3 of NRS 385.347.

2. On or before December 15, the support team of a school other than a charter school shall submit a copy of the final written report to the:

- (a) Principal of the school;
- (b) Board of trustees of the school district in which the school is located;
- (c) Superintendent of schools of the school district in which the school is located;

- (d) Department; and
- (e) Bureau.

↪ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school.

3. On or before December 15, the support team for a charter school shall submit a copy of the final written report to the:

- (a) Principal of the charter school;
- (b) Sponsor of the charter school;
- (c) Governing body of the charter school;
- (d) Department; and
- (e) Bureau.

↪ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the charter school.

Sec. 9. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. Except as otherwise provided in subsection 2, on or before July 31 of each year, the Department shall determine whether each public school is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

2. On or before July 31 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, 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 or by a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority or the institution within the Nevada System of Higher Education 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.

4. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any group identified in paragraph (b) of subsection 1 of NRS 385.361 does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school shall be deemed to have made adequate yearly progress even though a group identified in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the annual measurable objectives of the State Board.

5. In addition to the provisions of subsection 4, the Department shall determine that a public school has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the ~~high school proficiency examination,~~ *examinations administered pursuant to NRS 389.805*, as applicable, is less than 95 percent of all pupils enrolled in the school who were required to take the examinations; or

(b) Except as otherwise provided in subsection 6, for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the group enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the ~~high school proficiency examination,~~ *examinations administered pursuant to NRS 389.805*, as applicable, is less than 95 percent of all pupils in that group enrolled in the school who were required to take the examinations.

6. 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 make adequate yearly progress pursuant to paragraph (b) of subsection 5 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 State Board shall prescribe the mechanism for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

7. 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.

8. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 10. NRS 385.3762 is hereby amended to read as follows:

385.3762 1. On or before August 15 of each year, the Department shall determine whether each school district is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361. The pupils who are enrolled in a charter school, if any, located within a school district must not be included in the determination made for that school district. The determination made for each school district must be based only upon the information and data for those pupils who were enrolled in the school district for a full academic year, regardless of whether those pupils attended more than one school within the school district for that academic year.

2. Except as otherwise provided in this subsection, the Department shall determine that a school district has failed to make adequate yearly progress if any group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school district shall be deemed to have made adequate yearly progress even though a group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district did not satisfy the annual measurable objectives of the State Board.

3. In addition to the provisions of subsection 2, the Department shall determine that a school district has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the ~~[high school proficiency examination]~~ *examinations administered pursuant to NRS 389.805*, as applicable, is less than 95 percent of all pupils enrolled in the school district who were required to take the examinations; or

(b) Except as otherwise provided in subsection 4, for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the ~~[high school proficiency examination]~~ *examinations administered pursuant to NRS 389.805*, as applicable, is less than 95 percent of all pupils in the group who were required to take the examinations.

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

(a) The Department shall not determine that the school district has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 3 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 district who took the examinations.

↪ The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

Sec. 11. 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 and}~~ 389.550 ~~{ }~~ and 389.805, 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 218E.615 and programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

2. If a school fails to make adequate yearly progress based upon the results of the examinations administered pursuant to NRS ~~{389.015 or}~~ 389.550 ~~{ }~~ or 389.805, the school shall adopt a program of remedial study that has been adopted by the Department pursuant to subsection 1 or a program, practice or strategy recommended by the Commission on Educational Excellence pursuant to NRS 385.3785, 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 or}~~ 389.550 ~~{ }~~ or 389.805, as applicable, completes remedial study that is determined to be appropriate for the pupil.

Sec. 12. NRS 385.3891 is hereby amended to read as follows:

385.3891 1. The Department shall establish a monitoring system for the statewide system of accountability. The monitoring system must identify significant levels of achievement of pupils on the examinations that are administered pursuant to NRS 389.550 and the ~~{high school proficiency examination that is}~~ examinations administered pursuant to NRS ~~{389.015,}~~ 389.805, identified by school and by school district.

2. On or before October 1 of each year, the Department shall prepare a written summary of the findings made pursuant to subsection 1. The written summary must be provided to:

- (a) The Committee; and
- (b) If the findings show inconsistencies applicable to a particular school district or school within a school district, the board of trustees of that school district.

3. The Committee shall review the report submitted pursuant to subsection 2 and take such action as it deems appropriate.

Sec. 12.3. NRS 385.448 is hereby amended to read as follows:

385.448 1. The State Board shall select an assessment which enables a person who satisfies the requirements of subsection 2 or 3, as applicable, to demonstrate that he or she has achieved an educational level which is an acceptable substitute for completing a high school education.

2. A person who:

- (a) Is 17 years of age or older;
 - (b) If he or she is at least 17 years of age but less than 18 years of age, submits to the State Board written permission signed by his or her parent or legal guardian;
 - (c) Has not graduated from a high school;
 - (d) Is not currently enrolled in a high school; and
 - (e) Satisfies any other requirements prescribed by the State Board,
- ↪ may take the ~~[tests of general educational development prescribed]~~ high school equivalency assessment selected by the State Board.

~~[2.]~~ 3. The board of trustees of a school district may, upon request and for good cause shown, grant permission to take the ~~[tests of general educational development prescribed]~~ high school equivalency assessment selected by the State Board to a person who:

- (a) Resides in the school district;
- (b) Is at least 16 years of age but less than 17 years of age;
- (c) Submits to the board of trustees written permission signed by his or her parent or legal guardian;
- (d) Has not graduated from a high school;
- (e) Is not currently enrolled in a high school; and
- (f) Satisfies any other requirements prescribed by the board of trustees.

~~[3.]~~ 4. The State Board may adopt regulations to carry out the provisions of ~~[subsection 1]~~.

4. ~~As used in this section, "tests of general educational development" means examinations which enable persons who have not graduated from high school to demonstrate that they have achieved an educational level which is an acceptable substitute for completing a high school education.~~ this section.

Sec. 12.5. NRS 385.451 is hereby amended to read as follows:

385.451 It is unlawful to disclose the questions contained in ~~[tests of general educational development]~~ the high school equivalency assessment selected by the State Board pursuant to NRS 385.448 and the approved answers used for grading the ~~[tests]~~ assessment except:

1. To the extent that disclosure is required in the Department's administration of the ~~[tests]~~ assessment.

2. That a disclosure may be made to a state officer who is a member of the Executive or Legislative branch to the extent that it is related to the performance of that officer's duties.

Sec. 13. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

- (a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the ~~{achievement and proficiency}~~ examinations administered pursuant to ~~[NRS 389.015 and the examinations required pursuant to]~~ NRS 389.550 and, *if the charter school enrolls pupils at a high school grade level, the end-of-course examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act* to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a

charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and of Colleges and Universities.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 14. NRS 386.5515 is hereby amended to read as follows:

386.5515 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department pursuant to NRS 386.540 contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by annual measurable objectives determined by the State Board, for the majority of the years of its operation; and

(d) At least 75 percent of the pupils enrolled in grade 12 in the charter school in the immediately preceding school year ~~[who] have [completed the required course work for graduation have passed the high school proficiency examination.]~~ *satisfied the criteria prescribed by the State Board pursuant to NRS 389.805*, if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual

report submitted to the Department pursuant to NRS 386.610. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c) and (d) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 15. NRS 386.740 is hereby amended to read as follows:

386.740 1. Each empowerment plan for a school must:

(a) Set forth the manner by which the school will be governed;

(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;

(c) If a school support team has been established for the school in accordance with the regulations of the State Board adopted pursuant to NRS 385.361, require the principal and the empowerment team for the school to work in consultation with the school support team;

(d) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;

(e) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS ~~389.015 and~~ 389.550 ~~[-]~~ and, if applicable for the grade levels of the empowerment school, the end-of-course examinations administered pursuant to NRS 389.805;

(f) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;

(g) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;

(h) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;

(i) Indicate the intended ratio of pupils to teachers at the school, designated by grade level, which must comply with NRS 388.700 or 388.720, as applicable;

(j) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;

(k) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;

(l) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385.357, the turnaround plan for the school implemented pursuant to NRS 385.37603 or the plan for restructuring the school implemented pursuant to NRS 385.37607, whichever is applicable for the school;

(m) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and

(n) Set forth the calendar and schedule for the school.

2. If the empowerment plan includes an incentive pay structure, that pay structure must:

(a) Provide an incentive for all staff employed at the school;

(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and

(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.

3. An empowerment plan may:

(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.

(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.

4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:

(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.

(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line-item specifications or specific uses

determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.

Sec. 16. NRS 386.765 is hereby amended to read as follows:

386.765 1. Except as otherwise provided pursuant to a waiver granted in accordance with NRS 386.745 or 386.750, each empowerment school, each person employed by an empowerment school and each pupil enrolled in an empowerment school shall comply with the applicable requirements of state law, including, without limitation, the standards of content and performance prescribed pursuant to NRS 389.520 and the examinations that are administered pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[.] and 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.~~

2. Each empowerment school may accept gifts, grants and donations from any source for the support of its empowerment plan. A person who gives a gift, grant or donation may designate all or part of the gift, grant or donation specifically to carry out the incentive pay structure of the school, if applicable.

Sec. 17. NRS 388.205 is hereby amended to read as follows:

388.205 1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.

2. The policy may ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are provided with, to the extent practicable, the following information:

(a) The advanced placement courses, honors courses, international baccalaureate courses, dual credit courses, career and technical education courses, including, without limitation, career and technical skills-building programs, and any other educational programs, pathways or courses available to the pupil which will assist the pupil in the advancement of his or her education;

~~(b) [The courses of study which the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the high school proficiency examination and pass that examination;~~

~~(c)~~ The requirements for graduation from high school with a diploma and the types of diplomas available;

~~(d)~~ (c) The requirements for admission to the Nevada System of Higher Education and the eligibility requirements for a Governor Guinn Millennium Scholarship; and

~~(e)~~ (d) The charter schools within the school district.

3. The policy required by subsection 1 must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

- (a) Be notified of opportunities to work in consultation with a school counselor to develop and review an academic plan for the pupil;
- (b) Sign the academic plan; and
- (c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

4. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

5. ~~If the administration of the high school proficiency examination in the subject area of mathematics or science, or both, is postponed for a pupil pursuant to NRS 389.016, the pupil's academic plan must be revised in consultation with the pupil's teacher who provides instruction in the applicable subject area and the pupil's parent or legal guardian as set forth in NRS 389.016.~~

6. An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if the pupil otherwise satisfies the requirements for a diploma.

Sec. 17.5. NRS 388.575 is hereby amended to read as follows:

388.575 1. The Department of Education, after consulting with the Department of Corrections, shall:

- (a) Adopt regulations that establish a statewide program of education for incarcerated persons; and
- (b) Coordinate with and assist school districts in operating programs of education for incarcerated persons.

2. The statewide program may include courses of study for:

- (a) A high school diploma;
- (b) Basic literacy;
- (c) English as a second language;
- (d) General educational development;
- (e) Life skills;
- (f) Career and technical education; and
- (g) Postsecondary education.

3. The statewide program does not include the programs of general education, vocational education and training established by the Board of State Prison Commissioners pursuant to NRS 209.389.

4. The statewide program must establish:

- (a) Standards for each course of study that set forth the:
 - (1) Curriculum;
 - (2) Qualifications for entry; and

(3) Evaluation of incarcerated persons for placement; and

(b) Procedures to ensure that an incarcerated person who earns credits in a program of education for incarcerated persons operated by a school district at a facility or institution shall, if transferred to a different facility or institution, transfer those credits to the program operated by a school district at that facility or institution.

5. As used in this section, "general educational development" means preparation for and administration of the standardized examinations or other high school equivalency assessments that enable persons who have not graduated from high school to demonstrate that they have achieved an educational level which denotes competency in core curriculum. The term includes programs for obtaining a general educational development certificate ~~[-] or an equivalent document.~~

Sec. 18. NRS 388.874 is hereby amended to read as follows:

388.874 1. The State Board shall adopt regulations that prescribe:

(a) The process for submission of an application by a person or entity for inclusion of a course of distance education on the list prepared by the Department pursuant to NRS 388.834 and the contents of the application;

(b) The process for submission of an application by the board of trustees of a school district, the governing body of a charter school or a committee to form a charter school to provide a program of distance education and the contents of the application;

(c) The qualifications and conditions for enrollment that a pupil must satisfy to enroll in a program of distance education, consistent with NRS 388.850;

(d) A method for reporting to the Department the number of pupils who are enrolled in a program of distance education and the attendance of those pupils;

(e) The requirements for assessing the achievement of pupils who are enrolled in a program of distance education, which must include, without limitation, the administration of the ~~achievement and proficiency~~ examinations required pursuant to NRS ~~389.015 and~~ 389.550 ~~[-] and~~ 389.805; and

(f) A written description of the process pursuant to which the State Board may revoke its approval for the operation of a program of distance education.

2. The State Board may adopt regulations as it determines are necessary to carry out the provisions of NRS 388.820 to 388.874, inclusive.

Sec. 19. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The State Board shall select a college and career readiness assessment for administration, commencing with the 2014-2015 school year and each school year thereafter, to pupils who are enrolled in grade 11 in public high schools.*

~~2. Except as otherwise provided in this subsection, a pupil must take the college and career readiness assessment to receive a standard high school~~

diploma. The results of a pupil on the assessment must not be used in the determination of whether the pupil satisfies the requirements for receipt of a standard high school diploma. A pupil with a disability may, in accordance with his or her individualized education program, be exempt from the requirement to take the college and career readiness assessment.

3. The assessment selected pursuant to subsection 1 must be:

(a) Administered at the same time during the school year by the board of trustees of each school district to pupils enrolled in grade 11 in all public high schools of the school district and by the governing body of each charter school that enrolls pupils in grade 11, as prescribed by the State Board, and in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of the school districts and individual schools with the uniform procedures and report to the State Board any instance of noncompliance.

(b) Administered in accordance with the plan adopted by the Department pursuant to NRS 389.616 and with the plan adopted by the board of trustees of the school district in which the assessment is administered pursuant to NRS 389.620. The Department shall monitor the compliance of the school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department, and shall report to the State Board any instance of noncompliance.

4. The assessment selected pursuant to subsection 1 must:

(a) Be used to provide data and information to each pupil who takes the assessment in a manner that allows the pupil to review the areas of his or her academic strengths and weaknesses, including, without limitation, areas where additional work in the subject areas tested on the assessment is necessary to prepare for college and career success without the need for remediation; and

(b) Allow teachers and other educational personnel to use the results of a pupil on the assessment to provide appropriate interventions for the pupil to prepare for college and career success.

5. The State Board may work in consultation with the boards of trustees of school districts and, if a charter school enrolls pupils at a high school grade level, the governing body of the charter school to develop and implement appropriate plans of remediation for pupils based upon the results of the pupils on the assessment.

Sec. 20. NRS 389.004 is hereby amended to read as follows:

389.004 The board of trustees of each school district shall maintain on its Internet website, and shall post in a timely manner, all pertinent information concerning the examinations and assessments available to children who reside in the school district, including, without limitation, the dates and times of, and contact information concerning, such examinations ~~and~~ and

assessments. The examinations *and assessments* posted must include, without limitation:

1. The ~~[high school proficiency]~~ college ~~[examination]~~ and career readiness assessment administered pursuant to ~~[NRS 389.015; and]~~ *section 19 of this act*.

2. *The examinations required pursuant to NRS 389.805.*

3. All *other* college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test, the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test.

Sec. 21. NRS 389.006 is hereby amended to read as follows:

389.006 1. In addition to any other test, examination or assessment required by state or federal law, the board of trustees of each school district may require the administration of district-wide tests, examinations and assessments ~~[including, without limitation, the practice test of the high school proficiency examination to pupils enrolled in high school,]~~ that the board of trustees determines are vital to measure the achievement and progress of pupils. In making this determination, the board of trustees shall consider any applicable findings and recommendations of the Legislative Committee on Education.

2. The tests, examinations and assessments required pursuant to subsection 1 must be limited to those which can be demonstrated to provide a direct benefit to pupils or which are used by teachers to improve instruction and the achievement of pupils.

3. The board of trustees of each school district and the State Board shall periodically review the tests, examinations and assessments administered to pupils to ensure that the time taken from instruction to conduct a test, examination or assessment is warranted because it is still accomplishing its original purpose.

Sec. 22. NRS 389.0115 is hereby amended to read as follows:

389.0115 1. If a pupil with a disability is unable to take an examination administered pursuant to NRS ~~[389.015 or]~~ 389.550 *or* 389.805 under regular testing conditions, the pupil may take the examination with modifications and accommodations that the pupil's individualized education program team determines, in consultation with the Department and in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., are necessary to measure the progress of the pupil. If modifications or accommodations are made in the administration of an examination for a pupil with a disability, the modifications or accommodations must be set forth in the pupil's individualized education program. The results of each pupil with a disability who takes an examination with modifications or accommodations must be reported and must be included in the determination of whether the school and the school district have made adequate yearly progress.

2. The State Board shall prescribe an alternate examination for administration to a pupil with a disability if the pupil's individualized education program team determines, in consultation with the Department, that the pupil cannot participate in all or a portion of an examination administered pursuant to NRS ~~389.015 or~~ 389.550 *or* 389.805 even with modifications and accommodations.

3. The State Board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., the modifications and accommodations that must be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions.

4. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

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

Sec. 23. NRS 389.012 is hereby amended to read as follows:

389.012 1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

(1) Governor;

(2) Board of trustees of each school district of this State;

(3) Legislative Committee on Education created pursuant to NRS 218E.605; and

(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 389.550 and the ~~high school proficiency examination~~ examinations

administered pursuant to NRS ~~[389.015,]~~ 389.805, the Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English and mathematics established pursuant to NRS 389.520 with the standards for English and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 389.550 and the ~~[high school proficiency examination]~~ *examinations* administered pursuant to NRS ~~[389.015,]~~ 389.805.

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

- (a) Governor;
- (b) Legislative Committee on Education;
- (c) Legislative Bureau of Educational Accountability and Program Evaluation; and
- (d) Council to Establish Academic Standards for Public Schools.

4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation.

Sec. 24. NRS 389.0173 is hereby amended to read as follows:

389.0173 1. The Department shall develop an informational pamphlet concerning the ~~[high school proficiency examination]~~ *end-of-course examinations required pursuant to NRS 389.805* for pupils who are enrolled in ~~[junior high, middle school and high school,]~~ *grades 9 and 10* and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the ~~[examination, including, without limitation, an explanation that if the pupil fails the examination, or does not satisfy the requirements of paragraph (b) of subsection 1 of NRS 389.805, the pupil is not eligible to receive a standard high school diploma;~~

(b) Subject areas tested on the examination;

(c) Format for the examination, including, without limitation, the range of items that are contained on the examination;

(d) Manner by which the scaled score, as reported to pupils and their parents or legal guardians, is derived from the raw score;

(e) Timeline by which the results of the examination must be reported to pupils and their parents or legal guardians;

~~(f) Maximum number of times that a pupil is allowed to take the examination if the pupil fails to pass the examination after the first administration;~~

~~(g) Courses of study that the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the examination and pass the examination; and~~

~~(h) Courses of study which the Department recommends that pupils take in high school to successfully prepare for the college entrance examinations.] end-of-course examinations;~~

(b) Courses of study for which the end-of-course examinations are administered;

(c) Format for the end-of-course examinations, including, without limitation, the range of items that are contained on the examinations; and

(d) Maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the ~~[examination.] end-of-course examinations.~~

3. On or before September 1, the Department shall provide a copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before ~~[January 15,]~~ *October 1*, the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in ~~[a junior high, middle school or high school]~~ *grade 9 or 10* of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled *in grade 9 or 10* in the charter school ~~[at a junior high, middle school or high school grade level]~~ and to the parents or legal guardians of such a pupil.

Sec. 25. NRS 389.550 is hereby amended to read as follows:

389.550 1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content established by the Council for the subjects of English and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

➡ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council, prescribe a writing examination for grades 5 and 8 . ~~{and for the high school proficiency examination.}~~

3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(c) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

Sec. 26. NRS 389.604 is hereby amended to read as follows:

389.604 "Irregularity in testing administration" means the failure to administer an examination to pupils pursuant to NRS ~~{389.015 or}~~ 389.550 ~~or 389.805 or the college and career readiness assessment pursuant to section 19 of this act~~ in the manner intended by the person or entity that created the examination ~~{}~~ or assessment.

Sec. 27. NRS 389.608 is hereby amended to read as follows:

389.608 "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination administered to pupils pursuant to NRS ~~{389.015 or}~~ 389.550 ~~{}~~ or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act, including, without limitation:

1. The failure to comply with security procedures adopted pursuant to NRS 389.616 or 389.620;

2. The disclosure of questions or answers to questions on an examination or assessment in a manner not otherwise approved by law; and

3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination ~~[-] or assessment.~~

Sec. 28. NRS 389.616 is hereby amended to read as follows:

389.616 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[-]~~ and 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 389.636.

3. A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

Sec. 29. NRS 389.620 is hereby amended to read as follows:

389.620 1. The board of trustees of each school district shall, for each public school in the district, including, without limitation, charter schools, adopt and enforce a plan setting forth procedures to ensure the security of examinations ~~[-]~~ and assessments.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) With respect to secondary schools, procedures pursuant to which the school district or charter school, as appropriate, will verify the identity of pupils taking an examination ~~[]~~ *or assessment*.

(d) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the action that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify, by category, the employees of the school district or charter school who are responsible for taking the action and for ensuring that the action is carried out successfully.

➤ The procedures adopted pursuant to this subsection must be consistent, to the extent applicable, with the procedures adopted by the Department pursuant to NRS 389.616.

3. A copy of each plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

4. On or before September 30 of each school year, the board of trustees of each school district and the governing body of each charter school shall provide a written notice regarding the examinations *and assessments* to all teachers and educational personnel employed by the school district or governing body, all personnel employed by the school district or governing body who are involved in the administration of the examinations ~~[]~~ *and assessments*, all pupils who are required to take the examinations *or assessments* and all parents and legal guardians of such pupils. The written notice must be prepared in a format that is easily understood and must include, without limitation, a description of the:

(a) Plan adopted pursuant to this section; and

(b) Action that may be taken against personnel and pupils for violations of the plan or for other irregularities in testing administration or testing security.

5. As used in this section:

(a) "*Assessment*" means the college and career readiness assessment administered to pupils enrolled in grade 11 pursuant to section 19 of this act.

(b) "Examination" means:

(1) ~~[Achievement and proficiency]~~ The examinations that are administered to pupils pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[]~~ *or* 389.805; and

(2) Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

~~{(b)}~~ (c) "Irregularity in testing administration" means the failure to administer an examination *or assessment* in the manner intended by the person or entity that created the examination ~~{-~~

~~{e)}~~ *or assessment*.

(d) "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination ~~{-}~~ *or assessment*, including, without limitation:

(1) The failure to comply with security procedures adopted pursuant to this section or NRS 389.616;

(2) The disclosure of questions or answers to questions on an examination *or assessment* in a manner not otherwise approved by law; and

(3) Other breaches in the security or confidentiality of the questions or answers to questions on an examination ~~{-}~~ *or assessment*.

Sec. 30. NRS 389.624 is hereby amended to read as follows:

389.624 1. If the Department:

(a) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.616 may have occurred;

(b) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred with respect to an examination that is administered pursuant to NRS ~~{389.015 or}~~ 389.550 ~~{-}~~ *or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act*; or

(c) Receives a request pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 389.628 to investigate a potential violation of the plan adopted pursuant to NRS 389.620 with respect to an examination that is administered pursuant to NRS ~~{389.015 or}~~ 389.550 ~~{-}~~ *or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act*,

➔ the Department shall investigate the matter as it deems appropriate.

2. If the Department investigates a matter pursuant to subsection 1, the Department may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the Department may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the Department pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the Department as required by the subpoena, or has refused to answer questions propounded to him or her,

➤ and asking for an order of the court compelling the witness to attend, testify or produce materials before the Department.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the Department. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the Department, the court shall enter an order that the witness appear before the Department at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 31. NRS 389.628 is hereby amended to read as follows:

389.628 1. If a school official has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the school official shall immediately report the incident to the board of trustees of the school district. If the board of trustees of a school district has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the board of trustees shall:

(a) If the violation is with respect to an examination administered pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act, immediately report the incident to the Department orally or in writing followed by a comprehensive written report within 14 school days after the incident occurred; and

(b) Cause to be commenced an investigation of the incident. The board of trustees may carry out the requirements of this paragraph by:

(1) Investigating the incident as it deems appropriate, including, without limitation, using the powers of subpoena set forth in this section.

(2) With respect to an examination that is administered pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act, requesting that the Department investigate the incident pursuant to NRS 389.624.

➤ The fact that a board of trustees elects initially to carry out its own investigation pursuant to subparagraph (1) of paragraph (b) does not affect the ability of the board of trustees to request, at any time, that the Department investigate the incident as authorized pursuant to subparagraph (2) of paragraph (b).

2. Except as otherwise provided in this subsection, if the board of trustees of a school district proceeds in accordance with subparagraph (1) of paragraph (b) of subsection 1, the board of trustees may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects. A board of

trustees shall not issue a subpoena to compel the attendance or testimony of a witness or the production of materials unless the attendance, testimony or production sought to be compelled is related directly to a violation or an alleged violation of the plan adopted pursuant to NRS 389.620.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the board of trustees may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the board of trustees pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the board of trustees as required by the subpoena, or has refused to answer questions propounded to him or her,

➤ and asking for an order of the court compelling the witness to attend, testify or produce materials before the board of trustees.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the board of trustees. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the board of trustees, the court shall enter an order that the witness appear before the board of trustees at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 32. NRS 389.644 is hereby amended to read as follows:

389.644 1. The Department shall establish a program of education and training regarding the administration and security of the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ or 389.805 *and the college and career readiness assessment administered pursuant to section 19 of this act*. Upon approval of the Department, the board of trustees of a school district or the governing body of a charter school may establish an expanded program of education and training that includes additional education and training if the expanded program complies with the program established by the Department.

2. The board of trustees of each school district and the governing body of each charter school shall ensure that:

(a) All the teachers and other educational personnel who provide instruction to pupils enrolled in a grade level that is required to be tested pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ or 389.805 *or section 19 of this act*, and all other personnel who are involved with the administration of the examinations that are administered pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ *or 389.805 or the college and career readiness assessment administered*

pursuant to section 19 of this act, receive, on an annual basis, the program of education and training established by the Department or the expanded program, if applicable; and

(b) The training and education is otherwise available for all personnel who are not required to receive the training and education pursuant to paragraph (a).

Sec. 33. NRS 389.805 is hereby amended to read as follows:

389.805 1. ~~{Except as otherwise provided in subsection 3, a pupil must receive a standard high school diploma if the pupil:~~

~~(a) Passes all subject areas of the high school proficiency examination administered pursuant to NRS 389.015 and otherwise satisfies the requirements for graduation from high school; or~~

~~(b) Has failed to pass the high school proficiency examination administered pursuant to NRS 389.015 in its entirety not less than two times before beginning grade 12 and the pupil:~~

~~(1) Passes the subject areas of mathematics and reading on the proficiency examination;~~

~~(2) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;~~

~~(3) Satisfies the alternative criteria prescribed by the State Board pursuant to subsection 4; and~~

~~(4) Otherwise satisfies the requirements for graduation from high school.~~

2.} A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program. As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

~~{3. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of paragraphs (a) and (b) of subsection 1 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:~~

~~(a) Accepts the results of the exit or end of course examinations required for graduation in the local education agency in which the pupil was previously enrolled;~~

~~(b) Accepts the results of a national norm referenced achievement examination taken by the pupil; or~~

~~(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.~~

4.} 2. The State Board shall adopt regulations that prescribe the ~~{alternative criteria}~~ :

(a) Criteria for a pupil to receive a standard high school diploma ~~[pursuant to paragraph (b) of subsection 1, including, without limitation:~~

~~(a) An essay;~~

~~(b) A senior project; or~~

~~(c) A portfolio of work;~~

~~→ or any combination thereof, that demonstrate proficiency in the subject areas on the high school proficiency examination which the pupil failed to pass.] , which must include, without limitation, the requirement that:~~

~~(1) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enrolled in grade 11 take the college and career readiness assessment administered pursuant to section 19 of this act; and~~

~~(2) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enrolled in grade 9 or 10 who completes the required instruction in a course of study pass an end-of-course examination in that course of study.~~

~~(b) Courses of study in which pupils enrolled in grades 9 and 10 must pass the end-of-course examinations required by subparagraph (2) of paragraph (a), which must include, without limitation, the subject areas for which the State Board has adopted the common core standards.~~

~~(c) The maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.~~

~~3. The criteria prescribed by the State Board pursuant to subsection 2 for a pupil to receive a standard high school diploma must not include the results of the pupil on the college and career readiness assessment administered to the pupil in grade 11 pursuant to section 19 of this act.~~

~~4. If a pupil does not satisfy the requirements prescribed by the State Board to receive a standard high school diploma, the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for such a diploma. The provisions of this subsection do not apply to a pupil who receives an adjusted diploma pursuant to subsection 1.~~

Sec. 33.5. NRS 389.810 is hereby amended to read as follows:

389.810 1. Notwithstanding any provision of this title to the contrary, a person who:

(a) Left high school before graduating to serve in the Armed Forces of the United States during:

(1) World War II and so served at any time between September 16, 1940, and December 31, 1946;

(2) The Korean War and so served at any time between June 25, 1950, and January 31, 1955; or

(3) The Vietnam Era and so served at any time between January 1, 1961, and May 7, 1975;

(b) Was discharged from the Armed Forces of the United States under honorable conditions; and

(c) As a result of his or her service in the Armed Forces of the United States, did not receive a high school diploma,

➡ shall be deemed to have earned sufficient credits to receive a standard high school diploma.

2. A school district may, upon request, issue a standard high school diploma to any person who meets the requirements set forth in subsection 1. A school district may issue a standard high school diploma to such a person even if the person:

(a) Holds a general educational development credential or ~~fits~~ an equivalent ~~fit~~ document; or

(b) Is deceased, if the family of the veteran requests the issuance of the diploma.

3. The State Board and the Office of Veterans Services shall work cooperatively to establish guidelines for identifying and issuing standard high school diplomas to persons pursuant to this section.

4. A person to whom a standard high school diploma is issued pursuant to this section shall not be deemed to be a pupil for the purposes of this title.

Sec. 34. NRS 389.900 is hereby amended to read as follows:

389.900 If the Department enters into a contract with a person or entity to score the results of an examination that is administered to pupils pursuant to NRS ~~{389.015 or}~~ 389.550 *or, if applicable, pursuant to NRS 389.805*, and the contract sets forth penalties or sanctions in the event that the person or entity fails to deliver the scored results to a school district or charter school on a timely basis, the Department shall ensure that any such penalties or sanctions are fully enforced.

Sec. 34.5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

"Assessment" means the college and career readiness assessment administered to pupils in grade 11 pursuant to section 19 of this act.

Sec. 35. NRS 391.166 is hereby amended to read as follows:

391.166 1. There is hereby created the Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level which must be designed to attract and retain those employees. The program must be negotiated pursuant to chapter 288 of NRS and must include, without limitation, the attraction and retention of:

(a) Licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level who have been employed in that category of position for at least 5 years in this State or another state and who are employed in schools which are at-risk, as determined by the Department pursuant to subsection 8; and

(b) Teachers who hold a license or endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district, as determined by the Superintendent of Public Instruction.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel. Money available for the program must not be used to negotiate the salaries of individual employees who participate in the program.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. The Superintendent of Public Instruction shall compile a list of the financial incentives recommended by each school district that submitted an application. On or before December 1 of each year, the Superintendent shall submit the list to the Interim Finance Committee for its approval of the recommended incentives.

6. After approval of the list of incentives by the Interim Finance Committee pursuant to subsection 5 and within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district that submitted an application.

7. An individual employee may not receive as a financial incentive pursuant to a program an amount of money that is more than \$3,500 per year.

8. The Department shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1 of each year and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are limited English proficient;

(d) The percentage of pupils who have individualized education programs;

and

(e) ~~[(The percentage of pupils who score in the bottom two quarters on the mathematics portion or the reading portion, or both, of the high school proficiency examination; and~~

~~(f)~~ The percentage of pupils who drop out of high school before graduation.

9. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining the personnel as set forth in subsection 2. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

- (a) Governor;
- (b) State Board;
- (c) Interim Finance Committee;
- (d) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and
- (e) Legislative Committee on Education.

Sec. 36. NRS 391.312 is hereby amended to read as follows:

391.312 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

- (a) Inefficiency;
- (b) Immorality;
- (c) Unprofessional conduct;
- (d) Insubordination;
- (e) Neglect of duty;
- (f) Physical or mental incapacity;
- (g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;
- (h) Conviction of a felony or of a crime involving moral turpitude;
- (i) Inadequate performance;
- (j) Evident unfitness for service;
- (k) Failure to comply with such reasonable requirements as a board may prescribe;
- (l) Failure to show normal improvement and evidence of professional training and growth;
- (m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;
- (n) Any cause which constitutes grounds for the revocation of a teacher's license;
- (o) Willful neglect or failure to observe and carry out the requirements of this title;
- (p) Dishonesty;

(q) Breaches in the security or confidentiality of the questions and answers of the ~~[achievement and proficiency]~~ examinations that are administered pursuant to NRS ~~[389.015,]~~ 389.550 or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act;

(r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 389.616 or 389.620;

(s) An intentional violation of NRS 388.5265 or 388.527;

(t) Gross misconduct; or

(u) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

3. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 37. NRS 391.330 is hereby amended to read as follows:

391.330 The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.
2. Evident unfitness for service.
3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.
4. Conviction of a felony or crime involving moral turpitude.
5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.
6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.
7. Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.

8. Breaches in the security or confidentiality of the questions and answers of the ~~[achievement and proficiency]~~ examinations that are administered pursuant to NRS ~~[389.015,]~~ 389.550 or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.

9. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations *and assessments* adopted pursuant to NRS 389.616 or 389.620.

10. An intentional violation of NRS 388.5265 or 388.527.

Sec. 37.5. NRS 391.600 is hereby amended to read as follows:

391.600 As used in NRS 391.600 to 391.648, inclusive, unless the context otherwise requires, the words and terms defined in NRS 391.604 to 391.620, inclusive, *and section 34.5 of this act* have the meanings ascribed to them in those sections.

Sec. 38. NRS 391.604 is hereby amended to read as follows:

391.604 "Examination" means:

1. ~~{Achievement and proficiency}~~ *The examinations that are administered to pupils pursuant to NRS ~~{389.015 or}~~ 389.550 ~~{,}~~ or 389.805;* and

2. Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

Sec. 38.3. NRS 391.608 is hereby amended to read as follows:

391.608 "Irregularity in testing administration" means the failure to administer an examination *or assessment* in the manner intended by the person or entity that created the examination ~~{,}~~ *or assessment*.

Sec. 38.7. NRS 391.612 is hereby amended to read as follows:

391.612 "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination ~~{,}~~ *or assessment*, including, without limitation:

1. The failure to comply with security procedures adopted pursuant to NRS 389.616 or 389.620;

2. The disclosure of questions or answers to questions on an examination *or assessment* in a manner not otherwise approved by law; and

3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination ~~{,}~~ *or assessment*.

Sec. 38.9. NRS 392.075 is hereby amended to read as follows:

392.075 Attendance required by the provisions of NRS 392.040 must be excused if a child has obtained permission to take the ~~tests of general educational development~~ *high school equivalency assessment* pursuant to NRS 385.448.

Sec. 39. NRS 392.700 is hereby amended to read as follows:

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each

school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any

information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to NRS 387.1233. A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in ~~{the high school proficiency examination administered pursuant to NRS 389.015 and}~~ all college entrance examinations offered in this State, including, without limitation, the SAT, the ACT, the Preliminary SAT and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

- (a) Essential to further a compelling governmental interest; and
- (b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 40. NRS 392A.100 is hereby amended to read as follows:

392A.100 1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.

2. A person who wishes to apply for admission to a university school for profoundly gifted pupils must:

- (a) Submit to the governing body of the school:
 - (1) A completed application;
 - (2) Evidence that the applicant possesses advanced intellectual and academic ability, including, without limitation, proof that he or she satisfies the requirements of NRS 392A.030;
 - (3) At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant;
 - (4) A transcript from each school previously attended by the applicant; and
 - (5) Such other information as may be requested by the university school or governing body of the school.

- (b) If requested by the governing body of the school, participate in an on-campus interview.

3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil ~~{successfully passes the high school proficiency examination}~~ *satisfies the criteria prescribed by the State Board pursuant to NRS 389.805 and the courses in American government and American history as required by NRS 389.020 and 389.030, and successfully completes any requirements established by the State Board of Education for graduation from high school.*

5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, the State

Board and the Director of the Legislative Counsel Bureau a report that contains information regarding the school, including, without limitation, the process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils.

Sec. 41. NRS 392A.110 is hereby amended to read as follows:

392A.110 1. At least 70 percent of the teachers employed by a university school for profoundly gifted pupils must be licensed teachers.

2. A university school for profoundly gifted pupils shall administer to its pupils the achievement and proficiency examinations required by NRS ~~[389.015 and]~~ 389.550.

Sec. 41.1. NRS 209.396 is hereby amended to read as follows:

209.396 1. Except as otherwise provided in this section, an offender who is illiterate may not be assigned to an industrial or a vocational program unless:

(a) The offender is regularly attending and making satisfactory progress in a program for general education; or

(b) The Director for good cause determines that the limitation on assignment should be waived under the circumstances with respect to a particular offender.

2. An offender whose:

(a) Native language is not English;

(b) Ability to read and write in his or her native language is at or above the level of literacy designated by the Board in its regulations; and

(c) Ability to read and write the English language is below the level of literacy designated by the Board in its regulations,

↪ may not be assigned to an industrial or a vocational program unless the offender is regularly attending and making satisfactory progress in a course which teaches English as a second language or the Director for good cause determines that the limitation on assignment should be waived under the circumstances with respect to a particular offender.

3. Upon written documentation that an illiterate offender has a developmental, learning or other similar disability which affects his or her ability to learn, the Director may:

(a) Adapt or create an educational program or guidelines for evaluating the educational progress of the offender to meet his or her particular needs; or

(b) Exempt the offender from the required participation in an educational program prescribed by this section.

4. The provisions of this section do not apply to an offender who presents satisfactory evidence that the offender has a ~~[high]~~ :

(a) High school diploma; or ~~[a general]~~

(b) General educational development certificate [] or an equivalent document.

5. As used in this section, "illiterate" means having an ability to read and write that is below the level of literacy designated by the Board in its regulations.

Sec. 41.2. NRS 209.433 is hereby amended to read as follows:

209.433 1. Every offender who was sentenced to prison on or before June 30, 1969, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement, or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed for his or her term a deduction of 2 months in each of the first 2 years, 4 months in each of the next 2 years, and 5 months in each of the remaining years of the term, and pro rata for any part of a year where the sentence is for more or less than a year.

2. In addition to the credits for good behavior provided for in subsection 1, the Board shall adopt regulations allowing credits for offenders whose diligence in labor or study merits the credits and for offenders who donate their blood for charitable purposes. The regulations must provide that an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate ~~or~~ *or an equivalent document*, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. Each offender is entitled to the deductions allowed by this section if the offender has satisfied the conditions of subsection 1 or 2 as determined by the Director.

Sec. 41.3. NRS 209.443 is hereby amended to read as follows:

209.443 1. Every offender who is sentenced to prison after June 30, 1969, for a crime committed before July 1, 1985, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement, or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated under sentence; and

(b) For the period the offender is in residential confinement,

→ a deduction of 2 months for each of the first 2 years, 4 months for each of the next 2 years and 5 months for each of the remaining years of the term, and pro rata for any part of a year where the actual term served is for more or less than a year. Credit must be recorded on a monthly basis as earned for actual time served.

2. The credits earned by an offender must be deducted from the maximum term imposed by the sentence and, except as otherwise provided in subsection 5, must apply to eligibility for parole.

3. In addition to the credits for good behavior provided for in subsection 1, the Board shall adopt regulations allowing credits for offenders whose diligence in labor or study merits such credits and for offenders who

donate their blood for charitable purposes. The regulations must provide that an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate ~~or~~ or an equivalent document, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

4. Each offender is entitled to the deductions allowed by this section if the offender has satisfied the conditions of subsection 1 or 3 as determined by the Director.

5. Credits earned pursuant to this section do not apply to eligibility for parole if a statute specifies a minimum sentence which must be served before a person becomes eligible for parole.

Sec. 41.4. NRS 209.446 is hereby amended to read as follows:

209.446 1. Every offender who is sentenced to prison for a crime committed on or after July 1, 1985, but before July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated under sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

↪ a deduction of 10 days from the offender's sentence for each month the offender serves.

2. In addition to the credit provided for in subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate ~~or~~ or an equivalent document, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is entitled to the entire 20 days of credit each month which is authorized in subsections 1 and 2.

4. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

5. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

6. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole.

Sec. 41.5. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

↪ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate ~~for~~ or an equivalent document, 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsection 8, credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or

(d) A category A or B felony,

→ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.

Sec. 41.6. NRS 211.330 is hereby amended to read as follows:

211.330 1. In addition to the credits on a term of imprisonment provided for in NRS 211.310, 211.320 and 211.340, the sheriff of the county or the chief of police of the municipality in which a prisoner is incarcerated shall deduct 5 days from the prisoner's term of imprisonment for earning a general educational development certificate ~~[,] or [the equivalent thereof,]~~ an equivalent document by successfully completing an educational program for adults conducted jointly by the local detention facility in which the prisoner is incarcerated and the school district in which the facility is located.

2. The provisions of this section apply to any prisoner who is sentenced on or after October 1, 1991, to a term of imprisonment of 90 days or more.

Sec. 41.7. NRS 213.315 is hereby amended to read as follows:

213.315 1. Except as otherwise provided in this section, an offender who is illiterate is not eligible to participate in a program unless:

(a) The offender is regularly attending and making satisfactory progress in a program for general education; or

(b) The Director, for good cause, determines that the limitation on eligibility should be waived under the circumstances with respect to a particular offender.

2. An offender whose:

(a) Native language is not English;

(b) Ability to read and write in his or her native language is at or above the level of literacy designated by the Board of State Prison Commissioners in its regulations; and

(c) Ability to read and write the English language is below the level of literacy designated by the Board of State Prison Commissioners in its regulations,

↪ may not be assigned to an industrial or a vocational program unless the offender is regularly attending and making satisfactory progress in a course which teaches English as a second language or the Director, for good cause, determines that the limitation on eligibility should be waived under the circumstances with respect to a particular offender.

3. Upon written documentation that an illiterate offender has a developmental, learning or other similar disability which affects his or her ability to learn, the Director may:

(a) Adapt or create an educational program or guidelines for evaluating the educational progress of the offender to meet his or her particular needs; or

(b) Exempt the offender from the required participation in an educational program prescribed by this section.

4. The provisions of this section do not apply to an offender who:

(a) Presents satisfactory evidence that the offender has ~~fe~~ :

(1) A high school diploma; or ~~fe~~

(2) A general educational development certificate ~~fe~~ or an equivalent document; or

(b) Is admitted into a program for the purpose of obtaining additional education in this state.

5. As used in this section, "illiterate" means having an ability to read and write that is below the level of literacy designated by the Board of State Prison Commissioners in its regulations.

Sec. 42. NRS 218E.615 is hereby amended to read as follows:

218E.615 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, State Public Charter School Authority, 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~~ 389.550 or 389.805. 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 NRS 385.3785, recommend to the Commission on Educational Excellence created by NRS 385.3784 programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 42.2. NRS 432B.595 is hereby amended to read as follows:

432B.595 1. If the court retains jurisdiction over a child pursuant to NRS 432B.594, the agency which provides child welfare services shall develop a written plan to assist the child in transitioning to independent living. Such a plan must include, without limitation, the following goals:

(a) That the child save enough money to pay for his or her monthly expenses for at least 3 months;

(b) If the child has not graduated from high school or obtained a general equivalency diploma ~~or~~ or an equivalent document, that the child remain enrolled in high school or a program to obtain a general equivalency diploma or an equivalent document until graduation or completion of the program;

(c) If the child has graduated from high school or obtained a general equivalency diploma ~~or~~ or an equivalent document, that the child:

(1) Enroll in a program of postsecondary or vocational education;

(2) Enroll or participate in a program or activity designed to promote or remove obstacles to employment; or

(3) Obtain or actively seek employment which is at least 80 hours per month;

(d) That the child secure housing;

(e) That the child have adequate income to meet his or her monthly expenses;

(f) That the child identify an adult who will be available to provide support to the child;

(g) If applicable, that the child have established appropriate supportive services to address any mental health or developmental needs of the child; and

(h) If a child is not capable of achieving one or more of the goals set forth in paragraphs (a) to (g), inclusive, that the child have goals which are appropriate for the child based upon the needs of the child.

2. During the period in which the court retains jurisdiction over the child, the agency which provides child welfare services shall:

(a) Monitor the plan developed pursuant to subsection 1 and adjust the plan as necessary;

(b) Contact the child by telephone at least once each month and in person at least quarterly;

(c) Ensure that the child meets with a person who will provide guidance to the child and make the child aware of the services which will be available to the child; and

(d) Conduct a meeting with the child at least 30 days, but not more than 45 days, before the jurisdiction of the court is terminated to determine whether the child requires any additional guidance.

Sec. 42.4. NRS 630.277 is hereby amended to read as follows:

630.277 1. Every person who wishes to practice respiratory care in this State must:

(a) Have ~~fe~~ :

(1) A high school diploma ; or

(2) A general equivalency diploma ~~fe~~ or an equivalent document;

(b) Complete an educational program for respiratory care which has been approved by the Commission on Accreditation of Allied Health Education Programs or its successor organization or the Committee on Accreditation for Respiratory Care or its successor organization;

(c) Pass the examination as an entry-level or advanced practitioner of respiratory care administered by the National Board for Respiratory Care or its successor organization;

(d) Be certified by the National Board for Respiratory Care or its successor organization; and

(e) Be licensed to practice respiratory care by the Board and have paid the required fee for licensure.

2. Except as otherwise provided in subsection 3, a person shall not:

- (a) Practice respiratory care; or
- (b) Hold himself or herself out as qualified to practice respiratory care,
 ↪ in this State without complying with the provisions of subsection 1.

3. Any person who has completed the educational requirements set forth in paragraphs (a) and (b) of subsection 1 may practice respiratory care pursuant to a program of practical training as an intern in respiratory care for not more than 12 months after completing those educational requirements.

Sec. 42.5. NRS 641C.420 is hereby amended to read as follows:

641C.420 1. The Board shall issue a certificate as an alcohol and drug abuse counselor intern to a person who:

- (a) Is not less than 21 years of age;
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
- (c) Has ~~the~~:
 - (1) A high school diploma; or ~~the~~
 - (2) A general equivalency diploma ~~the~~ or an equivalent document;
- (d) Pays the fees required pursuant to NRS 641C.470;
- (e) Submits proof to the Board that the person:
 - (1) Is enrolled in a program from which he or she will receive an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the Board; or
 - (2) Has received an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the Board; and
- (f) Submits all information required to complete an application for a certificate.

2. A certificate as an alcohol and drug abuse counselor intern is valid for 1 year and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified alcohol and drug abuse counselor intern may, under the supervision of a licensed alcohol and drug abuse counselor or licensed clinical alcohol and drug abuse counselor:

- (a) Engage in the practice of counseling alcohol and drug abusers; and
- (b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 42.6. NRS 652.127 is hereby amended to read as follows:

652.127 To qualify for certification as an assistant in a medical laboratory, a person must be a high school graduate or have a general equivalency diploma or an equivalent document and:

1. Must complete at least 6 months of training approved by the Board and demonstrate an ability to perform laboratory procedures in the medical laboratory where he or she receives the training; or

2. Must:

- (a) Complete a course of instruction that qualifies him or her to take an examination for certification in phlebotomy that is administered by:

- (1) The American Medical Technologists;
- (2) The American Society of Clinical Pathologists; or
- (3) The National Certification Agency; and
- (b) Pass an examination specified in paragraph (a).

Sec. 42.7. NRS 697.173 is hereby amended to read as follows:

697.173 1. Except as otherwise provided in subsection 2, a person is entitled to receive, renew or hold a license as a bail enforcement agent if the person:

- (a) Is a natural person not less than 21 years of age.
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has ~~the~~ :

(1) A high school diploma ~~for a~~ ;

(2) A general equivalency diploma or an equivalent document; or
~~has an~~

(3) An equivalent education as determined by the Commissioner.

(d) Has complied with the requirements of subsection 4 of NRS 697.180.

(e) Has submitted to the Commissioner the results of an examination conducted by a psychiatrist or psychologist licensed to practice in this state which indicate that the person does not suffer from a psychological condition that would adversely affect the ability of the person to carry out his or her duties as a bail enforcement agent.

(f) Has passed any written examination required by this chapter.

(g) Submits to the Commissioner the results of a test to detect the presence of a controlled substance in the system of the person that was administered no earlier than 30 days before the date of the application for the license which do not indicate the presence of any controlled substance for which the person does not possess a current and lawful prescription issued in the name of the person.

(h) Successfully completes the training required by NRS 697.177.

2. A person is not entitled to receive, renew or hold a license of a bail enforcement agent if the person:

(a) Has been convicted of a felony in this state or of any offense committed in another state which would be a felony if committed in this state; or

(b) Has been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance.

Sec. 43. NRS 389.015, 389.016, 389.017, 389.0175 and 389.045 are hereby repealed.

Sec. 44. 1. The Legislature hereby recognizes that to receive federal money under the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301 et seq., pupils enrolled in public high schools in this State must be administered an assessment at least one time while in high school based upon the State's academic and content standards. To continue to receive federal money under the Act, the State Board of Education may, for

the purposes set forth in subsection 2, continue to provide for the administration of the high school proficiency examination.

2. On or before August 1, 2013, the State Board of Education shall:

(a) Prescribe the requirements, in addition to any requirements prescribed by statute, that a pupil enrolled in grade 12 in the 2013-2014 school year, the 2014-2015 school year or the 2015-2016 school year must satisfy to receive a standard high school diploma, which may include, without limitation, passage of the high school proficiency examination pursuant to section 44.3 of this act;

(b) Provide timely notice to the board of trustees of each school district and the governing body of each charter high school of the requirements prescribed pursuant to paragraph (a); and

(c) Post notice of the requirements on the Internet website maintained by the Department of Education.

3. On or before September 1, 2013, the board of trustees of each school district and the governing body of each charter school shall:

(a) Provide timely notice to each pupil and the parent or legal guardian of each pupil enrolled in grade 10, 11 or 12 in the 2013-2014 school year of the requirements the pupil must satisfy to receive a standard high school diploma.

(b) Post notice of the requirements on the Internet website maintained by the board of trustees or the governing body of the charter school, as applicable.

4. If a pupil to whom the provisions of this section apply is retained in grade 10, 11 or 12, the requirements for receipt of a standard high school diploma prescribed by the State Board of Education pursuant to subsection 2 continue to apply to that pupil until he or she exits high school.

Sec. 44.3. If the State Board of Education prescribes passage of the high school proficiency examination pursuant to paragraph (a) of subsection 2 of section 44 of this act as a requirement that a pupil must satisfy to receive a standard high school diploma:

1. The board of trustees of each school district shall administer the high school proficiency examination to pupils who have not passed the examination and are required to pass the examination to receive a standard high school diploma. The governing body of a charter school that enrolls pupils at the high school grade levels shall administer the same examination to pupils who have not passed the examination and are required to pass the examination to receive a standard high school diploma. The high school proficiency examination administered by the board of trustees and governing body must determine the achievement and proficiency of those pupils in:

- (a) Reading;
- (b) Mathematics;
- (c) Science; and
- (d) Writing.

2. The high school proficiency examination required by subsection 1 must be:

(a) Administered in each school district and each charter school that enrolls pupils at the high school grade levels who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma at the same time, as prescribed by the State Board, and in accordance with uniform procedures adopted by the State Board. The Department of Education shall monitor the compliance of school districts and individual schools with the uniform procedures.

(b) Administered in accordance with the plan adopted pursuant to NRS 389.616 by the Department and the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the high school proficiency examination is administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(c) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the high school proficiency examination shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department of Education by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each applicable charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district at which the high school proficiency examination was administered pursuant to this section. Except as otherwise provided in this subsection, not more than 15 working days after each such school receives the results of the examinations, the principal of each such school and the governing body of each such charter school shall certify that the results for each pupil that took the examination have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or the administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the high school proficiency examination to the last known address of the parent or legal guardian of the pupil.

➔ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil of each subject area that the pupil failed as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. A pupil who transfers during grade 12 to a school in this State from a school outside of this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of subsection 4 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:

(a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;

(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or

(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.

5. For the purposes of this section, the State Board shall prescribe the high school proficiency examination, which must include the subjects of reading, mathematics and science and, except for the writing portion, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The State Board, in consultation with the Council to Establish Academic Standards for Public Schools created by NRS 389.510, shall prescribe the writing portion of the high school proficiency examination. The questions contained in the high school proficiency examination and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the high school proficiency examination.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch of State Government, to the extent that it is necessary for the performance of his or her duties;

(2) Superintendent of schools of a school district, to the extent that it is necessary for the performance of his or her duties;

(3) Director of curriculum of a school district, to the extent that it is necessary for the performance of his or her duties; and

(4) Director of testing of a school district, to the extent that it is necessary for the performance of his or her duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(d) As required pursuant to NRS 239.0115.

6. The administrative regulations adopted by the State Board of Education for purposes of carrying out NRS 389.015 as of June 30, 2013, continue in effect if the high school proficiency examination is administered pursuant to this section.

Sec. 44.7. If the State Board of Education prescribes passage of the high school proficiency examination pursuant to paragraph (a) of subsection 2 of section 44 of this act as a requirement that a pupil must satisfy to receive a standard high school diploma:

1. The results of the high school proficiency examination administered pursuant to section 44.3 of this act must be reported for the applicable school year for each school, including, without limitation, each charter school that enrolls pupils at the high school grade levels who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma, each school district and this State, as follows:

(a) The average score, as defined by the Department, of such pupils who took the high school proficiency examination under regular testing conditions; and

(b) The average score, as defined by the Department of Education, of such pupils who took the high school proficiency examination with modifications or accommodations, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

2. The superintendent of schools of each school district and the governing body of each charter school that enrolls pupils at the high school grade levels who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma, through the sponsor of the charter school, shall certify that the number of pupils who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma and who took the high school proficiency examination in the applicable school year is equal to the number of such pupils in each school in the school district or in the charter school who are required to take the high school proficiency examination in that school year.

3. In addition to the information required by subsection 2, the Superintendent of Public Instruction shall, for each applicable school year:

(a) Report the number of pupils who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma and who were absent from school on the day that the high school proficiency examination was administered; and

(b) Reconcile the number of pupils who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma with the number of such pupils who were absent from school on the day that the examination was administered.

Sec. 45. 1. This section and sections 44, 44.3, and 44.7 of this act become effective upon passage and approval.

2. Sections 1 to 43, inclusive, of this act become effective on July 1, 2013.

LEADLINES OF REPEALED SECTIONS

389.015 Administration and scoring; transmission of results; effect of failure to pass; certain exceptions for child transferred due to military transfer of parent; confidentiality of examinations.

389.016 Postponement of administration of examination in mathematics and science for pupil enrolled in grade 10; revision of pupil's academic plan; annual report by school district.

389.017 Reporting of results of examinations; reconciliation of number of pupils taking examinations.

389.0175 Establishment of statewide program for preparation of pupils to take examination; compliance with program required of school districts and certain schools; use of additional materials and information.

389.045 Course of study designed to assist pupils with passing high school proficiency examination; board of trustees authorized to offer course as elective.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 671 to Assembly Bill No. 288 revises Assembly Bill No. 288 to expand specific statutory references to the General Equivalency Development (GED). Such citations are expanded to include any assessment comparable to the GED certificate, credential or diploma that enables a person, who has not graduated from high school, to demonstrate an education level which is an acceptable substitute for completing a high school education.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 305.

Bill read second time and ordered to third reading.

Assembly Bill No. 324.

Bill read second time.

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

Amendment No. 769.

"SUMMARY—Revises provisions relating to dental assistants. (BDR 54-938)"

"AN ACT relating to dental assistants; providing for issuance by the Board of Dental Examiners of Nevada of a certificate of registration as a practical dental assistant and a certificate of registration as a certified Nevada dental assistant; prohibiting a person from acting as a practical dental assistant or certified Nevada dental assistant unless the person holds the appropriate certificate issued by the Board; providing that a practical dental assistant or certified Nevada dental assistant may perform only certain acts authorized by the Board and under the direct supervision of a licensed dentist or dental hygienist; setting forth certain requirements for the issuance and renewal of a certificate of registration as a practical dental assistant or a certificate of

registration as a certified Nevada dental assistant; requiring the Board to adopt certain regulations; establishing certain fees; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the licensing and regulation of dentists and dental hygienists by the Board of Dental Examiners of Nevada. (Chapter 631 of NRS) This bill provides for the registration and regulation of practical dental assistants and certified Nevada dental assistants by the Board. Section 4 of this bill provides that a practical dental assistant or certified Nevada dental assistant may perform only the intraoral tasks and dental procedures authorized by the Board and only under the direct supervision of a licensed dentist or dental hygienist. Section 5 of this bill prohibits a person from acting as a practical dental assistant in this State unless the person holds a certificate of registration as a practical dental assistant. Section 5 also sets forth the requirements for the issuance by the Board of a certificate of registration as a practical dental assistant, and provides that a certificate of registration as a practical dental assistant expires 2 years after the date of issuance and may be renewed biennially. Section 6 of this bill prohibits a person from acting as a certified Nevada dental assistant in this State unless the person holds a certificate of registration as a certified Nevada dental assistant. Section 6 also sets forth the requirements for the issuance by the Board of a certificate of registration as a certified Nevada dental assistant, and provides that a certificate of registration as a certified Nevada dental assistant expires 2 years after the date of issuance and may be renewed biennially. Section 7 of this bill sets forth the continuing education requirements for renewal of a certificate of registration as a practical dental assistant or as a certified Nevada dental assistant. Section 8 of this bill requires the Board to adopt regulations necessary to carry out the provisions of this bill, and section 14 of this bill requires the Board to adopt rules or regulations specifying the intraoral tasks and dental procedures which a practical dental assistant or certified Nevada dental assistant may perform. Section 14.5 of this bill specifies the initial application fee for the issuance of a certificate of registration as a practical dental assistant or certified Nevada dental assistant ~~[]~~ and fees for the biennial renewal or reinstatement of such certificates of registration.

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

Section 1. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 9, inclusive, of this act.

Sec. 1.5. *"Certified Nevada dental assistant" means a person who assists a dentist or dental hygienist in the performance of dental procedures and to whom the Board has issued a certificate of registration as a certified Nevada dental assistant pursuant to section 6 of this act.*

Sec. 2. ~~["Dental"]~~ *"Practical dental assistant" means a person who assists a dentist or dental hygienist in the performance of dental procedures*

and to whom the Board has issued a certificate of registration as a practical dental assistant pursuant to section 5 of this act.

Sec. 3. (Deleted by amendment.)

Sec. 4. A practical dental assistant or certified Nevada dental assistant may perform only those intraoral tasks and dental procedures authorized by the Board pursuant to the rules and regulations adopted pursuant to NRS 631.317 and only under the direct supervision of a licensed dentist or dental hygienist.

Sec. 5. 1. A person shall not act as a practical dental assistant in this State unless the person holds a current certificate of registration as a practical dental assistant issued by the Board pursuant to this section. A person may apply to the Board for the issuance of a certificate of registration as a practical dental assistant by submitting an application to the Board.

2. The Board may issue a certificate of registration as a practical dental assistant to an applicant who pays the application fee prescribed by NRS 631.345 and submits an application which provides proof satisfactory to the Board that the applicant:

- (a) Is of good moral character;
- (b) Is 16 years of age or older;
- (c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
- (d) Has passed a written examination given by the Board on the contents and interpretation of this chapter and the regulations adopted pursuant thereto;
- (e) Has successfully completed a course of study in radiation safety and techniques that is approved by the Board;
- (f) Has successfully completed a course of study in infection control that is approved by the Board; and
- (g) Meets any other requirements for the issuance of a certificate of registration as a practical dental assistant established by the Board by regulation.

3. A certificate of registration as a practical dental assistant issued by the Board pursuant to this section expires 2 years after the date on which it is issued and may be renewed biennially as provided in section 7 of this act.

4. In determining whether an applicant is of good moral character, the Board may consider whether:

- (a) The applicant has, on or after July 1, 2015, performed any act as a practical dental assistant in this State without a certificate of registration as a practical dental assistant issued by the Board;
- (b) The applicant's license or registration as a dental assistant in another state has been suspended or revoked; and
- (c) The applicant is currently involved in any disciplinary action concerning his or her license or registration as a dental assistant in another state.

Sec. 6. 1. *A person shall not act as a certified Nevada dental assistant in this State unless the person holds a current certificate of registration as a certified Nevada dental assistant issued by the Board pursuant to this section. A person may apply to the Board for the issuance of a certificate of registration as a certified Nevada dental assistant by submitting an application to the Board.*

2. *The Board may issue a certificate of registration as a certified Nevada dental assistant to an applicant who pays the application fee prescribed by NRS 631.345 and submits an application which provides proof satisfactory to the Board that the applicant:*

- (a) Is of good moral character;*
- (b) Is 18 years of age or older;*
- (c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;*
- (d) Holds a current certification issued by the Dental Assisting National Board, Inc., or its successor organization;*
- (e) Has passed a written examination given by the Board on the contents and interpretation of this chapter and the regulations adopted pursuant thereto; and*
- (f) Meets any other requirements for the issuance of a certificate of registration as a certified Nevada dental assistant established by the Board by regulation.*

3. *A certificate of registration as a certified Nevada dental assistant issued by the Board pursuant to this section expires 2 years after the date on which it is issued and may be renewed biennially as provided in section 7 of this act.*

4. *In determining whether an applicant is of good moral character, the Board may consider whether:*

- (a) The applicant has, on or after July 1, 2015, performed any act as a certified Nevada dental assistant in this State without a certificate of registration as a certified Nevada dental assistant issued by the Board;*
- (b) The applicant's license or registration as a dental assistant or certified dental assistant in another state has been suspended or revoked; and*
- (c) The applicant is currently involved in any disciplinary action concerning his or her license or registration as a dental assistant or certified dental assistant in another state.*

Sec. 7. 1. *Any person wishing to renew a certificate of registration as a practical dental assistant or a certificate of registration as a certified Nevada dental assistant must present proof satisfactory to the Board that during the 2 years immediately preceding the date of renewal, the practical dental assistant or certified Nevada dental assistant has successfully completed:*

- (a) A course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association; and*

(b) *Four hours of continuing education relating to infection control procedures.*

2. *All persons who have satisfied the requirements for the issuance of a certificate of registration as a practical dental assistant or a certificate of registration as a certified Nevada dental assistant must be registered as practical dental assistants or certified Nevada dental assistants, as applicable, on the board register, as provided in this chapter, and are entitled to receive a certificate of registration as a practical dental assistant or a certificate of registration as a certified Nevada dental assistant, as applicable, signed by all members of the Board.*

Sec. 8. *The Board shall adopt such regulations as it determines necessary to carry out the provisions of sections 1.5 to 9, inclusive, of this act.*

Sec. 9. *A practical dental assistant or certified Nevada dental assistant shall not violate any provision of this chapter or any regulation adopted pursuant thereto.*

Sec. 10. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, and sections 1.5 and 2 of this act have the meanings ascribed to them in those sections.

Sec. 11. NRS 631.115 is hereby amended to read as follows:

631.115 Except as otherwise provided in subsection ~~{2}~~ 3 of NRS 631.317, this chapter does not apply to:

1. A legally qualified physician or surgeon unless he or she practices dentistry as a specialty.

2. A dentist, ~~for~~ dental hygienist or dental assistant of the United States Army, Navy, Air Force, Public Health Service, Coast Guard or Department of Veterans Affairs in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

Sec. 12. NRS 631.225 is hereby amended to read as follows:

631.225 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice dentistry or dental hygiene or a certificate of registration as a practical dental assistant or certified Nevada dental assistant shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice dentistry or dental hygiene or a certificate of registration as a practical dental assistant or certified Nevada dental assistant shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license ~~[-]~~ *or certificate of registration*; or

(b) A separate form prescribed by the Board.

3. A license to practice dentistry or dental hygiene *or a certificate of registration as a practical dental assistant or certified Nevada dental assistant* may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 13. NRS 631.313 is hereby amended to read as follows:

631.313 1. A licensed dentist may assign to a person in his or her employ who is a dental hygienist, *certified Nevada dental assistant*, *practical dental assistant* or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist ~~[-]~~ *or certified Nevada dental assistant*, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

(c) *If performed by a certified Nevada dental assistant, under the direct supervision of a licensed dentist or dental hygienist.*

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, conscious sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

Sec. 14. NRS 631.317 is hereby amended to read as follows:

631.317 The Board shall adopt rules or regulations:

1. Specifying the intraoral tasks that may be assigned by a licensed dentist to a dental hygienist ~~for dental assistant~~ in his or her employ or that may be performed by a dental hygienist engaged in school health activities or employed by a public health agency.

2. *Specifying the intraoral tasks and dental procedures that may be assigned by a licensed dentist to and performed by a practical dental assistant or certified Nevada dental assistant in his or her employ.*

3. Governing the practice of dentists , ~~and~~ dental hygienists , *certified Nevada dental assistants and practical dental assistants* in full-time employment with the State of Nevada.

Sec. 14.5. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry.....	\$1,500
Application fee for an initial license to practice dental hygiene.....	750
Application fee for a specialist's license to practice dentistry	300
Application fee for a limited license or restricted license to practice dentistry or dental hygiene	300
<i>Application fee for an initial certificate of registration as a <u>practical</u> dental assistant</i>	~~100~~ 150
<i>Application fee for an initial certificate of registration as a certified <u>Nevada</u> dental assistant</i>	~~200~~ 250
Fee for administering a clinical examination in dentistry	2,500
Fee for administering a clinical examination in dental hygiene.....	1,500
Application and examination fee for a permit to administer general anesthesia, conscious sedation or deep sedation.	\$750

Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, conscious sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, conscious sedation or deep sedation	600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, conscious sedation or deep sedation	350
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry	1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry	300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene	600
Annual license renewal fee for a limited license to practice dental hygiene	300
<u>Biennial renewal fee for a certificate of registration as a practical dental assistant</u>	<u>120</u>
<u>Biennial renewal fee for a certificate of registration as a certified Nevada dental assistant</u>	<u>200</u>
Biennial license renewal fee for an inactive dentist	400
Biennial license renewal fee for a dentist who is retired or has a disability	100
Biennial license renewal fee for an inactive dental hygienist	200
Biennial license renewal fee for a dental hygienist who is retired or has a disability	100
Reinstatement fee for a suspended license to practice dentistry or dental hygiene	500
Reinstatement fee for a revoked license to practice dentistry or dental hygiene	500
<u>Reinstatement fee for a suspended certificate of registration as a practical dental assistant</u>	<u>100</u>
<u>Reinstatement fee for a revoked certificate of registration as a practical dental assistant</u>	<u>100</u>
<u>Reinstatement fee for a suspended certificate of registration as a certified Nevada dental assistant</u>	<u>150</u>
<u>Reinstatement fee for a revoked certificate of registration as a certified Nevada dental assistant</u>	<u>150</u>
Reinstatement fee to return a dentist or dental hygienist who is inactive, retired or has a disability to active status	500
Fee for the certification of a license	50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The

fee must not exceed \$150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 15. NRS 631.3487 is hereby amended to read as follows:

631.3487 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice dentistry or dental hygiene ~~[-]~~ or a certificate of registration as a practical dental assistant or certified Nevada dental assistant, the Board shall deem the license or certificate of registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license or certificate of registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or certificate of registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice dentistry or dental hygiene or a certificate of registration as a practical dental assistant or certified Nevada dental assistant that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or certificate of registration was suspended stating that the person whose license or certificate of registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license or certificate of registration was suspended pays ~~the~~ any applicable fee imposed pursuant to NRS 631.345 for the reinstatement of a suspended license ~~[-]~~ or certificate of registration.

Sec. 16. This act becomes effective:

1. Upon passage and approval 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

2. On July 1, 2015, for all other purposes.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President. Amendment No. 769 makes two changes to Assembly Bill No. 324. First, it renames the titles used for the two levels of dental assistants to “certified Nevada dental assistant” and “practical dental assistant.” Second, it increases the maximum fees for the initial application, renewal and reinstatement for a practical dental assistant and certified Nevada dental assistant.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 339.

Bill read second time.

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

Amendment No. 653.

"SUMMARY—Revises provisions governing compensation for overtime. (BDR 53-968)"

"AN ACT relating to compensation; revising provisions governing compensation for overtime; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that an employer is not required to pay compensation for overtime to an employee who works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work. (NRS 608.018) This bill provides that if an employer and employee have mutually agreed upon the employee working a scheduled 10 hours per day for 4 calendar days within any scheduled week of work and the employee does not work the 40 hours scheduled because of certain circumstances ~~[beyond the control of the employer]~~, the employer is authorized to pay the employee only the employee's regular wage rate for the hours the employee actually worked. This bill also provides that if an employee does not work the 40 hours scheduled because of a decision made by the employer, the employer is required to pay the employee overtime compensation for any day during the workweek in which the employee worked more than 8 hours. Finally, this bill provides that if an employer and employee have mutually agreed upon the employee working a scheduled 10 hours per day for 4 calendar days within any scheduled week of work, the employer must pay the employee overtime compensation whenever the employee works more than 10 hours in any workday.

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

Section 1. NRS 608.018 is hereby amended to read as follows:

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

(a) More than 40 hours in any scheduled week of work; or

(b) More than 8 hours in any workday unless by mutual agreement the employee ~~[works a]~~ is scheduled to work 10 hours per day for 4 calendar days within any scheduled week of work ~~[]~~ *subject to the following provisions:*

(1) *If the employee does not work 40 hours in any scheduled week of work pursuant to this paragraph because of a decision made by the employee, a natural disaster, ~~inclement weather,~~ the tardiness of the employee ~~or~~ or an illness of the employee ~~for any other circumstance beyond the control of the employer,~~ except as otherwise provided in subparagraph (3), the employer may pay the employee the employee's regular wage rate for the hours the employee actually worked.*

(2) *If the employee does not work 40 hours in any scheduled week of work pursuant to this paragraph because of a decision made by the employer, the employer must pay the employee 1 1/2 times the employee's regular wage rate for any workday during that week of work in which the employee worked more than 8 hours.*

(3) *Except as otherwise provided in subparagraph (2), the employer shall pay 1 1/2 times the employee's regular wage rate whenever the employee works more than 10 hours in any workday.*

2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

(a) Employees who are not covered by the minimum wage provisions of NRS 608.250;

(b) Outside buyers;

(c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;

(d) Employees who are employed in bona fide executive, administrative or professional capacities;

(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(g) Employees of a railroad;

(h) Employees of a carrier by air;

(i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(j) Drivers of taxicabs or limousines;

(k) Agricultural employees;

(l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year;

(m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; and

(n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply.

Sec. 2. This act becomes effective on July 1, 2013.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President. Amendment No. 653 to Assembly Bill No. 339 deletes "inclement weather" and "any other circumstances beyond the control of the employer" from the conditions where an employer may pay the employee the employee's regular wage rate for the hours the employee actually worked.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that Assembly Bill No. 391 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 445.

Bill read second time.

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

Amendment No. 599.

"SUMMARY—Revises provisions relating to ~~the posting of notices for public meetings of~~ public bodies. (BDR 19-1121)"

"AN ACT relating to ~~meetings of~~ public bodies; requiring that notices of public meetings by public bodies be posted on the official website of the State; requiring the Department of Administration to establish a clear and conspicuous location on the official website of the State for such postings; requiring the Department to establish a directory of public bodies and to include the directory on the official website of the State in a clear and conspicuous location; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under Nevada's Open Meeting Law, a public body is required to post a notice, an agenda and certain other information about each of its meetings, with certain exceptions. The notice must be posted at the principal office of the public body, or if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting. (NRS 241.020) Section 2 of this bill requires the Department of Administration to establish and maintain a location on the official website of the State for the posting of notices by public bodies that are required by the Open Meeting Law. Section 2 also requires that the location be identified on the official website in a clear and conspicuous manner. Section 1 of this bill revises the notice provision of the

Open Meeting Law to require the posting of notices of public meetings on the State's official website.

Section 2.5 of this bill requires the Department to: (1) establish a directory of all public bodies; and (2) include the directory on the official website of the State in a clear and conspicuous location.

Section 4 of this bill requires the Department ~~[of Administration]~~ to have the ~~[location]~~ locations on the State's official website fully operational by January 1, 2014. Section 6 of this bill requires the posting of notices of meetings by public bodies to the ~~[location on the]~~ official website of the State beginning on January 1, 2014, except that section 5 of this bill allows public bodies of local governments until July 1, 2014, to comply with the new requirement.

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

Section 1. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

- (a) The time, place and location of the meeting.
- (b) A list of the locations where the notice has been posted.
- (c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

↪ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; ~~and~~

(b) *Posting the notice on the official website of the State pursuant to section 2 of this act not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State; and*

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

- (a) An agenda for a public meeting;
- (b) A proposed ordinance or regulation which will be discussed at the public meeting; and
- (c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➡ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➡ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body

shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

- (a) Disasters caused by fire, flood, earthquake or other natural causes; or
- (b) Any impairment of the health and safety of the public.

Sec. 1.5. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 2.5 of this act.

~~Sec. 2. [Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. *The Department shall establish and maintain a location on the official website of the State for the posting of notices by public bodies as required pursuant to NRS 241.020. The location must be identified on the official website of the State in a clear and conspicuous manner.*

2. *The location established pursuant to subsection 1 ~~shall~~ must include a place for the posting of electronic links to the Internet website or any electronic mail addresses, if available, of each public body which has posted a notice pursuant to NRS 241.020, from which a person may request the information and supporting materials that a public body must provide to a requester pursuant to NRS 241.020.*

3. *The Department shall provide for:*

- (a) *The transmission to the Department by public bodies of:*
 - (1) *Notices required pursuant to NRS 241.020; and*
 - (2) *The Internet website or any electronic mail addresses, if available, of a public body that has submitted a notice for posting on the official website of the State.*

(b) *The timely and efficient posting of such notices and electronic links to addresses on the official website of Nevada.*

4. *The Department may adopt regulations to carry out the provisions of this section.*

~~5. As used in this section, "public body" has the meaning ascribed to it in NRS 241.015.~~

Sec. 2.5. The Department shall establish a directory of all public bodies and include the directory on the official website of the State in a clear and conspicuous location.

Sec. 3. NRS 232.212 is hereby amended to read as follows:

232.212 As used in NRS 232.212 to 232.227, inclusive, and ~~section~~ sections 2 and 2.5 of this act, unless the context requires otherwise:

- 1. "Department" means the Department of Administration.

2. "Director" means the Director of the Department.

3. *"Public body" has the meaning ascribed to it in NRS 241.015.*

Sec. 4. The Department of Administration shall have the ~~location~~ locations on the official website of the State required pursuant to ~~section~~ sections 2 and 2.5 of this act fully operational on or before January 1, 2014.

Sec. 5. Notwithstanding the provisions of section 6 of this act, a public body of a local government is not required to comply with the amendatory provisions of this act until July 1, 2014.

Sec. 6. 1. This section and sections 2 to 5, inclusive, of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on January 1, 2014.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Thank you, Mr. President. Amendment No. 599 to Assembly Bill No. 445 requires the Department of Administration to establish a directory of public bodies and to include the directory on the State's official website in a clear and conspicuous location.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 486.

Bill read second time.

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

Amendment No. 654.

"SUMMARY—Revises provisions relating to telecommunication providers. (BDR 58-970)"

"AN ACT relating to telecommunication providers; authorizing certain telecommunication providers to apply to the Public Utilities Commission of Nevada for relief from the obligations and status of a provider of last resort; revising certain provisions relating to the regulation of Internet Protocol-enabled service or Voice over Internet Protocol service; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires certain telecommunication providers to provide basic network service and business line service to any person requesting such service. (NRS 704.6878) Section 2 of this bill authorizes such a provider to apply to the Public Utilities Commission of Nevada to be relieved of its duty to provide such service when certain alternative services are available. Section 2 additionally sets forth certain requirements for notice, hearings and consumer sessions related to an application. Section 2 authorizes the Commission to require a telecommunication provider to provide service to a customer under certain circumstances.

Under existing law, the Commission is prohibited from regulating any broadband service, including imposing any requirements relating to the terms, conditions, rates or availability of broadband service. (NRS 704.684)

Section 3 of this bill, with exceptions, prohibits any state agency or political subdivision of the State from regulating any Internet Protocol-enabled service or Voice over Internet Protocol service. Section 3 preserves certain authority of the Commission to regulate telecommunication providers under provisions of federal and state law.

Sections 6, 7 and 18-34 of this bill remove obsolete references to telegraph lines and telegraph equipment.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *A competitive supplier that is a provider of last resort may file an application with the Commission to be relieved, in whole or in part, of its obligations and status as a provider of last resort in an area where alternative voice service is provided by:*

(a) *At least:*

(1) *One provider that utilizes a wireline technology, is not an affiliate of the provider of last resort and is capable of providing alternative voice service to the entire area for which relief is sought; and*

(2) *One provider that utilizes any other technology and is capable of providing alternative voice service to the entire area for which relief is sought;*

(b) *On or after June 1, 2015, two or more providers that utilize a wireless technology and that are capable of providing alternative voice service to the entire area for which relief is sought; or*

(c) *On or after June 1, 2015, three or more providers that utilize any technology and that are capable of providing alternative voice service to the entire area for which relief is sought.*

2. *An application filed pursuant to subsection 1 must include:*

(a) *A map of the entire area for which relief is sought that identifies separately each provider of alternative voice service which is intended to satisfy the requirements of subsection 1. The map must be of sufficient detail to identify the exact boundary by street of the entire area for which relief is sought.*

(b) *A draft of the notice which the applicant intends to provide pursuant to subsection 4.*

3. *The Commission shall approve or deny an application filed pursuant to subsection 1 not later than 180 days after the application is filed with the Commission. The Commission shall not approve an application unless the Commission determines that the applicant has satisfied the requirements of this section. The Commission may hold a hearing to determine whether sufficient alternative voice service exists in an area for which relief is sought by an applicant.*

4. *An applicant shall, not later than 30 days after filing an application pursuant to subsection 1, provide written notice:*

(a) To each current customer of the applicant located within the area for which relief is sought. The notice may be included in a bill from the applicant to the customer or included in a special mailing, other than a promotional mailing, which states that important information is enclosed. If a customer has elected to receive his or her bill in an electronic form, such notice must be provided to the customer electronically in the same manner in which he or she receives a bill from the applicant.

(b) To each public safety answering point which is located within the area for which relief is sought.

5. The written notice provided to each customer pursuant to paragraph (a) of subsection 4 must include, in clear and comprehensive language that is understandable to an ordinary layperson:

(a) A statement that the applicant has applied to the Commission for relief of its obligations as a provider of last resort in the area in which the customer resides.

(b) A statement that a consumer session will be conducted by the Commission in accordance with subsection 7 at which the customer may make inquiries or comments concerning the application.

(c) A statement that the Commission will issue a public notice identifying the time, date and location of the consumer session.

(d) Any additional information required by the Commission.

6. A competitive supplier who files an application for relief pursuant to subsection 1 shall conduct at least one meeting concerning the application, which must include the following parties:

(a) The Commission;

(b) The Consumer's Advocate;

(c) Representatives from each public safety answering point that is located within the area for which relief is sought; and

(d) Each local law enforcement agency whose jurisdiction includes, in whole or in part, the area for which relief is sought.

7. Not later than 120 days after receiving an application filed pursuant to subsection 1, the Commission shall, in collaboration with the applicant, schedule and conduct at least one consumer session in each county in which is located, in whole or in part, any area for which relief is sought under the application. The Commission shall provide notice of the consumer session in accordance with regulations adopted pursuant to NRS 703.320.

8. A competitive supplier that is relieved of its obligation and status as a provider of last resort pursuant to this section shall not apply for, and is not entitled to receive, any money from the fund to maintain the availability of telephone service for any area for which relief has been granted pursuant to this section ~~FF~~, except for money for the provision of lifeline service, as the term is defined in NRS 707.450.

9. If the Commission issues an order approving an application for relief pursuant to this section, the relief granted by such approval does not affect

or modify any obligation of an incumbent local exchange carrier pursuant to any applicable federal law or regulation.

10. A competitive supplier that is an incumbent local exchange carrier and receives, on or before the effective date of this act, full or partial relief from its obligations as a provider of last resort pursuant to NRS 704.6878 shall be deemed to be fully released from any obligation as a provider of last resort for the area for which relief was granted on or before the effective date of this act.

11. Except as otherwise provided in this section, any relief granted pursuant to this section does not impose any obligation upon a provider of alternative voice service in the area for which relief was granted.

12. The Commission may declare that an emergency exists in any area in which alternative voice service is not available and where a competitive supplier has been granted relief from its obligations as a provider of last resort pursuant to this section. If the Commission declares an emergency pursuant to this subsection, the Commission may:

(a) Take any steps necessary to protect the health, safety and welfare of the affected residents or businesses and may expedite the availability of alternative voice service to the affected residents or businesses.

(b) Utilize the fund to maintain the availability of telephone service to ensure that any affected resident or business has access to alternative voice service.

(c) Issue an order imposing on a provider of alternative voice service one or more obligations, including, without limitation, the obligation to maintain adequate and reliable service for a specified period, but such obligations may be imposed only to the extent that the provider receives money from the fund to maintain the availability of telephone service relating to the provision of service pursuant to the order issued by the Commission pursuant to this paragraph.

13. If, as a result of the approval by the Commission of an application filed pursuant to subsection 1, a residential customer does not have access to telephone service, including alternative voice service, the customer may, on or before May 31, 2016, file a request for service with the Commission. Upon receipt of a request, the Commission shall investigate whether such service is available to the customer. If the Commission determines that service is not available, the Commission may order the competitive supplier that received relief pursuant to this section to provide service to the residential customer for a period specified by the Commission. If a competitive supplier is ordered to provide service to a residential customer pursuant to this subsection, the competitive supplier may satisfy its obligation pursuant to this subsection by providing an alternative voice service as provided in NRS 704.68881.

14. Except as otherwise provided in ~~this subsection and~~ subsections 12 and 13, a provider of alternative voice service that is not a provider of last resort, or a competitive supplier that has been relieved of its obligations as a provider of last resort, is not required to assume the obligations of a

provider of last resort. ~~[The Commission may, through the issuance of an order, impose obligations upon a provider of alternative voice service that receives money from the fund to maintain the availability of telephone service relating to the provision of service, including, without limitation, the obligation to maintain adequate and reliable service for a specified period of time.]~~

15. As used in this section:

(a) "Alternative voice service" means a retail voice service made available through any technology or service arrangement other than satellite service that provides:

- (1) Voice-grade access to the public switched telephone network; and
- (2) Access to emergency 911 service.

(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

Sec. 3. 1. Except as otherwise provided in subsection 2, a state agency or political subdivision of the State may not, directly or indirectly, regulate the rates charged for, service or contract terms for, conditions for, or requirements for entry for Internet Protocol-enabled service or Voice over Internet Protocol service.

2. The provisions of subsection 1 must not be construed to:

(a) Affect or limit the enforcement of criminal or civil laws, including, without limitation, laws concerning consumer protection and unfair or deceptive trade practices, that apply generally to the conduct of business;

(b) Affect, mandate or prohibit:

(1) The assessment of taxes, fees or surcharges which are of general applicability or which are otherwise authorized by statute; or

(2) The levy and collection of the assessment required by NRS 704.033 from a provider of voice over Internet Protocol service that has a certificate of public convenience and necessity;

(c) Affect or modify:

(1) Any right or obligation of any telecommunication provider, or the authority granted to the Commission pursuant to 47 U.S.C. §§ 251 and 252, including, without limitation, any authority granted to the Commission to address or affect the resolution of disputes regarding reciprocal compensation and interconnection;

(2) Any obligation relating to the provision of video service by any person pursuant to chapter 711 of NRS;

(3) Any applicable wholesale tariff; or

(4) Any authority granted to the Commission pursuant to 47 U.S.C. §§ 214(e) and 254(f).

3. As used in this section:

(a) "Internet Protocol-enabled service" means any service, functionality or application which uses Internet Protocol or a successor protocol that enables an end-user to send or receive voice, data or video communications. The term does not include Voice over Internet Protocol service.

(b) *"Voice over Internet Protocol service" means any service that:*

(1) *Enables real-time, two-way voice communication originating from or terminating at the user's location in Internet Protocol or a successor protocol;*

(2) *Uses a broadband connection from the user's location; and*

(3) *Permits a user to receive a call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.*

Sec. 4. (Deleted by amendment.)

Sec. 4.5. NRS 704.006 is hereby amended to read as follows:

704.006 "Basic network service" means the provision of stand-alone telephone service furnished to a residential customer ~~{through the customer's primary residential line as the only service}~~ that:

1. Is not:

(a) Part of a package of services;

(b) Sold in a promotion;

(c) Purchased pursuant to a contract; or

(d) Otherwise offered at a discounted price; and

2. Provides to the customer:

(a) Voice-grade access to the public switched telephone network ; ~~{with a minimum bandwidth of 300 to 3,000 hertz;}~~

(b) ~~{Dual tone multifrequency signaling and single party service;~~

~~{e)}~~ Access to:

(1) ~~{Operator services;~~

~~{2)}~~ Telephone relay services;

~~{3)}~~ Local directory assistance;

~~{4)}~~ (2) Interexchange service; and

~~{5)}~~ (3) Emergency 911 service ; ~~{-~~

~~{d)}~~ (c) The first single-line directory listing; and

~~{e)}~~ (d) Universal lifeline service for those eligible for such service.

Sec. 5. NRS 704.011 is hereby amended to read as follows:

704.011 1. "Competitive supplier" means a telecommunication provider that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive ~~{-}~~, and section 2 of this act.

2. The term does not include a small-scale provider of last resort unless the provider is authorized by the Commission pursuant to NRS 704.68869 to be regulated as a competitive supplier.

Sec. 6. NRS 704.280 is hereby amended to read as follows:

704.280 The Commission may:

1. Regulate the manner in which power ~~{-}~~ and telephone ~~{and telegraph}~~ lines, pipelines and the tracks of any street, steam or electric railroad or other common carrier cross or connect with any other such lines or common carriers.

2. Prescribe such regulations and safety devices, respectively, as may be necessary for the purpose of securing adequate service and for the protection of the public.

Sec. 7. NRS 704.638 is hereby amended to read as follows:

704.638 It is unlawful for any person to post any advertising sign, display or device, including a temporary political sign, on any pole, support or other device of a public utility which is used to support a ~~telegraph,~~ telephone or electric transmission line.

Sec. 8. NRS 704.6878 is hereby amended to read as follows:

704.6878 ~~1.~~ The Commission shall adopt regulations that establish ~~the~~ ~~(a) The~~ obligations of incumbent local exchange carriers as providers of last resort giving due consideration to the status of the incumbent local exchange carriers as either competitive suppliers or small-scale providers of last resort.

~~[(b) The terms, conditions and procedures under which:~~

~~(1) An incumbent local exchange carrier may be excused from the obligations of the provider of last resort; and~~

~~(2) The Commission may request an incumbent local exchange carrier to reinstate the obligations of the provider of last resort.~~

~~(c) The manner of giving prior written notice of not less than 180 days before another provider of basic network service or business line service may terminate or discontinue such services and the terms of any bond necessary to protect consumers and ensure continuity of such services.~~

~~2. The regulations adopted by the Commission may not allow an incumbent local exchange carrier to be excused from the obligations of the provider of last resort in situations where the incumbent local exchange carrier, before May 31, 2007, made an agreement to or was specifically ordered to act as the provider of last resort.]~~

Sec. 9. NRS 704.68861 is hereby amended to read as follows:

704.68861 1. Except as otherwise provided in this section, any telecommunication provider operating within this State is a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive ~~and section 2 of this act.~~

2. A small-scale provider of last resort is not a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive, *and section 2 of this act*, unless the small-scale provider of last resort is authorized by the Commission pursuant to NRS 704.68869 to be regulated as a competitive supplier.

Sec. 10. NRS 704.68863 is hereby amended to read as follows:

704.68863 The provisions of NRS 704.68861 to 704.68887, inclusive, *and section 2 of this act* do not:

1. Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

2. Limit or modify:

(a) The duties of a competitive supplier that is an incumbent local exchange carrier regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

Sec. 11. NRS 704.68865 is hereby amended to read as follows:

704.68865 The Commission may adopt any regulations that are necessary to carry out the provisions of NRS 704.68861 to 704.68887, inclusive ~~{-}~~, *and section 2 of this act.*

Sec. 12. NRS 704.68869 is hereby amended to read as follows:

704.68869 1. A small-scale provider of last resort may apply to the Commission to be regulated as a competitive supplier pursuant to NRS 704.68861 to 704.68887, inclusive ~~{-}~~, *and section 2 of this act.*

2. The Commission may grant the application if it finds that the public interest will be served by allowing the small-scale provider of last resort to be regulated as a competitive supplier.

3. If the Commission denies the application, the small-scale provider of last resort:

(a) May not be regulated as a competitive supplier but remains subject to regulation pursuant to this chapter as a telecommunication provider; and

(b) May not submit another application to be regulated as a competitive supplier sooner than 1 year after the date the most recent application was denied, unless the Commission, upon a showing of good cause or changed circumstances, allows the provider to submit another application sooner.

Sec. 13. NRS 704.68871 is hereby amended to read as follows:

704.68871 1. A competitive supplier is not subject to any review of earnings or monitoring of the rate base or any other regulation by the Commission relating to the net income or rate of return of the competitive supplier, and the Commission shall not consider the rate of return, the rate base or any other earnings of the competitive supplier in carrying out the provisions of NRS 704.68861 to 704.68887, inclusive ~~{-}~~, *and section 2 of this act.*

2. On or before May 15 of each year, a competitive supplier shall file with the Commission an annual statement of income, a balance sheet, a statement of cash flows for the total operations of the competitive supplier and a statement of intrastate service revenues, each prepared in accordance with generally accepted accounting principles.

3. A competitive supplier is not required to submit any other form of financial report or comply with any other accounting requirements, including, without limitation, requirements relating to depreciation and affiliate transactions, imposed upon a public utility by this chapter, chapter 703 of NRS or the regulations of the Commission.

Sec. 14. NRS 704.68873 is hereby amended to read as follows:

704.68873 1. Except as otherwise provided in NRS 704.68861 to 704.68887, inclusive, *and section 2 of this act*, a competitive supplier:

(a) Is exempt from the provisions of NRS 704.100 and 704.110 and the regulations of the Commission relating thereto and from any other provision of this chapter governing the rates, pricing, terms and conditions of any telecommunication service; and

(b) May exercise complete flexibility in the rates, pricing, terms and conditions of any telecommunication service.

2. The rates, pricing, terms and conditions of intrastate switched or special access service provided by a competitive supplier that is an incumbent local exchange carrier and the applicability of such access service to intrastate interexchange traffic are subject to regulation by the Commission, which must be consistent with federal law, unless the Commission deregulates intrastate switched or special access service pursuant to NRS 704.68879.

3. A competitive supplier that is an incumbent local exchange carrier shall use a letter of advice to change any rates, pricing, terms and conditions of intrastate switched or special access service, universal lifeline service or access to emergency 911 service. A letter of advice submitted pursuant to this subsection shall be deemed approved if the Commission does not otherwise act on the letter of advice within 120 days after the date on which the letter is filed with the Commission.

Sec. 15. NRS 704.68875 is hereby amended to read as follows:

704.68875 1. A competitive supplier is not required to maintain or file any schedule or tariff with the Commission.

2. ~~[Each]~~ *For any area in which a competitive supplier* ~~[that]~~ *is* ~~[an incumbent local exchange carrier]~~ *a provider of last resort, the competitive supplier:*

(a) Shall publish the rates, pricing, terms and conditions of basic network service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer; and

(b) May publish the rates, pricing, terms and conditions of other telecommunication service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer.

Sec. 16. NRS 704.68877 is hereby amended to read as follows:

704.68877 1. The Commission shall not decrease the rates or pricing of basic network service provided by a competitive supplier, unless the competitive supplier files a general rate application pursuant to paragraph (b) of subsection 2 and the Commission orders a decrease in the rates or pricing of such service in a general rate case proceeding conducted pursuant thereto.

2. Except as otherwise provided in this section, a competitive supplier that is an incumbent local exchange carrier shall not:

(a) Without the approval of the Commission, discontinue basic network service or change the terms and conditions of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007.

(b) Before January 1, 2012, increase the rates or pricing of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007, except that notwithstanding any other provision of this chapter:

(1) On or after January 1, 2011, and before January 1, 2012, the competitive supplier may, without the approval of the Commission, increase the rates or pricing of basic network service provided by the competitive supplier but the total of all increases during that period may not result in rates or pricing of basic network service that is more than \$1 above the rates or pricing set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007; and

(2) The Commission may allow the competitive supplier to increase the rates or pricing of basic network service above the amounts authorized by this subsection only if the competitive supplier files a general rate application and proves in a general rate case proceeding conducted pursuant to NRS 704.110 and 704.120 that the increase is absolutely necessary to avoid rates or prices that are confiscatory under the Constitution of the United States or the Constitution of this State. In such a general rate case proceeding, the Commission:

(I) May allow an increase in the rates or pricing of basic network service provided by the competitive supplier only in an amount that the competitive supplier proves in the general rate case proceeding is absolutely necessary to avoid an unconstitutional result and shall not authorize in the general rate case proceeding any rate, price or other relief for the competitive supplier that is not proven by the competitive supplier to be absolutely necessary to avoid an unconstitutional result; and

(II) May order a decrease in the rates or pricing of basic network service provided by the competitive supplier if the Commission determines in the general rate case proceeding that the decrease is necessary to provide customers with just and reasonable rates.

3. On or after January 1, 2012:

(a) A competitive supplier that is an incumbent local exchange carrier may exercise flexibility in the rates, pricing, terms and conditions of basic network service in the same manner permitted for other telecommunication service pursuant to NRS 704.68873; and

(b) The Commission shall not:

(1) Regulate the rates, pricing, terms and conditions of basic network service provided by such a competitive supplier; or

(2) Require such a competitive supplier to maintain any schedule or tariff for basic network service.

4. ~~[A] For any area in which a competitive supplier is a provider of last resort, the competitive supplier [that is an incumbent local exchange carrier]~~ must provide reasonably detailed information concerning the rates, pricing, terms and conditions of basic network service in the manner required by NRS 704.68875.

Sec. 17. NRS 704.68881 is hereby amended to read as follows:

704.68881 1. ~~[A] For any area in which a competitive supplier is a provider of last resort, the competitive supplier [that is a provider of last resort may use an alternative technology to satisfy the]~~ *may satisfy its obligation [to provide basic network service or business line service in a service territory.] as a provider of last resort through an alternative voice service.*

2. ~~[Except as otherwise provided in this section, the]~~ *The Commission may not exercise jurisdiction over an alternative [technology] voice service used by a competitive supplier [that is a provider of last resort] or its affiliate to satisfy the [obligation to provide basic network service or business line service in a service territory.] competitive supplier's obligation as a provider of last resort, including, without limitation, determining the rates, pricing, terms, conditions or availability of an alternative [technology.] voice service.*

3. ~~[If a competitive supplier that is a provider of last resort uses an alternative technology to satisfy the obligation to provide basic network service or business line service in a service territory, the Commission may investigate whether basic network service or business line service provided through the alternative technology by the competitive supplier is functionally comparable with circuit-switched wireline telephony.]~~

4. ~~If, after notice and hearing, the Commission finds any material deficiency in the competitive supplier's use of the alternative technology to satisfy the obligation to provide basic network service or business line service, the Commission may order the competitive supplier to implement corrective action, within a technically reasonable period, to cure the material deficiency in the use of the alternative technology.]~~

~~5. As used in this section, "alternative technology" means any technology, facility or equipment, other than circuit switched wireline telephony, that has the capability to provide customers with service functionally comparable to basic network service or business line service. The term includes, without limitation, wireless or Internet technology, facilities or equipment.~~ *The use of an alternative voice service provided by a competitive supplier or an affiliate of the competitive supplier to satisfy the competitive supplier's obligation as a provider of last resort does not affect any obligation of the competitive supplier:*

- (a) As an incumbent local exchange carrier pursuant to federal law.*
- (b) Pursuant to NRS 704.033.*

4. As used in this section, "alternative voice service" means a retail voice service made available through any technology or service arrangement that provides:

- (a) Voice-grade access to the public switched telephone network; and*
- (b) Access to emergency 911 service.*

Sec. 18. NRS 707.230 is hereby amended to read as follows:

707.230 Any person or persons, company, association or corporation, desiring to do so, may construct and maintain, or, if already constructed, may maintain, or, if partially constructed, may complete and maintain, within this state, a ~~telegraph~~ telephone line or lines by complying with NRS 707.240.

Sec. 19. NRS 707.250 is hereby amended to read as follows:

707.250 The person or persons, company, association or corporation named in the certificate (provided for in NRS 707.240), and their assigns ~~1. May~~ may construct, or if constructed, maintain, or if partially constructed, complete and maintain, their telephone line ~~of telegraph,~~ described in their certificate, filed as provided in NRS 707.240, over and through any public or private lands, and along or across any streets, alleys, roads, highways or streams within this state, provided they do not obstruct the same. ~~2.~~

~~2. May operate the telegraph line between the termini of the same, and have and maintain offices and stations at any city, town, place or point along the line; and~~

~~3. Shall be entitled to demand, receive and collect for dispatches and messages transmitted over such line such sum or sums as such person or persons or the officers of the company, association or corporation (as the case may be) may deem proper.~~

Sec. 19.5. NRS 707.280 is hereby amended to read as follows:

707.280 1. Any person or the person's assigns, who are constructing, or who have already constructed, or who may propose to construct, a telephone line ~~of telegraph,~~ as provided in NRS 707.230 to ~~707.290,~~ 707.280, inclusive, ~~has~~ have the right-of-way for the line and so much land as may be necessary to construct and maintain the line, and for this purpose may enter upon private lands along the line described in the certificate for the purpose of examining and surveying them.

2. Where the lands cannot be obtained by the consent of the owner or possessor thereof, so much of the land as may be necessary for the construction of the line may be appropriated by the person or the person's assigns (as the case may be), after making compensation therefor, as follows. The person or the person's agent shall select one appraiser, and the owner or possessor shall select one, and the two so selected shall select a third. The three shall appraise the lands sought to be appropriated, after having been first sworn, before a person authorized by law to administer oaths, to make a true appraisement thereof, according to the best of their knowledge and belief.

3. If the person or the person's agent tenders to the owner or possessor the appraised value of the lands, appraised as provided in subsection 2, the person or agent may proceed in the construction, or, if constructed, in the use of the line over the land so appraised, and may maintain the line over and upon the land, and at all times enter upon the land and pass over all adjoining lands for the purpose of constructing, maintaining and repairing the ~~[telegraph]~~ telephone line, notwithstanding the tender may be refused. The tender must always be kept good by the person or the person's agent.

4. An appeal may be taken by either party, from the finding of the appraisers, to the district court of the county within which the land so appraised is situated at any time within 3 months after the appraisement.

Sec. 20. NRS 707.300 is hereby amended to read as follows:

707.300 All persons or corporations owning and operating telephone lines in this state are entitled to all the rights and privileges and are subject to all the restrictions and responsibilities provided in NRS 707.230 to ~~[707.290, inclusive, so far as those rights, privileges, restrictions and responsibilities are applicable to telephone companies.]~~ 707.280, inclusive.

Sec. 21. NRS 707.910 is hereby amended to read as follows:

707.910 Any person who:

1. By the attachment of a ground wire, or by any other contrivance, willfully destroys the insulation of a ~~[telegraph or]~~ telephone line, or interrupts the transmission of the electric current through the line;

2. Willfully interferes with the use of any ~~[telegraph or]~~ telephone line, or obstructs or postpones the transmission of any message over the line; or

3. Procures or advises any such injury, interference or obstruction,
➤ is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of any property damaged, altered, removed or destroyed and in no event less than a misdemeanor.

Sec. 22. NRS 709.050 is hereby amended to read as follows:

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat and power lines, gas and water mains, telephone ~~[and telegraph]~~ lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated

town in the county, and along the public roads and highways of the county, when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. The board of county commissioners shall not:

(a) Impose any terms or conditions on a franchise granted pursuant to subsection 1 for the provision of telecommunication service or interactive computer service other than terms or conditions concerning the placement and location of the telephone ~~for telegraph~~ lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides telecommunication service or interactive computer service to obtain a franchise if it provides telecommunication service over the telephone ~~for telegraph~~ lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.

(b) "Street railway" means:

(1) A system of public transportation operating over fixed rails on the surface of the ground; or

(2) An overhead or underground system, other than a monorail, used for public transportation.

➡ The term does not include a super speed ground transportation system as defined in NRS 705.4292.

(c) "Telecommunication service" has the meaning ascribed to it in NRS 704.028.

4. As used in this section, "monorail" has the meaning ascribed to it in NRS 705.650.

Sec. 23. NRS 709.060 is hereby amended to read as follows:

709.060 Any person, company, corporation or association desiring a franchise, right or privilege for any purpose specified in NRS 709.050 must file with the board of county commissioners of the county wherein the franchise, right or privilege is to be exercised an application in writing, which contains:

1. The name of the applicant and the time for which the franchise, right or privilege is desired, not exceeding 25 years.

2. The places where the franchise, right or privilege is to be exercised and, if in any unincorporated town, the streets, avenues, alleys and other places through, over, under or along which the franchise, right or privilege is sought.

3. If the application is for a street railway, it must designate the route of the proposed line in the county, and specify the width of ground desired to be included in its right-of-way.

4. A map or plat correctly showing and delineating, so far as practicable, the proposed route or right-of-way of any street railway, light, heat, ~~for~~

power [~~telegraph~~] or telephone lines, and the places where gas or water mains are to be laid or installed.

Sec. 24. NRS 709.100 is hereby amended to read as follows:

709.100 The board of the county commissioners, at the time of granting any such authority, franchise and right-of-way, shall require the applicant to enter into an undertaking to the county in a sum to be determined by the board of county commissioners, with surety or sureties approved by the board, conditioned that the applicant shall commence active construction of such telephone, [~~telegraph~~], light, heat or power lines, the laying of gas or water mains, or such streetcar system, for which such franchise, right or privilege is granted, within 60 days from the date of the granting of the franchise, right or privilege, and prosecute the construction thereof to completion with due diligence; and, failing to comply with the conditions of such undertaking, shall pay into the treasury of the county to which such undertaking is given the sum of money mentioned therein and forfeit all rights to such franchise, right or privilege.

Sec. 25. NRS 709.130 is hereby amended to read as follows:

709.130 1. Every person, company, corporation or association receiving a franchise pursuant to the provisions of NRS 709.050 to 709.170, inclusive, shall:

(a) Provide a plant with all necessary appurtenances of approved construction for the full performance of the franchise duties, rights and obligations, and for the needs, comfort and convenience of the inhabitants of the various unincorporated towns and cities, county or place to which the franchise relates.

(b) Keep the plants and appurtenances, including all tracks, cars, poles, wires, pipes, mains and other attachments, in good repair, so as not to interfere with the passage of persons or vehicles, or the safety of persons or property.

2. Except as otherwise provided in this subsection, the board of county commissioners may when granting such franchise, fix and direct the location of all tracks, poles, wires, mains, pipes and other appurtenances upon the public streets, alleys, avenues and highways as best to serve the convenience of the public. The board may change the location of any appurtenances and permit, upon proper showing, all necessary extensions thereof when the interest or convenience of the public requires. The board shall not require a company that provides telecommunication service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the county.

3. All poles, except poles from which trolley wires are suspended for streetcar lines, from which wires are suspended for electric railroads, power, light or heating purposes within the boundaries of unincorporated towns and over public highways must not be less than 30 feet in height, and the wires strung thereon must not be less than 25 feet above the ground.

4. Every person, company, association or corporation operating a telephone, ~~[telegraph or]~~ electric light, heat or power line, or any electric railway line, shall, with due diligence, provide itself, at its own expense, a competent electrician to cut, repair and replace wires in all cases where cutting or repairing or replacing is made necessary by the removal of buildings or other property through the public streets or highways.

5. No person, company, corporation or association may receive an exclusive franchise nor may any board of county commissioners grant a franchise in such manner or under such terms or conditions as to hinder or obstruct the granting of franchises to other grantees, or in such manner as to obstruct or impede reasonable competition in any business or public service to which NRS 709.050 to 709.170, inclusive, apply.

Sec. 26. NRS 709.150 is hereby amended to read as follows:

709.150 1. All persons, companies, associations or corporations in the business of conducting street railways, telephone, ~~[telegraph]~~ electric light and power lines, gas or water mains in any of the cities, towns or places mentioned in NRS 709.050 to 709.170, inclusive, under the provisions of any other law providing for the granting of such franchises, and who or which has not fully complied with the provisions of the law under which the franchise was obtained, may, nevertheless, have and enjoy all the privileges and benefits of NRS 709.050 to 709.170, inclusive, if such person, company, association or corporation shall, within 6 months after March 23, 1909, file in the Office of the Secretary of State, and in the office of the county recorder of the county in which such person, company, corporation or association maintains its principal office or place of business, a duly executed and acknowledged acceptance of the terms, conditions and provisions of NRS 709.050 to 709.170, inclusive, which acceptance, in case of a corporation, shall be evidenced by a duly attested or certified copy of a resolution of its board of directors.

2. Nothing contained in this section shall be construed to relieve any such person, company, association or corporation of any duty or obligation provided in any law or contained in any franchise under which any person, company, association or corporation is operating on March 23, 1909.

Sec. 27. NRS 710.035 is hereby amended to read as follows:

710.035 Notwithstanding the provisions of NRS 710.030, the board of county commissioners of any county controlling and managing a telephone system, for the extension, betterment, alteration, reconstruction or other major improvement, or any combination thereof, of the system, including without limitation the purchase, construction, condemnation and other acquisition of plants, stations, other buildings, structures, ~~[telegraphic equipment]~~ other equipment, furnishings, transmission and distribution lines, other facilities, lands in fee simple, easements, rights-of-way, other interests in land, other real and personal property, and appurtenances, may, at any time or from time to time, in the name and on the behalf of the county, issue:

1. General obligation bonds, payable from taxes;

2. General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of the net revenues derived from the operation of the system; and

3. Revenue bonds constituting special obligations and payable from such net revenues.

Sec. 28. NRS 710.310 is hereby amended to read as follows:

710.310 Subject to the provisions of NRS 710.310 to 710.390, inclusive, the governing body of the county or city, for the lease, purchase, construction, other acquisition, extension, betterment, alteration, reconstruction or other major improvement, financial assistance for operation, or any combination thereof, of a railroad system, including without limitation the lease, purchase, construction, condemnation and other acquisition of plants, stations, other buildings, structures, engines, cars, tracks, ~~telegraphic equipment,~~ signal equipment, traffic control equipment, maintenance equipment, other equipment, furnishings, electric transmission lines, other facilities, lands in fee simple, easements, rights-of-way, other interests in land, other real and personal property and appurtenances, may at any time, in the name and on the behalf of the county or the city, issue:

1. In the manner provided in NRS 350.011 to 350.070, inclusive:

(a) General obligation bonds, payable from taxes; and

(b) General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of the net revenues derived from the operation of the system.

2. Revenue bonds constituting special obligations and payable from net revenues, without the necessity of the revenue bonds being authorized at any election.

Sec. 29. NRS 37.010 is hereby amended to read as follows:

37.010 1. Subject to the provisions of this chapter and the limitations in subsections 2 and 3, the right of eminent domain may be exercised in behalf of the following public uses:

(a) Federal activities. All public purposes authorized by the Government of the United States.

(b) State activities. Public buildings and grounds for the use of the State, the Nevada System of Higher Education and all other public purposes authorized by the Legislature.

(c) County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

(d) Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

(e) Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

(f) Byroads. Byroads leading from highways to residences and farms.

(g) Public utilities. Lines for ~~telegraph,~~ telephone, electric light and electric power and sites for plants for electric light and power.

(h) Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the State or college or university.

(i) Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

(j) Cemeteries, public parks. Cemeteries or public parks.

(k) Pipelines for petroleum products, natural gas. Pipelines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

(l) Aviation. Airports, facilities for air navigation and aerial rights-of-way.

(m) Monorails. Monorails and any other overhead or underground system used for public transportation.

(n) Video service providers. Video service providers that are authorized pursuant to chapter 711 of NRS to operate a video service network. The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

(1) It creates no substantial detriment to the service provided by the utility;

(2) It causes no irreparable injury to the utility; and

(3) The Public Utilities Commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

(o) Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

2. Notwithstanding any other provision of law and except as otherwise provided in this subsection, the public uses for which private property may be taken by the exercise of eminent domain do not include the direct or indirect transfer of any interest in the property to another private person or

entity. Property taken by the exercise of eminent domain may be transferred to another private person or entity in the following circumstances:

(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge, airport or facility that is owned by a governmental entity.

(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of an airport or a facility that is owned by a governmental entity and, before leasing the property:

(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of an airport or facility that is owned by a governmental entity; and

(2) Provides the person from whom the property was taken with an opportunity to bid or propose on any such lease.

(c) The entity that took the property:

(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property exchanges it for other property acquired or being acquired by eminent domain or under the threat of eminent domain for roadway or highway purposes, to relocate public or private structures or to avoid payment of excessive compensation or damages.

(e) The person from whom the property is taken consents to the taking.

3. The entity that is taking property by the exercise of eminent domain has the burden of proving that the taking is for a public use.

4. For the purposes of this section, an airport authority or any public airport is not a private person or entity.

Sec. 30. NRS 179.425 is hereby amended to read as follows:

179.425 "Electronic, mechanical or other device" means any device or apparatus which can be used to intercept a wire or oral communication other than:

1. Any telephone ~~for telegraph~~ instrument, equipment or facility, or any component thereof:

(a) Furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or

(b) Being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his or her duties.

2. A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

Sec. 31. NRS 202.582 is hereby amended to read as follows:

202.582 1. A person who willfully and maliciously removes, damages or destroys any utility property, agricultural infrastructure or other agricultural property, lights maintained by the State or a local government, construction site or existing structure to obtain scrap metal shall be punished pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the value of the property removed, damaged or destroyed as described in subsection 1 is:

(a) Less than \$500, a person who violates the provisions of subsection 1 is guilty of a misdemeanor.

(b) Five hundred dollars or more, a person who violates the provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. If the removal, damage or destruction described in subsection 1 causes an interruption in the service provided by any utility property, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. In addition to any other penalty, the court may order a person who violates the provisions of subsection 1 to pay restitution.

5. In determining the value of the property removed, damaged or destroyed as described in subsection 1, the cost of replacing or repairing the property or repairing the utility property, agricultural infrastructure, agricultural property, lights, construction site or existing structure, if necessary, must be added to the value of the property.

6. As used in this section:

(a) "Scrap metal" has the meaning ascribed to it in NRS 647.017.

(b) "Utility property" means any facility, equipment or other property owned, maintained or used by a company or a city, county or other political subdivision of this State to furnish cable television or other video service, broadband service, telecommunication service, telephone service, ~~telegraph service,~~ natural gas service, water service or electric service, regardless of whether the facility, property or equipment is currently used to furnish such service.

Sec. 32. NRS 408.407 is hereby amended to read as follows:

408.407 1. For the purposes of this section:

(a) "Cost of relocation" means the entire amount paid by a utility properly attributable to the relocation of its facilities, including removal, reconstruction and replacement after deducting therefrom any increase in value of the new facility and any salvage value derived from the old facility, and includes the costs of all rights and interests necessary in land and the costs of any other rights required to accomplish such relocation.

(b) "Utility" means any privately, publicly or cooperatively owned systems for supplying ~~telegraph,~~ telephone, electric power and light, gas, water, sewer and like service to the public or a segment of the public.

2. Whenever the Director, after consulting with the utility concerned, determines that any utility facility which now is, or hereafter may be, located in, over, along or under any highway in the federal-aid primary or secondary systems or in the interstate system, including extensions thereof within urban areas, as such systems are defined in the Federal-Aid Highway Acts and are accepted by and assented to by the State of Nevada, should be relocated, the utility owning or operating such utility facility shall relocate the same in accordance with the order of the Director. The cost of any such relocation shall be ascertained and paid by the State as part of the cost of such federally aided project, provided the proportionate part of such cost is reimbursable from federal funds under a Federal-Aid Highway Act or any other Act of Congress under which the State is entitled to reimbursement for all or part of such cost.

3. This section does not apply where a payment of relocation or removal costs by the State would be inconsistent with the terms of a permit issued by the Director pursuant to NRS 408.423.

Sec. 33. NRS 496.020 is hereby amended to read as follows:

496.020 As used in this chapter, unless the context otherwise requires:

1. "Air navigation facility" means any facility, other than one owned and operated by the United States, used in, available for use in, or designed for use in, aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

2. "Airport" means any area of land or water which is used for the landing and takeoff of aircraft, and any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

3. "Airport hazard" means any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

4. "Municipal" means pertaining to a municipality as defined in this section.

5. "Municipality" means any county, city or town of this state.

6. "Person" includes a government, a governmental agency and a political subdivision of a government.

7. "Public utility" means a person who operates any airline, broadcasting, electric, gas, pipeline, radio, railroad, rural electric, sanitary sewer, slurry,

telephone ~~[-telegraph]~~ or water business in this state and who conducts such a business for a public use.

Sec. 34. NRS 497.020 is hereby amended to read as follows:

497.020 As used in this chapter, unless the context otherwise requires:

1. "Airport" means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized in the interest of the public for such purposes.

2. "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at any airport, or is otherwise hazardous to the landing or taking off of aircraft.

3. "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter.

4. "Person" includes a government, a governmental agency and a political subdivision of a government.

5. "Political subdivision" means any county, incorporated city, unincorporated town or airport authority created by special legislative act as a quasi-municipal corporation.

6. "Public utility" means a person who operates any airline, broadcasting, electric, gas, pipeline, radio, railroad, rural electric, sanitary sewer, slurry, telephone ~~[-telegraph]~~ or water business in this State and who conducts such a business for a public use.

7. "Structure" means any object constructed or installed by a person, including, but without limitation, buildings, towers, smokestacks and overhead wires and other lines.

8. "Tree" means any object of natural growth.

Sec. 35. NRS 707.270 and 707.290 are hereby repealed.

Sec. 36. The amendatory provisions of this act must not be construed to impair the vested franchise of any telephone company based upon state law in existence before the effective date of this act.

Sec. 36.5. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

707.270 Lines governed by general laws; transmission of certain messages in order; penalty and civil liability; State may send messages free of charge.

1. Such line or lines of telegraph as may avail themselves of the provisions of NRS 707.230 to 707.290, inclusive, shall also be governed, in all respects, by the general laws of the State regulating telegraph lines, and shall do the business of side lines, and transmit all dispatches in the order in which they are received, under the penalty of \$100. All damages sustained thereby shall be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order; provided:

(a) That arrangements may be made with publishers of newspapers for the transmission of intelligence of general and public interest out of its order; and

(b) That preference may be given to official dispatches for the detection and capture of criminals.

2. Messages on public business may be sent by the State of Nevada over such lines free of charge.

707.290 Forfeiture of rights, privileges and franchise for failure to maintain line; quo warranto. The owner or owners of any line or lines constructed and maintained pursuant to the provisions of NRS 707.230 to 707.290, inclusive, shall at all times keep the same in as good condition and repair as may be practicable. If such owner or owners shall fail to keep the same in such condition and repair, such failure shall work a forfeiture of all rights, privileges and franchise belonging to such owner or owners, or any person having any interest therein. Such franchise may be also declared forfeited on information in the nature of a quo warranto, in the manner provided by law.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President. Amendment No. 654 to Assembly Bill No. 486 provides that the Public Utilities Commission of Nevada may declare an emergency exists in any area where alternative voice service is not available and where a competitive supplier has been granted relief from its obligations as a provider of last resort. If the Public Utilities Commission of Nevada declares an emergency, it may impose obligations on any provider of alternative voice service only to the extent that it receives money from the fund to maintain availability of adequate and reliable telephone service for a specified period of time.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bills Nos. 83, 84, 164, 239, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 122.

The following Assembly amendment was read:

Amendment No. 619.

"SUMMARY—Revises provisions governing a regional authority for housing in certain counties. (BDR 25-638)"

"AN ACT relating to housing; revising the number of commissioners of a regional authority for housing in certain counties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

The Housing Authorities Law of 1947 (NRS 315.140-315.7813) authorizes, in a county whose population is 700,000 or more (currently Clark County), the formation of a regional authority by a resolution of the governing body of the county and the governing body of each city and town

located within the county that desires to participate in the regional authority. (NRS 315.7805) In Clark County, the Southern Nevada Regional Housing Authority has been so formed by Clark County and the Cities of Las Vegas, Henderson and North Las Vegas.

Existing law requires the appointment of nine persons to serve as commissioners of a regional authority, including one commissioner who serves on behalf of tenants. (NRS 315.7809) Section 1 of this bill increases the number of commissioners of a regional authority to ~~12, and~~ 13 by: (1) increasing from two to three the number of commissioners who are appointed by the governing body of the largest city in the county that participates in the regional authority; and (2) increasing from one to four the number of commissioners who serve on behalf of tenants. Section 1 also provides that ~~4 of~~ the commissioners who serve on behalf of tenants must ~~represent tenants and~~ be appointed, respectively, by the governing bodies of the county and the three largest cities in the county that participate in the regional authority.

Section 3 of this bill requires the governing bodies of Clark County, the City of Las Vegas, the City of Henderson and the City of North Las Vegas to make their respective appointments of commissioners who represent tenants to the Southern Nevada Regional Housing Authority as soon as practicable on or after July 1, 2013. Section 3 further provides for the staggering of the terms of the newly appointed commissioners.

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

Section 1. NRS 315.7809 is hereby amended to read as follows:

315.7809 1. Upon the adoption of a resolution pursuant to NRS 315.7805 forming a regional authority, ~~nine~~ ~~12~~ 13 persons must be appointed to serve as commissioners of the authority as follows:

(a) The governing body of the county shall appoint two persons to serve as commissioners of the authority;

(b) The governing body of the largest city in the county *that participates in the regional authority* shall appoint ~~two~~ three persons to serve as commissioners of the authority;

(c) The governing body of the second largest city in the county *that participates in the regional authority* shall appoint two persons to serve as commissioners of the authority;

(d) The governing body of the third largest city in the county *that participates in the regional authority* shall appoint two persons to serve as commissioners of the authority; and

(e) ~~One commissioner who serves~~ *Four commissioners who serve* on behalf of tenants must be selected as described in subsection 3 ~~[-]~~, *including:*

(1) One commissioner who serves on behalf of tenants of the county, appointed by the governing body of the county;

(2) *One commissioner who serves on behalf of tenants of the largest city in the county that participates in the regional authority, appointed by the governing body of that city;*

(3) *One commissioner who serves on behalf of tenants of the second largest city in the county that participates in the regional authority, appointed by the governing body of that city; and*

(4) *One commissioner who serves on behalf of tenants of the third largest city in the county that participates in the regional authority, appointed by the governing body of that city.*

➤ None of the persons appointed to serve as commissioners of the authority may be elected officials of any governmental entity.

2. ~~{Six of the commissioners who are first appointed pursuant to subsection 1 must be designated to serve for terms of 1, 2 and 3 years, respectively, from the date of their appointment, and three must be designated to serve for terms of 4 years from the date of their appointment, but thereafter commissioners}~~ *Each commissioner must be appointed for a term of office of 4 years. {The persons appointed initially to serve as commissioners pursuant to subsection 1 shall determine by lot whether they are designated pursuant to this subsection to serve for a term of 1 year, 2 years, 3 years or 4 years.}*

3. ~~{The}~~ *Each commissioner who serves on behalf of tenants must be a current recipient of assistance from the authority who {was} resides in the county or in the city from which he or she is appointed, as applicable, and who is selected from a list of at least five eligible nominees submitted for this purpose by an organization which represents tenants of housing projects {-} in the county or city, as applicable. If no such organization exists, {the} each such commissioner must be selected from a list of nominees submitted for this purpose from persons who currently receive assistance from the authority {-} and who reside in the county or in the city for which the list of nominees is prepared, as applicable. Thereafter, at least {one commissioner} four commissioners must be such {a recipient who was} recipients who were nominated and appointed in the same manner. If, during his or her term, {the} any such commissioner ceases to be a recipient of assistance, the commissioner must be replaced in the manner set forth in this subsection by a person who is a recipient of assistance.*

4. In making the appointments described in *paragraphs (a) to (d), inclusive, of subsection 1*, the relevant local governments shall seek recommendations for appointment from a diverse background of interests with a view toward:

(a) Balancing gender and ethnicity; and

(b) Soliciting appointees who have experience in fields such as, without limitation:

(1) Real estate;

(2) Financial planning;

(3) Legal aid;

- (4) Education;
- (5) Public safety;
- (6) The provision of public services; and
- (7) The assistance of persons of low income.

5. All vacancies must be filled for the unexpired term.

Sec. 2. Notwithstanding the provisions of NRS 315.7809, the term of the commissioner of the Southern Nevada Regional Housing Authority who represents tenants and who is described in paragraph (e) of subsection 1 of NRS 315.7809 expires on June 30, 2013.

Sec. 2.5. Notwithstanding the provisions of NRS 315.7809, as amended by section 1 of this act, the commissioners of the Southern Nevada Regional Housing Authority described in paragraphs (a) to (d), inclusive, of subsection 1 of NRS 315.7809 who are in office on July 1, 2013, continue to serve until the end of their current terms of office.

Sec. 3. As soon as practicable on or after July 1, 2013, ~~the~~:

1. The governing body of the City of Las Vegas shall make the additional appointment to the Southern Nevada Regional Housing Authority described in paragraph (b) of subsection 1 of NRS 315.7809, as amended by section 1 of this act.

2. The governing bodies of Clark County, the City of Las Vegas, the City of Henderson and the City of North Las Vegas shall make their respective appointments to the Southern Nevada Regional Housing Authority described in paragraph (e) of subsection 1 of NRS 315.7809, as amended by section 1 of this act. Notwithstanding the provisions of NRS 315.7809, as amended by section 1 of this act, the persons appointed to serve as commissioners pursuant to this ~~section~~

~~4-1~~ subsection:

(a) Must be designated to serve for initial terms of 1, 2, 3 and 4 years, respectively, from the date of their appointment, but thereafter each commissioner must be appointed for a term of office of 4 years.

~~2-1~~ (b) Shall determine by lot which appointees are designated pursuant to this ~~section~~ subsection to serve for an initial term of 1, 2, 3 or 4 years, respectively.

Sec. 4. 1. This section and section 2 of this act become effective upon passage and approval.

2. Sections 1, 2.5 and 3 of this act become effective on July 1, 2013.

Senator Parks moved that the Senate concur in the Assembly Amendment No. 619 to Senate Bill No. 122.

Motion carried by a constitutional majority.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 7, 8, 26, 29, 30, 32, 35, 37, 40, 41, 45, 46, 47, 48, 51, 53, 61, 65, 71, 74, 77, 79, 81, 86, Assembly Concurrent Resolution No. 3.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of President Krolicki the privilege of the Floor of the Senate Chamber for this day was extended to Bob Seale.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Amber Harris.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Denai Denis and Alexi Fernandez.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Josh Hess and Matthew Smith.

On request of Senator Hammond, the privilege of the Floor of the Senate Chamber for this day was extended to Lara Bringhurst, Hannah Fellman, Gretchen Michaud and Carlie Wilson.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Elizabeth Sweany, Mary Toft, Valeria Villa and Seren Ward.

On request of Senator Hutchison, the privilege of the Floor of the Senate Chamber for this day was extended to Katherine Giles, Tess Nieman, and Haideny Xonthé.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Jason Flores.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Brandon Robbins.

Senator Denis moved that the Senate adjourn until Tuesday, May 21, 2013, at 12:00 p.m. and it do so in memory of the people who lost their lives today in the tornado in Oklahoma.

Motion carried.

Senate adjourned at 10:00 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate