

ASSEMBLY BILL NO. 331—ASSEMBLYMAN HANSEN

MARCH 20, 2017

Referred to Committee on Education

SUMMARY—Creates the Nevada System of Community Colleges.
(BDR 34-28)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; creating the Nevada System of Community Colleges; creating the State Board for Community Colleges to administer the community colleges within the System and supervise and control the System separate from the Nevada System of Higher Education; providing for the appointment by the Governor of the membership of the Board; establishing the powers, duties and responsibilities of the Board; authorizing the Board to employ an Executive Director and delegate to the Executive Director any of the powers and duties of the Board; providing for the creation of and the appointment by the Governor of the membership of a board of trustees for each community college within the Nevada System of Community Colleges; establishing the powers, duties and responsibilities of the boards of trustees of the community colleges; providing for the selection of a president for each community college; establishing the Articulation and Transfer Board; transferring to the Board and to the boards of trustees of the community colleges, as applicable, the powers and duties of the Board of Regents of the University of Nevada relating to the supervision and control of community colleges; providing penalties; and providing other matters properly relating thereto.



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Legislative Counsel's Digest:

Existing law provides that the system of community colleges of this State is, along with the universities and state colleges of this State, part of the Nevada System of Higher Education administered under the control of the Board of Regents of the University of Nevada. (NRS 396.020) Effective July 1, 2018, this bill generally transfers authority for the supervision and control of community colleges from the Board of Regents to the State Board for Community Colleges and the boards of trustees of such community colleges.

Section 7 of this bill creates the State Board for Community Colleges and provides for the appointment by the Governor of the members of the Board.

Section 10 of this bill creates the Nevada System of Community Colleges, consisting of each community college administered under the direction of the Board and provides that the System is operated under the direction and control of the Board. **Sections 7-68** of this bill generally provide the Board with similar powers and duties relative to the supervision and control of the Nevada System of Community Colleges as those exercised by the Board of Regents under existing law. **Section 9** of this bill requires the Board to appoint an Executive Director and authorizes the Board to delegate any of its powers and duties to the Executive Director. **Section 11** of this bill requires the Board to establish standards governing the operation of community colleges within the System and to exercise any powers necessary to carry out the provisions of this bill.

Section 69 of this bill creates a board of trustees for each community college within the System and provides for the appointment by the Governor of the membership of a board of trustees. **Sections 69-72** of this bill establish certain powers and duties of such a board of trustees. **Section 70** of this bill provides that the board of trustees of a community college shall operate and manage the community college for which it was appointed. **Section 69** of this bill provides that any rules and regulations adopted by a board of trustees for the operation and management of a community college must be consistent with the rules and regulations adopted by the State Board for Community Colleges. **Section 71** of this bill requires the board of trustees to employ a president for the community college and authorizes the board of trustees to delegate any of its powers and duties to the president.

Sections 76-144 and sections 149-154 of this bill amend various provisions of existing law specifically related to education consistent with the provisions of this bill which transfer the direction and control of community colleges from the Board of Regents to the State Board for Community Colleges. **Sections 135 and 137** of this bill provide that provisions of existing law relating to education loans for nursing students apply to students who attend an institution of the Nevada System of Higher Education and students who attend a community college. Likewise, **sections 138-140** of this bill amend existing law to ensure the continued eligibility of community college students for the Millennium Scholarship and **sections 141-144** of this bill ensure the continued eligibility of community college students for the Silver State Opportunity Grant Program.

Section 146 of this bill creates the Articulation and Transfer Board and provides for the appointment by the Governor of the members of the Board. **Sections 147 and 148** of this bill establish certain powers and duties of the Board.

Sections 155-318 of this bill similarly amend other provisions of existing law to delineate the powers and duties of the Board of Regents relative to the Nevada System of Higher Education and the powers and duties of the State Board for Community Colleges and the boards of trustees of the community colleges relative to the Nevada System of Community Colleges.

Section 320 of this bill provides for the appointment, on or after July 1, 2018, by the Governor of the initial members of the State Board for Community Colleges and the boards of trustees of the community colleges. **Section 321** of this bill



provides for the appointment of the members added to various boards, councils and commissions by **sections 76, 92, 94, 115, 151, 155, 220, 225, 284 and 289** of this bill, including the: (1) State Board of Education; (2) English Mastery Council; (3) Commission on Educational Technology; (4) Commission on Professional Standards in Education; (5) P-20W Advisory Council; (6) Committee to advise the Court Administrator regarding court interpreters; (7) Board of the Public Employees' Benefits Program; (8) Committee to administer the Public Employees' Deferred Compensation Program; (9) Nevada Early Childhood Advisory Council; and (10) Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease. **Sections 175, 178, 252, 260, 265 and 282** of this bill similarly provide for the appointment of the Executive Director of the State Board for Community Colleges to various boards, councils and commissions, including the: (1) Advisory Council on Science, Technology, Engineering and Mathematics; (2) Board of Economic Development; (3) Technical Advisory Committee on Future State Revenues; (4) Board of Trustees of the College Savings Plans of Nevada; (5) corporation for public benefit established by the State Treasurer; and (6) Interagency Council on Veterans Affairs.

Section 322 of this bill provides for the appointment, on or after July 1, 2018, by the Governor of the initial members of the Articulation and Transfer Board. **Section 323** of this bill provides that any lease or contract entered into by the Nevada System of Higher Education or the Board of Regents before July 1, 2018, and in effect on or after July 1, 2018, relating to the operation of or the provision of services by or to the community colleges shall be deemed to be a lease or contract entered into by the board of trustees of the respective community college.

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

Section 1. Title 34 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 75, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Board" means the State Board for Community Colleges created by section 7 of this act.*

Sec. 4. *"Board of trustees" means the board of trustees of a community college within the System.*

Sec. 5. *"Executive Director" means the Executive Director of the Board.*

Sec. 6. *"System" means the Nevada System of Community Colleges created by section 10 of this act.*

Sec. 7. 1. *The State Board for Community Colleges is hereby created. The Board consists of nine voting members appointed by the Governor.*

2. *The Governor shall ensure that the members appointed to the Board pursuant to subsection 1 represent the diversity of this State. The members of the Board appointed pursuant to subsection 1 must include:*



1 (a) *Representatives of different strategically important*
2 *industries, different geographic regions of this State, different*
3 *professions, and different racial and ethnic groups.*

4 (b) *At least one member who is a person active in private*
5 *business or industry of this State.*

6 (c) *At least one member who is a representative of labor.*

7 3. *After the initial terms, each member appointed to the*
8 *Board pursuant to subsection 1 serves a term of 4 years, except*
9 *that each member continues to serve until a successor is*
10 *appointed. A member of the Board may be reappointed.*

11 4. *A member of the Board may be removed by the Governor*
12 *before the expiration of the member's term for misconduct in*
13 *office, incompetence or neglect of duty.*

14 5. *If a vacancy occurs during the term of a member of the*
15 *Board appointed pursuant to subsection 1, the Governor shall*
16 *appoint a person to fill the vacancy for the remainder of the*
17 *unexpired term.*

18 6. *A majority of the members of the Board constitutes a*
19 *quorum for the transaction of business. A majority vote of the*
20 *quorum present is required to take action with respect to any*
21 *matter.*

22 7. *The Board shall adopt a seal.*

23 8. *The Board shall elect annually, from among its members,*
24 *a Chair, a Vice Chair and a Treasurer.*

25 9. *The Board shall meet at the call of the Chair. At all times,*
26 *the records of all proceedings of the Board are open to public*
27 *inspection, except records of a closed meeting which have not*
28 *become public. The Secretary of the Board shall transmit to the*
29 *Governor a copy of the approved minutes of each regular meeting*
30 *of the Board and the boards of trustees.*

31 10. *The Board shall adopt bylaws and rules for the conduct of*
32 *its business, and shall have the power to amend and rescind these*
33 *bylaws and rules. Such rules may include rules for its own*
34 *government and the government of the System.*

35 11. *In addition to the money provided by the Legislature by*
36 *direct appropriation, the Board may apply for and accept any gift,*
37 *donation, bequest, grant or other source of money to carry out the*
38 *provisions of this chapter.*

39 12. *The Board may accept and take in the name of the*
40 *System, for the benefit of any branch or facility of the System, by*
41 *grant, gift, devise or bequest, any property for any purpose*
42 *appropriate to the System. Property so acquired must be taken,*
43 *received, held, managed and invested, and the proceeds thereof*
44 *used, bestowed and applied by the Board for the purposes,*



1 *provisions and conditions prescribed by the respective grant, gift,*
2 *devise or bequest.*

3 **Sec. 8. 1. Each member of the Board is entitled to receive a**
4 **salary of \$80 for each meeting of the Board that he or she attends.**

5 **2. Each member of the Board is entitled to receive in**
6 **attending meetings of the Board, or while on the business of the**
7 **Board within the State:**

8 (a) *A per diem expense allowance not to exceed the greater of:*

9 (1) *The rate of \$60; or*

10 (2) *The maximum rate established by the Federal*
11 *Government for the locality in which the travel is performed.*

12 (b) *The travel allowance provided for state officers and*
13 *employees generally.*

14 **3. If an account is established for a member of the Board to**
15 **pay for hosting expenditures of the member:**

16 (a) *The annual expenditures from the account may not exceed*
17 *\$2,500.*

18 (b) *The account may be used only to pay for activities that are*
19 *directly related to the duties of the member of the Board, including*
20 *reasonable expenses for meals, beverages and small gifts. The*
21 *account must not be used to pay for expenses associated with*
22 *attending a sporting event or a political fundraising event.*

23 (c) *The member of the Board must submit a monthly report of*
24 *expenditures from the account to the Executive Director. The*
25 *report must include, without limitation, the amount of money*
26 *expended from the account, the specific purpose and activity for*
27 *which the money was expended and, if applicable, the person for*
28 *whom the money was expended.*

29 (d) *The Executive Director shall compile the monthly reports*
30 *into an annual report on or before January 30 of each year. The*
31 *monthly reports and annual reports are public records and must*
32 *be made available for public inspection.*

33 **4. As used in this section, "hosting expenditures" means**
34 **reasonable expenses by or on behalf of a member of the Board**
35 **who is conducting business activities necessary to provide a**
36 **benefit to the System by establishing goodwill, promoting**
37 **programs of the System or otherwise advancing the mission of the**
38 **System.**

39 **Sec. 9. 1. The Board shall appoint an Executive Director**
40 **who serves at the pleasure of the Board. Before appointing an**
41 **Executive Director, the Board must consider an applicant's fitness**
42 **and background in education, knowledge of and recent practical**
43 **experience in the field of education, particularly in institutions**
44 **beyond the high school level. The Board may also consider an**



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1 *applicant's proven management background in a field other than*
2 *education.*

3 2. *The Board may delegate to the Executive Director any of*
4 *its powers or duties.*

5 3. *The Executive Director shall:*

6 (a) *Attend all meetings of the Board and act as Secretary,*
7 *keeping a full record of all proceedings of the Board.*

8 (b) *Direct and supervise any offices of the Board and all*
9 *activities of the Board.*

10 (c) *Prepare reports and collect and disseminate data and other*
11 *information relating to the community colleges within the System.*

12 (d) *At the direction of the Board, together with the Chair of the*
13 *Board, execute any contract entered into by the State to carry out*
14 *the provisions of this chapter.*

15 (e) *With approval of the Board, appoint and remove or*
16 *discharge such personnel as may be necessary for the*
17 *performance of the functions of the Board.*

18 **Sec. 10.** 1. *There is hereby created the Nevada System of*
19 *Community Colleges consisting of the community colleges*
20 *administered under the direction of the Board and such branches*
21 *and facilities as the Board deems appropriate. The legal and*
22 *corporate name of the System is the Community Colleges of*
23 *Nevada.*

24 2. *In addition to the other powers and duties imposed upon*
25 *the Board pursuant to the provisions of this chapter, the Board*
26 *shall:*

27 (a) *Supervise and control the System.*

28 (b) *Review annually each budget prepared by a board of*
29 *trustees pursuant to paragraph (a) of subsection 2 of section 70 of*
30 *this act.*

31 (c) *Prepare annually a budget for the System.*

32 (d) *Prepare and submit biennially to the Governor and to the*
33 *Director of the Legislative Counsel Bureau for transmittal to the*
34 *Legislature the comprehensive plan for each community college*
35 *prepared by a board of trustees pursuant to subsection 2 of section*
36 *70 of this act and a comprehensive plan for the System for the*
37 *next 4 years which must include, without limitation:*

38 (1) *An explanation of any anticipated new programs and*
39 *expansions of existing programs of instruction, public service or*
40 *research, itemized by community college, by year and by purpose;*

41 (2) *The anticipated cost of each new or expanded program*
42 *described pursuant to subparagraph (1);*

43 (3) *The amount and the source of any money anticipated to*
44 *be available, from sources other than legislative appropriation, to*



1 *meet each item of anticipated cost listed pursuant to subparagraph*
2 *(2); and*

3 *(4) Any other information deemed appropriate by the*
4 *Board.*

5 *3. In preparing the budget for the System pursuant to*
6 *paragraph (c) of subsection 2, the Board:*

7 *(a) May adopt objective criteria and metrics for measuring the*
8 *performance of a community college and include in the budget for*
9 *the next fiscal year additional funding for community colleges that*
10 *meet such criteria and metrics; and*

11 *(b) Shall give preference to portions of the budgets of*
12 *community colleges that fund programs of instruction in career*
13 *and technical education.*

14 **Sec. 11. The Board shall:**

15 *1. Establish minimum standards governing the operation of*
16 *the community colleges within the System, including, without*
17 *limitation:*

18 *(a) Qualifications and credentials for administrative and*
19 *educational personnel.*

20 *(b) Internal budgeting, accounting, auditing and financial*
21 *procedures.*

22 *(c) The content of the curricula and other educational and*
23 *training programs, and the requirements for degrees and*
24 *certificates awarded by a community college. The Board shall*
25 *establish the areas in which a community college may award a*
26 *baccalaureate degree, which must be limited to career and*
27 *occupational areas, including, without limitation, computer*
28 *technology and logistics.*

29 *(d) Standard admission policies.*

30 *(e) Common student identifiers, such that once a student has*
31 *enrolled at any community college within the System the student*
32 *retains the same student identification upon transfer to any other*
33 *community college within the System.*

34 *(f) Have the power to prescribe the time and standards of*
35 *graduation from a community college.*

36 *2. Adopt rules to ensure that the community colleges within*
37 *the System maintain consistent policies concerning tuition and fee*
38 *rates, tuition waivers, the counting of students who are enrolled*
39 *and the authority to grant certificates and degrees to students.*

40 *3. In consultation with the Board of Regents of the University*
41 *of Nevada, adopt any rules necessary to ensure that credits from a*
42 *community college within the System can be transferred to an*
43 *institution of the Nevada System of Higher Education.*

44 *4. Develop rules that provide the greatest opportunity for a*
45 *student who has earned any credits from a community college*



1 *within the System to transfer those credits to an out-of-state*
2 *college or university which awards a bachelor's degree.*

3 *5. Encourage the community colleges within the System to*
4 *use multiple measures to determine whether a student must enroll*
5 *in remedial courses, including, without limitation, placement*
6 *examinations, college and career readiness assessments, the*
7 *transcript from each school previously attended by the student and*
8 *the initial performance of the student in community college*
9 *courses.*

10 *6. Publish a list of any measures used by a community college*
11 *within the System to determine whether a student must enroll in*
12 *remedial courses on the Internet website maintained by the Board*
13 *and require each board of trustees to publish such a list in any*
14 *admissions materials relating to the community college.*

15 *7. Encourage innovation in the development of new*
16 *educational programs and training programs available at the*
17 *community colleges within the System and the instructional*
18 *methods to be used at the community colleges.*

19 *8. Coordinate research efforts for the development of new*
20 *educational programs, training programs and instructional*
21 *methods for the community colleges within the System and publish*
22 *any information relating to such research efforts.*

23 *9. Prescribe rules for the granting of permission to carry or*
24 *possess a weapon pursuant to NRS 202.265.*

25 *10. Exercise any other powers, duties and responsibilities*
26 *necessary to carry out the provisions of this chapter.*

27 **Sec. 12.** *The Treasurer elected by the Board pursuant to*
28 *subsection 8 of section 7 of this act is ex officio Treasurer of the*
29 *System.*

30 **Sec. 13.** *1. The Board may establish policies and*
31 *procedures for personnel which govern student employees and*
32 *which are separate from the policies and procedures established*
33 *for the unclassified personnel of the System. Any such policy or*
34 *procedure does not diminish the eligibility of those persons for*
35 *coverage as employees under the provisions of chapters 616A to*
36 *616D, inclusive, or chapter 617 of NRS.*

37 *2. In establishing policies and procedures pursuant to*
38 *subsection 1, the Board is not bound by any of the other provisions*
39 *of this chapter or the provisions of title 23 of NRS. Those*
40 *provisions do not apply to a student employee of the System unless*
41 *otherwise provided by the Board.*

42 **Sec. 14.** *The Board shall, to carry out the purposes of*
43 *subsection 4 of NRS 281.221, subsection 4 of NRS 281.230 and*
44 *subsection 4 of NRS 281A.430, establish policies governing the*



1 *contracts that faculty members and employees of the System may*
2 *enter into or benefit from.*

3 **Sec. 15.** *Notwithstanding the provisions of any other law, the*
4 *Board may employ any teacher, instructor or professor authorized*
5 *to teach in the United States under the teacher exchange programs*
6 *authorized by laws of the Congress of the United States.*

7 **Sec. 16.** 1. *Each teacher, instructor and professor*
8 *employed by the System whose compensation is payable out of the*
9 *public funds, except teachers, instructors and professors employed*
10 *pursuant to the provisions of section 15 of this act, shall take and*
11 *subscribe to the constitutional oath of office before entering upon*
12 *the discharge of his or her duties.*

13 2. *The oath of office, when taken and subscribed, shall be*
14 *filed in the office of the Board.*

15 **Sec. 17.** *The Board shall have the power to fix the salaries of*
16 *the academic staff of the System and the members of the boards of*
17 *trustees.*

18 **Sec. 18.** 1. *All employees of the System, including those*
19 *employees who were receiving benefits under the provisions of*
20 *chapter 204, Statutes of Nevada 1915, and chapter 99, Statutes of*
21 *Nevada 1943, may elect to continue to receive the benefits*
22 *provided under the contract of integration entered into between*
23 *the Board of Regents of the University of Nevada and the Public*
24 *Employees' Retirement Board on June 30, 1950, pursuant to the*
25 *provisions of NRS 286.370 or be a member of the Public*
26 *Employees' Retirement System pursuant to NRS 286.290.*

27 2. *The provisions of this section do not apply to student*
28 *employees.*

29 **Sec. 19.** *The Board may prescribe rules for the reports of*
30 *officers and teachers of the System.*

31 **Sec. 20.** 1. *A member of the Board or employee of the*
32 *Board, including, without limitation, the Executive Director or a*
33 *member of a board of trustees, shall not be interested, directly or*
34 *indirectly, as principal, partner, agent or otherwise, in any*
35 *contract or expenditure created by the Board or a board of*
36 *trustees.*

37 2. *An employee of the Board may be appointed as a member*
38 *of the System.*

39 **Sec. 21.** *The Board shall adopt regulations establishing a*
40 *system of probation for the professional employees of the System.*
41 *The regulations must provide for a probationary period of such*
42 *length as the Board deems appropriate.*

43 **Sec. 22.** *The Board shall adopt and promulgate regulations*
44 *establishing a fair dismissal system for the professional employees*
45 *of the System who have completed probation as required by the*



1 *Board pursuant to section 21 of this act. The regulations must*
2 *provide that no professional employee who has successfully*
3 *completed his or her probationary period is subject to termination*
4 *or nonrenewal of his or her contract except for good cause shown.*
5 *The regulations must specify what constitutes good cause for such*
6 *termination or nonrenewal of contract, and must include*
7 *provisions for:*

8 1. *Adequate notice;*

9 2. *A hearing to determine whether good cause exists, to be*
10 *held before an impartial hearing officer or hearing committee*
11 *selected in a manner provided by the Board; and*

12 3. *Opportunity for review of the decision of the hearing*
13 *officer or hearing committee,*

14 *↳ in any case involving termination or nonrenewal of the contract*
15 *of a professional employee who has completed probation.*

16 **Sec. 23.** 1. *The willful neglect or failure on the part of any*
17 *teacher, instructor, professor, president or chancellor in the*
18 *System to observe and carry out the requirements of this chapter is*
19 *sufficient cause for the dismissal or removal of the person from*
20 *his or her position.*

21 2. *It is sufficient cause for the dismissal of any teacher,*
22 *instructor, professor, president or chancellor in the System when*
23 *the person advocates, or is a member of an organization which*
24 *advocates, overthrow of the Government of the United States or of*
25 *the State by force, violence or other unlawful means.*

26 **Sec. 24.** 1. *The Board, the Executive Director and the*
27 *presidents of each community college within the System may issue*
28 *subpoenas in all instances involving disciplinary hearings of*
29 *members of the System.*

30 2. *Those persons may issue subpoenas requiring the*
31 *attendance of witnesses before them together with all books,*
32 *memoranda, papers and other documents relative to the matters*
33 *under investigation or to be heard, administer oaths and take*
34 *testimony thereunder.*

35 3. *The district court in and for the county in which any*
36 *hearing is being conducted by any of the persons named in*
37 *subsection 1 may compel the attendance of witnesses, the giving of*
38 *testimony and the production of books and papers as required by*
39 *any subpoena issued by the person holding the hearing.*

40 4. *In case of the refusal of any witness to attend or testify or*
41 *produce any papers required by the subpoena, the person holding*
42 *the hearing may report to the district court in and for the county*
43 *in which the hearing is pending by petition, setting forth:*



1 (a) That due notice has been given of the time and place of
2 attendance of the witness or the production of the books and
3 papers;

4 (b) That the witness has been subpoenaed in the manner
5 prescribed in this chapter; and

6 (c) That the witness has failed and refused to attend or
7 produce the papers required by subpoena before the person
8 holding the hearing named in the subpoena, or has refused to
9 answer questions propounded to the witness in the course of the
10 hearing,

11 ➔ and asking an order of the court compelling the witness to
12 attend and testify or produce the books or papers before the
13 person.

14 5. The court, upon petition of the person holding the hearing,
15 shall enter an order directing the witness to appear before the
16 court at a time and place to be fixed by the court in the order, the
17 time must not be more than 10 days after the date of the order, and
18 then and there show cause why the witness has not attended or
19 testified or produced the books or papers before the person
20 holding the hearing. A certified copy of the order must be served
21 upon the witness. If it appears to the court that the subpoena was
22 regularly issued by the person holding the hearing, the court shall
23 thereupon enter an order that the witness appear before the person
24 at the time and place fixed in the order and testify or produce the
25 required books or papers, and upon failure to obey the order the
26 witness must be dealt with as for contempt of court.

27 **Sec. 25.** The person who is the subject of a disciplinary
28 hearing under this chapter or who is a witness at that hearing, and
29 who is a person with a communications disability as defined in
30 NRS 50.050, is entitled to the services of an interpreter at public
31 expense in accordance with the provisions of NRS 50.050 to
32 50.053, inclusive. The interpreter must be appointed by the person
33 who presides at the hearing.

34 **Sec. 26.** The Board may:

35 1. Create a Police Department for the System and appoint
36 one or more persons to be members of the Department; and

37 2. Authorize the Department to enter into interlocal
38 agreements pursuant to chapter 277 of NRS with other law
39 enforcement agencies to provide for the rendering of mutual aid.

40 **Sec. 27.** Every member of the Police Department for the
41 System must be supplied with, authorized and required to wear a
42 badge bearing the words "Community College Police, Nevada."

43 **Sec. 28.** The Police Department for the System shall, within
44 7 days after receipt of a written request of a person who claims to
45 have sustained damages as a result of a crash, or the person's



1 *legal representative or insurer, and upon receipt of a reasonable*
2 *fee to cover the cost of reproduction, provide the person, his or her*
3 *legal representative or insurer, as applicable, with a copy of the*
4 *crash report and all statements by witnesses and photographs in*
5 *the possession or under the control of the Department that*
6 *concern the crash, unless:*

7 *1. The materials are privileged or confidential pursuant to a*
8 *specific statute; or*

9 *2. The crash involved:*

10 *(a) The death or substantial bodily harm of a person;*

11 *(b) Failure to stop at the scene of a crash; or*

12 *(c) The commission of a felony.*

13 **Sec. 29.** *1. The Board shall, not later than April 15 of each*
14 *odd-numbered year, prepare and submit to the Director of the*
15 *Legislative Counsel Bureau for submission to the Legislature, a*
16 *report concerning the activities of the Police Department for the*
17 *System.*

18 *2. The report must include, without limitation:*

19 *(a) A copy of each of the annual security reports compiled for*
20 *the immediately preceding 2 years pursuant to 20 U.S.C. § 1092,*
21 *including the executive summary and statistics regarding crimes*
22 *on campus; and*

23 *(b) A statement of:*

24 *(1) The policy of each police department regarding the use*
25 *of force and the equipment authorized for use by its officers in*
26 *carrying out that policy;*

27 *(2) The activities performed by each police department*
28 *during the reporting period to improve or maintain public*
29 *relations between the campus and the community;*

30 *(3) The number of full-time and reserve officers in each*
31 *police department;*

32 *(4) The programs held in each police department during*
33 *the reporting period in which training was given to its officers and*
34 *the rates of participation in those programs; and*

35 *(5) The number, itemized by each police department, of*
36 *incidents during the reporting period in which an excessive use of*
37 *force was alleged and the number of those allegations which were*
38 *sustained.*

39 **Sec. 30.** *1. The Board may create on each campus of the*
40 *System a campus review board to advise the president or other*
41 *chief administrative officer of the campus and, upon request, the*
42 *Board on issues concerning allegations made against peace*
43 *officers of the Police Department for the System involving*
44 *misconduct while serving on the campus.*



2. A campus review board created pursuant to subsection 1 must consist of not less than 15 members.

3. A campus review board must be appointed by the Board from a list of names submitted by interested persons within the System and in the general public. If an insufficient number of names of persons interested in serving on a campus review board are submitted, the Board shall appoint the remaining members in the manner it deems appropriate.

4. A person appointed to a campus review board:

(a) Must be a resident of this State;

(b) Must not be employed as a peace officer;

(c) Must complete training relating to law enforcement before serving as a member of the campus review board, including, without limitation, training in the policies and procedures of the Police Department for the System, the provisions of chapter 284 of NRS, the regulations adopted pursuant thereto and NRS 289.010 to 289.120, inclusive, and the terms and conditions of employment of the peace officers of the System; and

(d) Shall serve without salary, but may receive from the System such per diem allowances and travel expenses as are authorized by the Board.

Sec. 31. A campus review board created pursuant to section 30 of this act:

1. Does not have jurisdiction over any matter in which it is alleged that a crime has been committed.

2. Shall not abridge the rights of a peace officer of the Police Department for the System that are granted pursuant to a contract or by law.

Sec. 32. 1. A campus review board created pursuant to section 30 of this act shall meet in panels to carry out its duties.

2. Members must be selected randomly to serve on a panel, and each panel shall select one of its members to serve as chair of the panel.

3. A panel of a campus review board may:

(a) Refer a complaint against a peace officer of the Police Department for the System who has served on the campus to the office of the Police Department for the System on the campus.

(b) Review an internal investigation of such a peace officer and make recommendations regarding any disciplinary action against the peace officer that is recommended by the office of the Police Department for the System on the campus, including, without limitation:

(1) Increasing or decreasing the recommended level of discipline; and



(2) Exonerating the peace officer who has been the subject of the internal investigation.

4. The Police Department for the System shall make available to a panel of a campus review board any information within a personnel file that is specific to a complaint against a peace officer of the Police Department for the System who has served on the campus, or any other material that is specific to the complaint.

5. When reviewing an internal investigation of a peace officer of the system pursuant to subsection 3, a panel of a campus review board shall provide the peace officer with notice and an opportunity to be heard. The peace officer may represent himself or herself at the hearing before the panel or be represented by an attorney or other person of his or her own choosing. The campus review board and the Police Department for the System are not responsible for providing such representation.

6. The chair of a panel of a campus review board shall report the findings and recommendations of the panel regarding disciplinary action to the office of the Police Department for the System on the campus, the president or other chief administrative officer of the campus and, upon request, the Board.

7. A proceeding of a panel of a campus review board must be closed to the public.

8. The findings and recommendations of a panel of a campus review board are public records unless otherwise declared confidential by state or federal law.

Sec. 33. 1. A panel of a campus review board created pursuant to section 30 of this act may:

(a) Administer oaths;

(b) Take testimony;

(c) Within the scope of its jurisdiction, issue subpoenas to compel the attendance of witnesses to testify before the panel;

(d) Require the production of books, papers and documents specific to a complaint; and

(e) Issue commissions to take testimony.

2. If a witness refuses to attend or testify or produce books, papers or documents as required by the subpoena, the panel may petition the district court to order the witness to appear or testify or produce the requested books, papers or documents.

Sec. 34. The Legislature of Nevada hereby gratefully assents to the purposes of all grants of money which may hereafter be made to the State of Nevada by Congress and agrees that the grants must be used only for the purposes named in the Act of Congress, or acts amendatory thereof or supplemental thereto.

Sec. 35. 1. The Nevada System of Community Colleges Accounts Payable Revolving Fund is hereby created. The Board



1 *may deposit the money of the Fund in one or more state or*
2 *national banks or credit unions in the State of Nevada.*

3 *2. The chief business officer of each business center of the*
4 *System shall:*

5 *(a) Pay from the Fund such operating expenses of the System*
6 *as the Board may by rule prescribe.*

7 *(b) Submit claims to the Board of Examiners for money of the*
8 *System on deposit in the State Treasury or elsewhere to replace*
9 *money paid from the Nevada System of Community Colleges*
10 *Accounts Payable Revolving Fund.*

11 **Sec. 36.** *1. Before payment, all claims of every name and*
12 *nature involving the payment of money by or under the direction*
13 *of the Board from funds set aside and appropriated must be passed*
14 *upon by the Board of Examiners.*

15 *2. The Board shall, with the approval of the Governor,*
16 *require all officers and employees of the System whose duties, as*
17 *prescribed by law, require the officers or employees to approve*
18 *claims against any public funds to file the claims in the office of*
19 *the Board for transmittal.*

20 **Sec. 37.** *1. The Board may establish an electronic payment*
21 *system to pay the salaries and wages of academic staff and*
22 *employees of the System through the use of direct deposit.*

23 *2. If the Board establishes an electronic payment system*
24 *pursuant to subsection 1, upon application by a member of*
25 *academic staff or an employee, the Board may waive the*
26 *participation of the member of academic staff or employee in the*
27 *electronic payment system established pursuant to subsection 1 if:*

28 *(a) Participation in the electronic payment system by the*
29 *member of academic staff or employee would cause the member of*
30 *academic staff or employee to suffer undue hardship or extreme*
31 *inconvenience; or*

32 *(b) The member of academic staff or employee does not have*
33 *an account at a financial institution that accepts direct deposit.*

34 *3. As used in this section "direct deposit" means payment of*
35 *the salary and wages of a person by causing the net amount of*
36 *such person's salary and wages to be deposited in an account*
37 *maintained in a financial institution in the name of the person.*

38 **Sec. 38.** *The Board shall keep open to public inspection an*
39 *account of receipts and expenditures.*

40 **Sec. 39.** *1. A community college foundation:*

41 *(a) Shall comply with the provisions of chapter 241 of NRS;*

42 *(b) Except as otherwise provided in subsection 2, shall make*
43 *its records public and open to inspection pursuant to*
44 *NRS 239.010;*



* A B 3 3 1 *

1 (c) Is exempt from the taxes imposed by NRS 375.020, 375.023
2 and 375.026 pursuant to subsection 14 of NRS 375.090; and

3 (d) May allow a president or an administrator of the
4 community college which it supports to serve as a member of its
5 governing body.

6 2. A community college foundation is not required to disclose
7 the name of any contributor or potential contributor to the
8 community college foundation, the amount of his or her
9 contribution or any information which may reveal or lead to the
10 discovery of his or her identity. The community college foundation
11 shall, upon request, allow a contributor to examine, during
12 regular business hours, any record, document or other
13 information of the community college foundation relating to that
14 contributor.

15 3. As used in this section, "community college foundation"
16 means a nonprofit corporation, association or institution or a
17 charitable organization that is:

18 (a) Organized and operated primarily for the purpose of
19 fundraising in support of a community college;

20 (b) Formed pursuant to the laws of this State; and

21 (c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

22 Sec. 40. 1. The Board may accept and take in the name of
23 the System, for the benefit of any community college or any
24 branch or facility of the System, by grant, gift, devise or bequest,
25 any property for any purpose appropriate to the System.

26 2. Property so acquired must be taken, received, held,
27 managed and invested, and the proceeds thereof used, bestowed
28 and applied by the Board for the purposes, provisions and
29 conditions prescribed by the respective grant, gift, devise or
30 bequest.

31 3. Nothing in this chapter prohibits the State of Nevada from
32 accepting and taking by grant, gift, devise or bequest any property
33 for the use and benefit of the System.

34 Sec. 41. 1. The Board may purchase real property for cash
35 or by making a cash down payment and executing or assuming an
36 obligation to pay the remainder of the price in deferred
37 installments.

38 2. Such obligation may be secured by a mortgage or deed of
39 trust of the real property acquired, but shall not constitute an
40 obligation of the State of Nevada.

41 Sec. 42. 1. The Board may sell or lease any property
42 granted, donated, devised or bequeathed to the System if:

43 (a) The sale or lease is not prohibited by or inconsistent with
44 the provisions or conditions prescribed by the grant, gift, devise or
45 bequest; and



(b) *The sale or lease is approved by the Governor.*

2. *The proceeds and rents from the sale or lease must be held, managed, invested, used, bestowed and applied by the Board for the purposes, provisions and conditions prescribed by the original grant, gift, devise or bequest of the property so sold or leased.*

Sec. 43. 1. *If the System sells, leases, transfers or conveys land to, or exchanges land with, a domestic or foreign limited-liability company, the Board shall require the domestic or foreign limited-liability company to submit a disclosure to the Board setting forth the name of any person who holds an ownership interest of 1 percent or more in the domestic or foreign limited-liability company. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "land" includes all lands, including improvements and fixtures thereon, lands under water, all easements and hereditaments, corporeal or incorporeal, and every estate, interest and right, legal or equitable, in lands or water, and all rights, interests, privileges, easements, encumbrances and franchises relating to the same, including terms for years and liens by way of judgment, mortgage or otherwise.*

Sec. 44. *Any property which is in the possession of any authorized agent of the System and which is not claimed within 1 year by the owner of the property or the owner's authorized agent or representative must be disposed of by the System in the following manner:*

1. *Money may be forfeited to the System;*

2. *Personal property may be sold at public auction and the proceeds forfeited to the System; and*

3. *Any property not otherwise disposed of as provided in this section must be donated to a charitable institution.*

Sec. 45. 1. *The Board may budget for and purchase fidelity insurance and insurance against:*

(a) *Any liability arising under NRS 41.031.*

(b) *Tort liability on the part of any of its employees resulting from an act or omission in the scope of his or her employment.*

(c) *The expense of defending a claim against itself whether or not liability exists on such claim.*

2. *Such insurance shall be limited in amount according to the limitation of liability imposed by NRS 41.035 and shall be purchased from companies authorized to do business in the State of Nevada.*

3. *Each contract of insurance shall be free of any condition of contingent liability and shall contain a clause which provides that no assessment may be levied against the insured over and above the premium fixed by such contract.*



1 **Sec. 46. 1.** *The Board may by affirmative vote of a majority*
2 *of its members adopt, amend, repeal and enforce reasonable*
3 *regulations governing vehicular and pedestrian traffic on all*
4 *property owned or used by the System.*

5 2. *The regulations have the force and effect of law.*

6 3. *A copy of every such regulation, giving the date that it*
7 *takes effect, must be filed with the Secretary of State, and copies of*
8 *the regulations must be published immediately after adoption and*
9 *issued in pamphlet form for distribution to faculty and students of*
10 *the System and to the general public.*

11 4. *A person who violates any regulation adopted pursuant to*
12 *this section is guilty of a misdemeanor.*

13 **Sec. 47. 1.** *The Board shall, for each fiscal year, compile a*
14 *report concerning the capital improvements owned, leased or*
15 *operated by the System.*

16 2. *The report of the capital improvements required pursuant*
17 *to subsection 1 must be prepared in such detail as is required by*
18 *generally accepted accounting principles.*

19 3. *The Board shall, on or before February 1 of each year,*
20 *submit, in any format, including an electronic format, a copy of*
21 *the report compiled pursuant to subsection 1 to the Director of the*
22 *Legislative Counsel Bureau for distribution to each regular*
23 *session of the Legislature.*

24 **Sec. 48.** *The Board shall cause perpetual inventory records*
25 *and controls to be maintained for all equipment, materials and*
26 *supplies stored or used by or belonging to the System. Copies of*
27 *current inventory records and controls must be delivered to the*
28 *Administrator of the Purchasing Division of the Department of*
29 *Administration, and the copies must satisfy the requirements of*
30 *NRS 333.220.*

31 **Sec. 49. 1.** *The Board shall ensure that each community*
32 *college within the System:*

33 (a) *Maintains at the community college a material safety data*
34 *sheet for each hazardous chemical used in the buildings or on the*
35 *grounds of the community college;*

36 (b) *Complies with any safety precautions contained in those*
37 *sheets; and*

38 (c) *Makes those sheets available to all the personnel of the*
39 *community college and the parents of each student attending the*
40 *community college.*

41 2. *For the purposes of this section, "material safety data*
42 *sheet" has the meaning ascribed to "safety data sheet" in 29*
43 *C.F.R. § 1910.1200.*

44 **Sec. 50. 1.** *Except as otherwise provided in this section, the*
45 *System shall recycle or cause to be recycled the paper and paper*



1 *products it uses. This subsection does not apply to confidential*
2 *documents if there is an additional cost for recycling those*
3 *documents.*

4 *2. The System is not required to comply with the*
5 *requirements of subsection 1 if the Board determines that the cost*
6 *to recycle or cause to be recycled the paper and paper products*
7 *used by the System or one of its branches or facilities is*
8 *unreasonable and would place an undue burden on the operations*
9 *of the System, branch or facility.*

10 *3. The Board shall adopt regulations which prescribe the*
11 *procedure for the disposition of the paper and paper products to be*
12 *recycled. The Board shall prescribe procedures for the recycling of*
13 *other waste material produced on the premises of the System, a*
14 *branch or a facility, including, without limitation, the placement*
15 *of recycling containers on the premises of the System, branch or*
16 *facility where services for the collection of solid waste are*
17 *provided.*

18 *4. Any money received by the System for recycling or causing*
19 *to be recycled the paper and paper products it uses and other waste*
20 *material it produces must be accounted for separately and used to*
21 *carry out the provisions of this section.*

22 *5. As used in this section:*

23 *(a) "Paper" includes newspaper, high-grade office paper, fine*
24 *paper, bond paper, offset paper, xerographic paper, mimeo paper,*
25 *duplicator paper and any other cellulosic material which contains*
26 *not more than 10 percent by weight or volume of a noncellulosic*
27 *material, including, without limitation, a laminate, binder, coating*
28 *and saturant.*

29 *(b) "Paper product" means any paper article or commodity,*
30 *including, without limitation, paper napkins, towels, cardboard,*
31 *construction material, paper and any other cellulosic material*
32 *which contains not more than 10 percent by weight or volume of a*
33 *noncellulosic material, including, without limitation, a laminate,*
34 *binder, coating and saturant.*

35 *(c) "Solid waste" has the meaning ascribed to it in*
36 *NRS 444.490.*

37 **Sec. 51.** *The Board may prescribe the course of study, the*
38 *commencement and duration of the terms, and the length of the*
39 *vacations for the System.*

40 **Sec. 52.** *1. Instruction within the System must be given in*
41 *the essentials of the Constitution of the United States and the*
42 *Constitution of the State of Nevada, including the origin and*
43 *history of the Constitutions and the study of and devotion to*
44 *American institutions and ideals.*



2. The instruction required in subsection 1 must be given during at least 1 year of the college grades.

3. The System shall not issue a certificate or diploma of graduation to a student who has not passed a satisfactory examination upon the Constitutions.

Sec. 53. 1. The Legislature hereby encourages the Board to:

(a) Examine and audit the function, strengths and most efficient use of the facilities, resources and staff of each community college within the System to address the needs of the students of the System.

(b) Review periodically their mission for higher education, as the number of community colleges within the System expands and the focus of each such community college is defined and further redefined, to determine whether there is unnecessary duplication of programs or courses within the System which might be more appropriate for a different community college.

(c) Examine and audit the educational opportunities, programs and services offered by the community colleges within the System to ensure that those opportunities, programs and services are tailored appropriately to:

(1) The different categories of students and prospective students having varied aptitudes, aspirations and educational needs, including, without limitation, students who are veterans;

(2) The jobs and industries likely to be employing the students; and

(3) The state economic development plan.

(d) Insofar as is practicable to achieve the goals set forth in paragraphs (a), (b) and (c), implement measures pursuant to which the educational needs of students and prospective students will be met by:

(1) Providing programs of remedial education, continuing education and entry-level higher education at community colleges.

(2) Fostering a culture that recognizes the unique challenges of students who are veterans and works to accommodate the transition of those students to higher education by collecting, tracking and sharing data concerning those students.

(e) On or before September 1 of each year, provide a report of its findings and any adjustments made and actions taken as a result of those findings to the Director of the Legislative Counsel Bureau for transmission to the Interim Finance Committee and the next regular session of the Nevada Legislature.



2. *The System is encouraged to review the core curriculum at each community college within the System to determine whether there is parity among the community colleges within the System.*

Sec. 54. 1. *The Board shall, not later than November 30 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature or to the Legislative Committee on Education when the Legislature is not in regular session, a report concerning the participation of students who are veterans in the System. The report must cover the immediately preceding academic year.*

2. *The report must include, without limitation:*

(a) *The number of students who:*

(1) *Identify themselves as veterans.*

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

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

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

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

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

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

(g) *The efforts of each community college within the System to retain and graduate students who are veterans through retention and other related programs.*

Sec. 55. 1. *The Board may plan for and establish a model program to educate and train persons for work in a nursing home.*

2. *The program must be developed and administered through the community colleges and in cooperation with the University of Nevada School of Medicine.*

3. *The Board may carry out the program through a joint venture with one or more nursing homes, but the Board must have final authority to direct and supervise the program.*

4. *The Board may apply for any available grants and accept any gifts, grants or donations for the support of the program.*

Sec. 56. *The Board shall not discriminate in the admission of students on account of national origin, religion, age, physical disability, sex, race or color.*

Sec. 57. *The Board shall, on or before February 1 of each odd-numbered year submit a written report to the Director of the*



1 *Legislative Counsel Bureau for transmittal to the next regular*
2 *session of the Legislature which includes:*

3 1. *By community college within the System and by each*
4 *academic program at the community college:*

5 (a) *The number of students who enter the academic program;*

6 (b) *The percentage of students who complete the academic*
7 *program; and*

8 (c) *The average length of time for completion of the academic*
9 *program to obtain a degree or certificate.*

10 2. *A comparison of the data which is reported pursuant to*
11 *subsection 1 with available national metrics measuring how states*
12 *throughout the country rank in the completion of academic*
13 *programs leading to a degree or certificate and the average time*
14 *for completion of those programs.*

15 3. *Initiatives undertaken by the Board to increase the rate of*
16 *students who complete degree and certificate programs, including*
17 *initiatives to shorten the time to complete those programs.*

18 4. *The number and percentage of students who have obtained*
19 *employment within their field of study in this State, and the*
20 *average starting salary, which must be reported by community*
21 *college within the System and by each academic program at the*
22 *community college. The data must be:*

23 (a) *Matched with industries identified in state economic*
24 *development goals to determine whether students who graduated*
25 *and obtained a degree or certificate are finding employment in*
26 *those industries in this State; and*

27 (b) *Based upon the employment and wage information*
28 *provided by the Director of the Department of Employment,*
29 *Training and Rehabilitation pursuant to NRS 232.920.*

30 5. *Initiatives undertaken by the Board to align the degree and*
31 *certificate programs offered by the community colleges within the*
32 *System with the economic development goals identified by the*
33 *Office of Economic Development.*

34 **Sec. 58.** 1. *The Board shall, not later than February 1 of*
35 *each odd-numbered year, prepare and submit to the Director of*
36 *the Legislative Counsel Bureau for submission to the Legislature,*
37 *a report concerning the participation of ethnic and racial*
38 *minorities, women and other members of protected classes in the*
39 *System. The report must cover each of the immediately preceding*
40 *2 academic years.*

41 2. *The Board shall make the report submitted pursuant to*
42 *subsection 1 available to the general public, including publishing*
43 *it on the website maintained by the System.*

44 3. *The report must include, without limitation:*

45 (a) *The number of students divided by ethnic category;*



(b) *The number of employees divided by ethnic category and occupational classification, as defined by the National Center for Education Statistics;*

(c) *The number of students divided by gender;*

(d) *The number of employees divided by gender and occupational classification, as defined by the National Center for Education Statistics;*

(e) *Any information necessary to determine the impact of policy changes on the number of protected classes specified in subsection 1 who are enrolled at or employed by the System;*

(f) *The efforts of each community college within the System to increase the enrollment in underrepresented ethnic and racial categories through outreach programs and recruitment to maintain levels of minority enrollment comparable to the distribution of the population of the State; and*

(g) *The efforts of each community college within the System to retain and graduate students in underrepresented ethnic and racial categories through retention and other related programs.*

Sec. 59. *A student who is enrolled in a community college within the System must be granted access to all the library facilities that are available to students enrolled in any of the community colleges within the System and must be adequately informed of the library services that are available.*

Sec. 60. 1. *The Board shall prescribe a form that provides for the informed consent of students concerning the directory information that a community college or community college foundation, as applicable, makes public. The form must:*

(a) *Allow each student a reasonable opportunity to indicate whether the student opts not to authorize the release or disclosure of personally identifiable information concerning the student for:*

(1) *Commercial purposes, without the prior written consent of the student;*

(2) *Noncommercial purposes, without the prior written consent of the student; or*

(3) *Both commercial and noncommercial purposes, without the prior written consent of the student.*

(b) *Inform the student that:*

(1) *If the student does not return the form indicating that his or her personally identifiable information must not be released or disclosed, then it is probable that the information will be released or disclosed.*

(2) *If the student returns the form indicating that his or her personally identifiable information must not be released or disclosed, then the community college or community college*



1 *foundation, as applicable, will not release or disclose the*
2 *information without the student's prior written consent.*

3 *(c) Be included with the other forms required for admission to*
4 *the community college.*

5 *2. Except as otherwise required by federal law, a community*
6 *college or community college foundation, as applicable, shall not*
7 *release, disclose or otherwise use any personally identifiable*
8 *information concerning a student without the prior written*
9 *consent of the student for:*

10 *(a) Commercial or noncommercial purposes if the student has*
11 *returned a form indicating that the student does not authorize*
12 *release or disclosure for those purposes without his or her*
13 *consent;*

14 *(b) Commercial purposes if the student has returned a form*
15 *indicating that the student does not authorize release or disclosure*
16 *for those purposes without his or her consent; or*

17 *(c) Noncommercial purposes if the student has returned a*
18 *form indicating that the student does not authorize release or*
19 *disclosure for those purposes.*

20 *3. As used in this section:*

21 *(a) "Commercial purposes" means the use of directory*
22 *information by any person, including, without limitation, a*
23 *corporation or other business, outside of the System to solicit or*
24 *provide facilities, goods or services in exchange for the payment of*
25 *any purchase price, fee, contribution, donation or other valuable*
26 *consideration.*

27 *(b) "Community college foundation" has the meaning*
28 *ascribed to it in section 39 of this act.*

29 *(c) "Directory information" has the meaning ascribed to it in*
30 *20 U.S.C. § 1232g(a)(5)(A).*

31 *(d) "Personally identifiable information" means information*
32 *that may be used to identify a person, including, without*
33 *limitation, the name, address, telephone number, date of birth and*
34 *directory information of a person.*

35 **Sec. 61. 1. For the purposes of this section:**

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

42 *(b) "Matriculation" has the meaning ascribed to it in*
43 *regulations adopted by the Board.*

44 *(c) "Tuition charge" means a charge assessed against students*
45 *who are not residents of Nevada and which is in addition to*



1 *registration fees or other fees assessed against students who are*
2 *residents of Nevada.*

3 *2. The Board may fix a tuition charge for students at all*
4 *community colleges within the System, but tuition charges must*
5 *not be assessed against:*

6 *(a) All students whose families have been bona fide residents*
7 *of the State of Nevada for at least 12 months before the*
8 *matriculation of the student at a community college within the*
9 *System;*

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

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

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

19 *(e) Employees of the System who take classes other than*
20 *during their regular working hours;*

21 *(f) Members of the Armed Forces of the United States who are*
22 *on active duty and stationed at a military installation in the State*
23 *of Nevada; and*

24 *(g) Except as otherwise provided in subsection 3, veterans of*
25 *the Armed Forces of the United States who were honorably*
26 *discharged within the 5 years immediately preceding the date of*
27 *matriculation of the veteran at a community college within the*
28 *System.*

29 *3. The Board may grant more favorable exemptions from*
30 *tuition charges for veterans of the Armed Forces of the United*
31 *States who were honorably discharged than the exemption*
32 *provided pursuant to paragraph (g) of subsection 2, if required for*
33 *the receipt of federal money.*

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

39 **Sec. 62. 1.** *In fixing a tuition charge for students at any*
40 *community college within the System as provided by section 61 of*
41 *this act and in setting the amount of registration fees and other*
42 *fees which are assessed against students, the Board may provide*
43 *for the adjustment of the amount of the tuition charge or*
44 *registration fee or other fee based on the demand for or the costs*
45 *of carrying out the academic program or major for which the*



1 *tuition charge, registration fee or other fee is assessed, including,*
2 *without limitation, the costs of professional instruction, laboratory*
3 *resources and other ancillary support.*

4 *2. If the Board provides for the adjustment of tuition charges,*
5 *registration fees or other fees in the manner authorized by*
6 *subsection 1, the Board shall establish a program to authorize*
7 *scholarships and reduced fees for students who are economically*
8 *disadvantaged and who are enrolled in academic programs or*
9 *majors for which the adjustment of tuition charges, registration*
10 *fees or other fees in the manner authorized by subsection 1 results*
11 *in an increase in the costs of enrollment in such programs or*
12 *majors.*

13 *3. If the Board provides for the adjustment of tuition charges,*
14 *registration fees or other fees in the manner authorized by*
15 *subsection 1, the Board shall, on or before February 1 of each*
16 *year, submit a written report to the Director of the Legislative*
17 *Counsel Bureau for transmittal to the Legislature, or to the*
18 *Legislative Commission if the Legislature is not in session, which*
19 *must, without limitation:*

20 *(a) Identify the demand for each academic program and*
21 *major;*

22 *(b) Identify the costs of providing each academic program and*
23 *major; and*

24 *(c) Include a schedule of all tuition charges, registration fees*
25 *and other fees assessed for each academic program and major.*

26 *4. As used in this section, "tuition charge" has the meaning*
27 *ascribed to it in section 61 of this act.*

28 **Sec. 63.** *1. The Board may enter into an agreement with*
29 *another state for the granting of full or partial waivers of the*
30 *nonresident tuition to residents of the other state who are students*
31 *at or are eligible for admission to any community college of the*
32 *System if the agreement provides that, under substantially the*
33 *same circumstances, the other state will grant reciprocal waivers*
34 *to residents of Nevada who are students at or are eligible for*
35 *admission to colleges in the other state.*

36 *2. Each agreement must specify:*

37 *(a) The criteria for granting the waivers; and*

38 *(b) The specific community colleges for which the waivers will*
39 *be granted.*

40 *3. The Board shall provide by regulation for the*
41 *administration of any waivers for which an agreement is entered*
42 *into pursuant to subsection 1.*

43 *4. The waivers granted pursuant to this section must not be*
44 *included in the number of waivers determined for the purpose of*
45 *applying the limitation in subsection 4 of section 43 of this act.*



1 **Sec. 64. 1.** *The Board may grant a waiver of registration*
2 *fees and laboratory fees for any member of the active Nevada*
3 *National Guard, including, without limitation, a recruit, who*
4 *attends a school within the System as a full-time or part-time*
5 *student. For the purpose of assessing fees and charges against a*
6 *person to whom a waiver is granted pursuant to this subsection,*
7 *including, without limitation, tuition charges pursuant to section*
8 *61 of this act, such a person shall be deemed to be a bona fide*
9 *resident of this State.*

10 2. *To be eligible for a waiver pursuant to subsection 1, a*
11 *person must:*

12 (a) *Be a member in good standing of the active Nevada*
13 *National Guard, including, without limitation, a recruit, at the*
14 *beginning of and throughout the entire semester for which the*
15 *waiver is granted; and*

16 (b) *Maintain at least a 2.0 grade point average, on a 4.0*
17 *grading scale, each semester, or the equivalent of a 2.0 grade point*
18 *average if a different grading scale is used.*

19 3. *The Board may request the Adjutant General to verify the*
20 *membership in the active Nevada National Guard of a person who*
21 *is seeking or has been granted a waiver of registration fees and*
22 *laboratory fees pursuant to subsection 1. The Adjutant General*
23 *shall, upon receiving such a request, notify the Board in writing*
24 *concerning the status and dates of membership of that person in*
25 *the active Nevada National Guard.*

26 4. *If a waiver is granted pursuant to subsection 1 for a recruit*
27 *and the recruit does not enter full-time National Guard duty*
28 *within 1 year after enlisting, the recruit shall reimburse the Board*
29 *for all registration fees and laboratory fees waived on behalf of the*
30 *recruit if the recruit's failure to enter full-time National Guard*
31 *duty is attributable to his or her own conduct.*

32 5. *As used in this section:*

33 (a) *"Full-time National Guard duty" has the meaning ascribed*
34 *to it in 32 U.S.C. § 101(19).*

35 (b) *"Recruit" means a person who has enlisted in the Nevada*
36 *National Guard but has not begun his or her required military*
37 *duty.*

38 **Sec. 65. 1.** *The Board may grant a waiver of registration*
39 *fees and laboratory fees for a child, widow or widower of a person*
40 *who was killed while performing his or her duties as a member of*
41 *the Nevada National Guard. For the purpose of assessing fees and*
42 *charges against a person to whom such a waiver is granted,*
43 *including, without limitation, tuition charges pursuant to section*
44 *61 of this act, the person shall be deemed to be a bona fide*
45 *resident of this State.*



2. A person is eligible for a waiver pursuant to subsection 1 if the person maintains at least a 2.0 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.

3. A child may use a waiver granted pursuant to this section for 10 years after the child attains the age of 18 years or, if the child enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment. A widow or widower may use a waiver granted pursuant to this section for 10 years after the date of the death of the member.

4. The Board may request the Adjutant General to verify that a person is the child, widow or widower of a person who was killed while performing his or her duties as a member of the Nevada National Guard. The Adjutant General shall, upon receiving such a request, notify the Board in writing concerning the status of that person.

Sec. 66. 1. The Board may grant a waiver of registration fees and laboratory fees for a spouse or child of a person who is identified as a prisoner of war or missing in action while performing his or her duties as a member of the Armed Forces of the United States. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to section 61 of this act, the person shall be deemed to be a bona fide resident of this State.

2. A person is eligible for a waiver pursuant to subsection 1 if the person maintains at least a 2.0 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.

3. A spouse may use a waiver granted pursuant to this section for 10 years after the date on which the member of the Armed Forces was identified as a prisoner of war or missing in action. A child may use a waiver granted pursuant to this section for 10 years after the child attains the age of 18 years or, if the child enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment.

4. The Board may request such documentation as it deems necessary to verify that a person is the spouse or child of a member of the Armed Forces of the United States who is identified as a prisoner of war or missing in action while performing his or her duties as a member of the Armed Forces.

Sec. 67. 1. In the most timely manner practicable after receiving a written request for an electronic version of instructional material from a student with a print access disability, a community college shall provide to the student, at no cost, an



1 *electronic version of each requested instructional material that the*
2 *community college determines is essential to the success of the*
3 *student in a course of study offered by the community college in*
4 *which the student is enrolled.*

5 2. *If a community college receives a request for an electronic*
6 *version of nonprinted instructional material from a student*
7 *pursuant to subsection 1 to whom the community college would be*
8 *required to provide an electronic version of the material pursuant*
9 *to subsection 1 and an electronic version of the nonprinted*
10 *instructional material is not currently available at the community*
11 *college or at another community college within the System, the*
12 *community college must contact the publisher of the nonprinted*
13 *instructional material and request an electronic version of the*
14 *nonprinted instructional material. If the publisher:*

15 (a) *Has an electronic version of the nonprinted instructional*
16 *material, the publisher must provide the electronic version to the*
17 *community college for distribution to the student; or*

18 (b) *Does not have an electronic version of the nonprinted*
19 *instructional material, the community college must create and*
20 *provide to the student an electronic version in the most timely*
21 *manner practicable after the community college is notified by the*
22 *publisher that the publisher does not have an electronic version of*
23 *the nonprinted instructional material.*

24 3. *As used in this section:*

25 (a) *“Instructional material” means any published textbook*
26 *and other published material that is used by students of the*
27 *System. The term does not include nontextual mathematics and*
28 *science materials unless, as determined by the Board, such*
29 *materials are commercially available in a format that is*
30 *compatible for use with equipment which is used by students of the*
31 *System with print access disabilities to convert material into a*
32 *format that provides them with the ability to have increased*
33 *independent access to the material. The term includes, without*
34 *limitation, nonprinted instructional material.*

35 (b) *“Nonprinted instructional material” means instructional*
36 *material that is in a format other than print. The term does not*
37 *include a website or Internet link that is associated with*
38 *instructional material. The term includes, without limitation,*
39 *instructional material that requires electronic equipment other*
40 *than a computer or computer peripheral for the material to be*
41 *used as a learning resource, such as a software program,*
42 *videodisc, videotape and audiotape.*

43 (c) *“Print access disability” means a condition in which a*
44 *person’s independent reading of, reading comprehension of, or*



1 *visual access to printed material is limited or reduced because of a*
2 *sensory, neurological, cognitive, physical or psychiatric disability.*

3 **Sec. 68.** *The Board shall require each board of trustees of a*
4 *community college within the System to provide to the board of*
5 *trustees of each school district of this State, as appropriate,*
6 *information regarding the:*

7 *1. Number of pupils who graduated from a high school in the*
8 *district in the immediately preceding year and enrolled in remedial*
9 *courses in reading, writing or mathematics at the community*
10 *college.*

11 *2. Costs incurred by the System in providing remedial*
12 *instruction pursuant to subsection 1.*

13 **Sec. 69. 1.** *There is hereby created a board of trustees for*
14 *each community college within the System. The Governor shall*
15 *appoint to each board of trustees the following seven members:*

16 *(a) One member, nominated by the mayor of the largest city in*
17 *the county in which the community college or the principal*
18 *campus of the community college is located;*

19 *(b) Three members, nominated by the board of county*
20 *commissioners of the county in which the community college or*
21 *the principal campus of the community college is located;*

22 *(c) One member, nominated by the largest labor organization*
23 *that represents the employees of a private employer in the county*
24 *in which the community college or the principal campus of the*
25 *community college is located;*

26 *(d) One member, nominated by the chamber of commerce with*
27 *the largest membership in the county in which the community*
28 *college or the principal campus of the community college is*
29 *located or, if there is no local chamber of commerce in the county,*
30 *by the largest business group in the county; and*

31 *(e) One member who represents the Governor. If students who*
32 *reside in different counties are enrolled in the community college,*
33 *the Governor shall, upon the expiration of the term of a member*
34 *appointed pursuant to this paragraph, appoint a new member who*
35 *resides in a different county than the member whom he or she is*
36 *replacing. The Governor shall not appoint another member who*
37 *resides in the same county as the member who is being replaced*
38 *until the seat has been filled by a member who resides in each*
39 *county where students who are enrolled in the community college*
40 *also reside.*

41 *2. The members appointed to the board of trustees pursuant*
42 *to subsection 1 must not be employed by the community college*
43 *and may not be a member of the board of trustees of a school*
44 *district or a member of the governing board of any public or*
45 *private educational institution.*



1 3. The Governor shall ensure that the members appointed to
2 a board of trustees pursuant to subsection 1 represent the diversity
3 of this State. The members appointed pursuant to subsection 1
4 must include representatives of different strategically important
5 industries, different geographic regions of this State, different
6 professions, and different racial and ethnic groups.

7 4. After the initial terms, each member of a board of trustees
8 appointed pursuant to subsection 1 serves a term of 4 years, except
9 that each member continues to serve until a successor is
10 appointed. A member of a board of trustees appointed pursuant to
11 subsection 1 may be reappointed.

12 5. In addition to the members appointed by the Governor
13 pursuant to subsection 1, upon a majority vote of the members of a
14 board of trustees, the Governor may appoint a nonvoting student
15 member to the board of trustees from a list submitted by the
16 student government at the community college of at least three but
17 not more than five candidates who meet the requirements specified
18 in subsection 6. A student member of a board of trustees serves a
19 term of 1 year. A student member may be reappointed.

20 6. A non-voting student member appointed pursuant to
21 subsection 5 must be a full-time student in good standing at the
22 community college at the time of appointment and remain in good
23 standing. The Governor shall remove a student member before the
24 expiration of the student's term if the student fails to be enrolled at
25 the community college full-time or fails to remain in good
26 standing at the community college.

27 7. A member of a board of trustees may be removed by the
28 Governor before the expiration of the member's term for
29 misconduct in office, incompetence or neglect of duty.

30 8. If a vacancy occurs during the term of any member of a
31 board of trustees, the Governor shall appoint a person to fill the
32 vacancy for the remainder of the unexpired term in the same
33 manner as the original appointment.

34 9. A majority of the voting members of a board of trustees
35 constitutes a quorum for the transaction of business. A majority
36 vote of the quorum present shall be required to take action with
37 respect to any matter.

38 10. Each board of trustees shall adopt a seal.

39 11. Each board of trustees shall elect annually, from among
40 its members, a chair.

41 12. The president of the community college or his or her
42 designee shall attend all meetings of the board of trustees of the
43 community college and act as secretary, keeping a full record of
44 all proceedings of the board of trustees.



1 13. Each board of trustees shall meet at the call of the chair.
2 At all times the records of all proceedings of the board of trustees
3 are open to public inspection, except records of a closed meeting
4 which have not become public. The secretary shall transmit to the
5 Executive Director a copy of the approved minutes of each regular
6 meeting of the board of trustees.

7 14. Each board of trustees shall adopt bylaws and rules for
8 the conduct of its business, and shall have the power to amend and
9 rescind these bylaws and rules.

10 15. A board of trustees may adopt such regulations as it
11 deems necessary for the operation and management of the
12 community college and any dormitories or facilities connected
13 with the community college. Such regulations must be consistent
14 with any rules, regulations, policies or procedures adopted by the
15 Board.

16 Sec. 70. 1. The board of trustees of a community college
17 shall operate and manage the community college.

18 2. In addition to the other powers and duties imposed upon a
19 board of trustees pursuant to the provisions of this chapter, each
20 board of trustees shall:

21 (a) Annually prepare and submit to the Board a budget for the
22 community college.

23 (b) Annually prepare and submit to the Board, for its approval,
24 a comprehensive plan for the community college for the next 4
25 years which includes, without limitation:

26 (1) An explanation of any anticipated new programs and
27 expansions of existing programs of instruction, public service or
28 research, itemized by year and by purpose;

29 (2) The anticipated cost of each new or expanded program
30 described under subparagraph (1);

31 (3) The amount and the source of any money anticipated to
32 be available, from sources other than legislative appropriation, to
33 meet each item of anticipated cost listed pursuant to subparagraph
34 (2); and

35 (4) Any other information or reports required by the Board.

36 (c) Comply with and enforce any rules prescribed by the Board
37 for the governance of a community college.

38 (d) Perform any other duties and responsibilities required by
39 the Board.

40 3. The members of the board of trustees are the sole trustees
41 to receive and disburse all money appropriated to or received by
42 the community college. The board of trustees shall control the
43 expenditures of all money appropriated for the support and
44 maintenance of the community college and all money received
45 from any other source.



1 **Sec. 71. 1. The board of trustees of a community college**
2 *shall employ and fix the salary of:*

3 (a) *A president for the community college; and*

4 (b) *Any administrative officers and other employees deemed by*
5 *the board of trustees to be necessary or appropriate for the*
6 *governance, operation and management of the community college*
7 *and any dormitories or facilities connected with operation of the*
8 *community college.*

9 2. *The board of trustees may, consistent with any rules,*
10 *regulations, policies or procedures adopted by the Board:*

11 (a) *Establish or lease, operate, equip and maintain*
12 *dormitories, facilities for food services, facilities for the sale or*
13 *lease of books and other facilities connected with the operation of*
14 *the community college.*

15 (b) *Enter into agreements with the owners of facilities to be*
16 *used as dormitories.*

17 (c) *Establish fees and charges for any dormitories, facilities*
18 *for food services, facilities for the sale or lease of books and other*
19 *facilities established or leased pursuant to paragraph (a).*

20 (d) *Adopt any rules deemed necessary or advisable by the*
21 *board of trustees for the governance, management and operation*
22 *of dormitories and other facilities connected with the operation of*
23 *the community college.*

24 (e) *Prescribe the course of study for the community college*
25 *and publish a catalog of any courses offered at the community*
26 *college.*

27 (f) *Delegate to the president of the community college any of*
28 *the powers and duties of the board of trustees.*

29 3. *In addition to any money appropriated by the Legislature,*
30 *the board of trustees may apply for and accept any gift, donation,*
31 *bequest, grant or other source of money to carry out its duties and*
32 *responsibilities.*

33 **Sec. 72. 1. The student body of each community college**
34 *within the System may establish a student government. The*
35 *student government shall adopt a set of bylaws which are subject*
36 *to the approval of:*

37 (a) *A majority of the students who vote in an election held for*
38 *that purpose; and*

39 (b) *The board of trustees of the community college.*

40 2. *Such a student government to the extent of its authority set*
41 *forth in the bylaws is self-governing and independent of the*
42 *administration of the System, financially and otherwise.*

43 3. *The board of trustees shall collect a fee from each*
44 *undergraduate student at the community college for the support of*
45 *the student government of that community college upon:*



1 (a) Receipt of a request by the student government for the
2 imposition of such a fee; and

3 (b) Approval by the board of trustees of the amount of the fee
4 so requested.

5 **Sec. 73.** 1. Except as otherwise provided in subsection 2, it
6 is unlawful for a person to engage in any kind of surreptitious
7 electronic surveillance on a campus of the System without the
8 knowledge of the person being observed.

9 2. Subsection 1 does not apply to any electronic surveillance:

10 (a) Authorized by a court order issued to a public officer,
11 based upon a showing of probable cause to believe that criminal
12 activity is occurring on the property under surveillance;

13 (b) By a law enforcement agency pursuant to a criminal
14 investigation;

15 (c) By a peace officer pursuant to NRS 289.830;

16 (d) Which is necessary as part of a system of security used to
17 protect and ensure the safety of persons on the campus; or

18 (e) Of a class or laboratory when authorized by the teacher of
19 the class or laboratory.

20 **Sec. 74.** 1. It is unlawful for a person who knows or in the
21 exercise of reasonable care should know that a substance or
22 material contains at least one-tenth of 1 percent by weight or
23 volume of a diisocyanate to use, or cause or permit another person
24 to use, the substance or material in the maintenance or repair of a
25 building owned or operated by the System while any person who is
26 not necessary to the maintenance or repair is present in the
27 building.

28 2. A person who knows or in the exercise of reasonable care
29 should know that a substance or material which contains at least
30 one-tenth of 1 percent by weight or volume of a diisocyanate has
31 been used in the maintenance or repair of a building owned or
32 operated by the System shall ensure that the building is not
33 occupied for at least 4 hours following the use of that substance or
34 material by any person who is not necessary to the maintenance or
35 repair.

36 3. A person who violates subsection 1 or 2 is guilty of a gross
37 misdemeanor.

38 4. For the purposes of this section, “diisocyanate” includes,
39 without limitation, toluene diisocyanate (TDI), methylene
40 bisphenyl isocyanate (MDI) or hexamethylene diisocyanate (HDI).

41 **Sec. 75.** 1. It is unlawful for a person knowingly to use or
42 attempt to use:

43 (a) A false or misleading degree or honorary degree conferred
44 by the System; or

45 (b) A degree or honorary degree conferred by the System,



1 ↪ in connection with admission to a community college or in
2 connection with any business, employment, occupation,
3 profession, trade or public office.

4 2. Unless a greater penalty is provided by specific statute, a
5 person who violates the provisions of this section is guilty of a
6 misdemeanor and shall be punished by a fine of not more than
7 \$5,000 or by imprisonment in the county jail for not more than 6
8 months, or by both fine and imprisonment.

9 3. In addition to any criminal penalty imposed pursuant to
10 subsection 2, a person who violates the provisions of this section is
11 subject to a civil penalty in an amount not to exceed \$5,000 for
12 each violation. The Attorney General or any district attorney of
13 this State may recover the penalty in a civil action brought in the
14 name of the State of Nevada in any court of competent
15 jurisdiction.

16 4. For the purposes of this section, a degree or honorary
17 degree is false or misleading or is used in a false or misleading
18 manner if it:

19 (a) States or suggests that the person named in the degree or
20 honorary degree has completed the requirements of an academic
21 or professional program of study in a particular field of endeavor
22 beyond the secondary school level and the person has not, in fact,
23 completed the requirements of the program of study;

24 (b) Is offered as his or her own by a person other than the
25 person who completed the requirements of the program of study;
26 or

27 (c) Is awarded, bestowed, conferred, given, granted, conveyed
28 or sold:

29 (1) Based upon more than 10 percent of the recipient's
30 documented life experience and not based upon actual completion
31 of academic work; or

32 (2) In violation of this chapter.

33 5. As used in this section:

34 (a) "Degree" has the meaning ascribed to it in NRS 394.620.

35 (b) "Honorary degree" has the meaning ascribed to it in
36 NRS 394.620.

37 **Sec. 76.** NRS 385.021 is hereby amended to read as follows:

38 385.021 1. The State Board of Education is hereby created.
39 The State Board consists of the following voting members:

40 (a) One member elected by the registered voters of each
41 congressional district described in NRS 304.060 to 304.120,
42 inclusive;

43 (b) One member appointed by the Governor;

44 (c) One member appointed by the Governor, nominated by the
45 Majority Leader of the Senate; and



(d) One member appointed by the Governor, nominated by the Speaker of the Assembly.

2. In addition to the voting members described in subsection 1, the State Board consists of the following ~~four~~ *five* nonvoting members:

(a) One member appointed by the Governor who is a member of a board of trustees of a school district, nominated by the Nevada Association of School Boards;

(b) One member appointed by the Governor who is the superintendent of schools of a school district, nominated by the Nevada Association of School Superintendents;

(c) One member appointed by the Governor who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada; ~~and~~

(d) *One member appointed by the Governor who represents the Nevada System of Community Colleges, nominated by the State Board for Community Colleges; and*

(e) One member appointed by the Governor who is a pupil enrolled in a public school in this State, nominated by the Nevada Association of Student Councils or its successor organization and in consultation with the Nevada Youth Legislature. After the initial term, the term of the member appointed pursuant to this paragraph commences on June 1 and expires on May 31 of the following year.

3. Each member of the State Board elected pursuant to paragraph (a) of subsection 1 must be a qualified elector of the district from which that member is elected.

4. Each member appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 and each member appointed pursuant to subsection 2 must be a resident of this State.

5. Except as otherwise provided in paragraphs (a) , ~~and~~ (c) *and (d)* of subsection 2, a person who is elected to serve as an officer of this State or any political subdivision thereof or a person appointed to serve for the unexpired term of such an office may not serve or continue to serve on the State Board.

6. The Governor shall ensure that the members appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 represent the geographic diversity of this State and that:

(a) One member is a teacher at a public school selected from a list of three candidates provided by the Nevada State Education Association.

(b) One member is the parent or legal guardian of a pupil enrolled in a public school.

(c) One member is a person active in a private business or industry of this State.

7. After the initial terms, each member:



(a) Elected pursuant to paragraph (a) of subsection 1 serves a term of 4 years. A member may be elected to serve not more than three terms but may be appointed to serve pursuant to paragraph (b), (c) or (d) of subsection 1 or subsection 2 after service as an elected member, notwithstanding the number of terms the member served as an elected member.

(b) Appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 serves a term of 2 years, except that each member continues to serve until a successor is appointed. A member may be reappointed for additional terms of 2 years in the same manner as the original appointment.

(c) Appointed pursuant to subsection 2 serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.

8. If a vacancy occurs during the term of:

(a) A member who was elected pursuant to paragraph (a) of subsection 1, the Governor shall appoint a member to fill the vacancy until the next general election, at which election a member must be chosen for the balance of the unexpired term. The appointee must be a qualified elector of the district where the vacancy occurs.

(b) A voting member appointed pursuant to paragraph (b), (c) or (d) of subsection 1 or a nonvoting member appointed pursuant to subsection 2, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 77. NRS 385.106 is hereby amended to read as follows:

385.106 1. The Superintendent of Public Instruction may administer the Higher Education Student Loan Program and may consult with any public officer or private person in the State who may have an interest in higher education or in the Program. The Superintendent of Public Instruction shall notify the State Board at least 30 days in advance if the Superintendent intends to stop administering the Program.

2. After receiving notice from the Superintendent of Public Instruction that he or she intends to stop administering the Program, but before the Superintendent actually stops administering it, the State Board, with the concurrence of the Governor, shall designate another public agency or private nonprofit organization to administer the Program in a manner which ensures continued access to the Program by postsecondary schools in this State, including all of the ~~institutions~~ *community colleges of the Nevada System of Community Colleges and colleges and universities* of the Nevada System of Higher Education. The designation may authorize assumption of any reserves or liability accruing to an agency or organization engaged in administering the Program or the guarantee of student loans.



3. If the Superintendent of Public Instruction administers the Program, the State Board may:

(a) Negotiate and accept federal and other money appropriated and available to insure loans for student educational purposes under the Program.

(b) Negotiate and enter into such agreements with other agencies as it deems proper for the administration and conduct of the Program.

(c) Accept gifts, grants and contributions from any source that will facilitate and assist the higher education of Nevada residents.

Sec. 78. NRS 385.111 is hereby amended to read as follows:

385.111 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 391A.130, 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 391A.120;

(5) The Legislative Bureau of Educational Accountability and Program Evaluation; and

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

2. On or before March 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Legislative Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation;

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

(e) *State Board for Community Colleges;*

(f) Board of trustees of each school district;



~~(f)~~ (g) Governing body of each charter school; and
~~(e)~~ (h) Executive Director of the Achievement School District.

Sec. 79. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385A.320 and similar information in the annual report of accountability prepared by the State Public Charter School Authority, the Achievement School District and a *community college*, college or university within the *Nevada System of Community Colleges or Nevada System of Higher Education, as applicable*, that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

3. Review any effective practices carried out in individual school districts to increase parental involvement and family engagement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and family engagement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents, legal guardians and families of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement and family engagement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents, legal guardians and families of pupils who are limited English proficient;

8. Determine the necessity for the appointment of a statewide parental involvement and family engagement coordinator or a parental involvement and family engagement coordinator in each school district, or both;

9. Work in collaboration with the Office of Parental Involvement and Family Engagement created by NRS 385.630 to carry out the duties prescribed in NRS 385.635;



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10. On or before July 1 of each year, submit a report to the Legislative Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and

11. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 80. NRS 385A.070 is hereby amended to read as follows:

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

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385A.070 to 385A.320, inclusive, and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.070 to 385A.320, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority, the Achievement School District and each *community college*, college or university within the *Nevada System of Community Colleges or* Nevada System of Higher Education, *as applicable*, 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, Achievement School District or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section.



1 The Department, in consultation with the State Public Charter
2 School Authority, the Achievement School District and each
3 *community college*, college or university within the *Nevada System*
4 *of Community Colleges or Nevada System of Higher Education , as*
5 *applicable*, that sponsors a charter school, shall prescribe by
6 regulation the information that must be prepared by the State Public
7 Charter School Authority, Achievement School District and
8 institution, as applicable, which must include, without limitation, the
9 information contained in subsection 2 and NRS 385A.070 to
10 385A.320, inclusive, as applicable to charter schools. The
11 Department shall provide for public dissemination of the annual
12 report of accountability prepared pursuant to this section by posting
13 a copy of the report on the Internet website maintained by the
14 Department.

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

19 **Sec. 81.** NRS 385A.080 is hereby amended to read as follows:

20 385A.080 1. The Superintendent of Public Instruction shall:

21 (a) Prescribe forms for the reports required pursuant to NRS
22 385A.070 and provide the forms to the respective school districts,
23 the State Public Charter School Authority, the Achievement School
24 District and each *community college*, college or university within
25 the *Nevada System of Community Colleges or Nevada System of*
26 *Higher Education , as applicable*, that sponsors a charter school.

27 (b) Provide statistical information and technical assistance to the
28 school districts, the State Public Charter School Authority, the
29 Achievement School District and each *community college*, college
30 or university within the *Nevada System of Community Colleges or*
31 *Nevada System of Higher Education , as applicable*, that sponsors a
32 charter school to ensure that the reports provide comparable
33 information with respect to each school in each district, each charter
34 school and among the districts and charter schools throughout this
35 State.

36 (c) Consult with a representative of the:

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



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1 ↳ concerning the program adopted pursuant to subsection 1 of NRS
2 385A.070 and consider any advice or recommendations submitted
3 by the representatives with respect to the program.

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

10 **Sec. 82.** NRS 385A.090 is hereby amended to read as follows:
11 385A.090 1. On or before September 30 of each year:

12 (a) The board of trustees of each school district, the State Public
13 Charter School Authority, the Achievement School District and each
14 *community college*, college or university within the *Nevada System*
15 *of Community Colleges or* Nevada System of Higher Education, *as*
16 *applicable*, that sponsors a charter school shall provide written
17 notice that the report required pursuant to NRS 385A.070 is
18 available on the Internet website maintained by the school district,
19 State Public Charter School Authority, Achievement School District
20 or institution, if any, or otherwise provide written notice of the
21 availability of the report. The written notice must be provided to the:

- 22 (1) Governor;
23 (2) State Board;
24 (3) Department;
25 (4) Committee;
26 (5) Bureau; and

27 (6) The Attorney General, with a specific reference to the
28 information that is reported pursuant to paragraph (e) of subsection
29 1 of NRS 385A.250.

30 (b) The board of trustees of each school district, the State Public
31 Charter School Authority, the Achievement School District and each
32 *community college*, college or university within the *Nevada System*
33 *of Community Colleges or* Nevada System of Higher Education, *as*
34 *applicable*, that sponsors a charter school shall provide for public
35 dissemination of the annual report of accountability prepared
36 pursuant to NRS 385A.070 by posting a copy of the report on the
37 Internet website maintained by the school district, the State Public
38 Charter School Authority, the Achievement School District or the
39 institution, if any. If a school district does not maintain a website,
40 the district shall otherwise provide for public dissemination of the
41 annual report by providing a copy of the report to the schools in the
42 school district, including, without limitation, each charter school
43 sponsored by the district, the residents of the district, and the parents
44 and guardians of pupils enrolled in schools in the district, including,
45 without limitation, each charter school sponsored by the district. If



1 the State Public Charter School Authority, the Achievement School
2 District or the institution does not maintain a website, the State
3 Public Charter School Authority, the Achievement School District
4 or the institution, as applicable, shall otherwise provide for public
5 dissemination of the annual report by providing a copy of the report
6 to each charter school it sponsors and the parents and guardians of
7 pupils enrolled in each charter school it sponsors.

8 2. Upon the request of the Governor, the Attorney General, an
9 entity described in paragraph (a) of subsection 1 or a member of the
10 general public, the board of trustees of a school district, the State
11 Public Charter School Authority, the Achievement School District ,
12 *a community college within the Nevada System of Community*
13 *Colleges* or a college or university within the Nevada System of
14 Higher Education that sponsors a charter school, as applicable, shall
15 provide a portion or portions of the report required pursuant to
16 NRS 385A.070.

17 **Sec. 83.** NRS 385A.240 is hereby amended to read as follows:

18 385A.240 1. The annual report of accountability prepared
19 pursuant to NRS 385A.070 must include information on the
20 attendance, truancy and transiency of pupils, including, without
21 limitation:

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

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

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

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

40 (c) The transiency rate of pupils for each school in the district
41 and the district as a whole, including, without limitation, each
42 charter school sponsored by the district. For the purposes of this
43 paragraph, a pupil is not transient if the pupil is transferred to a
44 different school within the school district as a result of a change in



1 the zone of attendance by the board of trustees of the school district
2 pursuant to NRS 388.040.

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

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

9 (2) Referred to an advisory board to review school
10 attendance pursuant to paragraph (b) of subsection 2 of NRS
11 392.144; and

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

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

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

19 (b) The State Public Charter School Authority, the Achievement
20 School District and each *community college*, college or university
21 within the *Nevada System of Community Colleges or* Nevada
22 System of Higher Education, *as applicable*, that sponsors a charter
23 school shall submit to each advisory board to review school
24 attendance created in a county pursuant to NRS 392.126 the
25 information regarding the records of the attendance and truancy of
26 pupils enrolled in the charter school located in that county, if any, in
27 accordance with the regulations prescribed by the Department
28 pursuant to subsection 3 of NRS 385A.070.

29 **Sec. 84.** NRS 385A.260 is hereby amended to read as follows:

30 385A.260 The annual report of accountability prepared
31 pursuant to NRS 385A.070 must include information on the
32 graduation and drop-out rates of pupils and the enrollment of pupils
33 in remedial courses in college, including, without limitation:

34 1. For each school in the district and the district as a whole,
35 including, without limitation, each charter school sponsored by the
36 district, the number and percentage of pupils who received:

37 (a) A standard high school diploma.

38 (b) An adult diploma.

39 (c) An adjusted diploma.

40 2. For each high school in the district, including, without
41 limitation, each charter school sponsored by the district that operates
42 as a high school, information that provides a comparison of the rate
43 of graduation of pupils enrolled in the high school with the rate of
44 graduation of pupils throughout the district and throughout this
45 State. The information required by this subsection must be provided



1 in consultation with the Department to ensure the accuracy of the
2 comparison.

3 3. The annual rate of pupils who drop out of school in grade 8
4 and a separate reporting of the annual rate of pupils who drop out of
5 school in grades 9 to 12, inclusive, for each such grade, for each
6 school in the district and for the district as a whole. The reporting
7 for pupils in grades 9 to 12, inclusive, excludes pupils who:

8 (a) Provide proof to the school district of successful completion
9 of the high school equivalency assessment selected by the State
10 Board pursuant to NRS 390.055.

11 (b) Are enrolled in courses that are approved by the Department
12 as meeting the requirements for an adult standard diploma.

13 (c) Withdraw from school to attend another school.

14 4. For each high school in the district, including, without
15 limitation, each charter school sponsored by the district, the
16 percentage of pupils who graduated from that high school or charter
17 school in the immediately preceding year and enrolled in remedial
18 courses in reading, writing or mathematics at a *community college*
19 *within the Nevada System of Community Colleges or a* university
20 ~~or~~ *or* state college ~~for community college~~ within the Nevada
21 System of Higher Education.

22 **Sec. 85.** NRS 385A.400 is hereby amended to read as follows:

23 385A.400 1. The State Board shall prepare a single annual
24 report of accountability that includes, without limitation the
25 information prescribed by NRS 385A.400 to 385A.520, inclusive.

26 2. A separate reporting for a group of pupils must not be made
27 pursuant to NRS 385A.400 to 385A.520, inclusive, if the number of
28 pupils in that group is insufficient to yield statistically reliable
29 information or the results would reveal personally identifiable
30 information about an individual pupil. The Department shall use the
31 mechanism approved by the United States Department of Education
32 for the statewide system of accountability for public schools for
33 determining the minimum number of pupils that must be in a group
34 for that group to yield statistically reliable information.

35 3. The annual report of accountability must:

36 (a) Be prepared in a concise manner; and

37 (b) Be presented in an understandable and uniform format and,
38 to the extent practicable, provided in a language that parents can
39 understand.

40 4. On or before October 15 of each year, the State Board shall:

41 (a) Provide for public dissemination of the annual report of
42 accountability by posting a copy of the report on the Internet
43 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) *State Board for Community Colleges*;
- (6) Board of trustees of each school district;
- ~~[(6)]~~ (7) Governing body of each charter school;
- ~~[(7)]~~ (8) Executive Director of the Achievement School District; and
- ~~[(8)]~~ (9) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385A.460.

5. Upon the request of the Governor, the Attorney General, 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.

Sec. 86. NRS 385A.470 is hereby amended to read as follows:

385A.470 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the graduation and drop-out rates of pupils and the enrollment of pupils in remedial courses in college, including, without limitation:

1. 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:

- (a) A standard high school diploma.
- (b) An adult diploma.
- (c) An adjusted diploma.

2. 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:

(a) Provide proof to the school district of successful completion of the high school equivalency assessment selected by the State Board pursuant to NRS 390.055.

(b) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(c) Withdraw from school to attend another school.

3. 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 *community*



1 *college within the Nevada System of Community Colleges or a*
2 university ~~or~~ or state college ~~for community college~~ within the
3 Nevada System of Higher Education, reported for each school
4 district, including, without limitation, each charter school in the
5 district, and for this State as a whole.

6 **Sec. 87.** NRS 385A.670 is hereby amended to read as follows:

7 385A.670 1. On or before July 31 of each year, the
8 Department shall determine whether each public school is meeting
9 the annual measurable objectives and performance targets
10 established pursuant to the statewide system of accountability for
11 public schools.

12 2. The determination pursuant to subsection 1 for a public
13 school, including, without limitation, a charter school sponsored by
14 the board of trustees of the school district, must be made in
15 consultation with the board of trustees of the school district in which
16 the public school is located. If a charter school is sponsored by the
17 State Public Charter School Authority, the Achievement School
18 District , *a community college within the Nevada System of*
19 *Community Colleges* or a college or university within the Nevada
20 System of Higher Education, the Department shall make a
21 determination for the charter school in consultation with the State
22 Public Charter School Authority, the Achievement School District
23 or ~~the institution within the Nevada System of Higher Education~~
24 *community college, college or university* that sponsors the charter
25 school, as applicable. The determination made for each school must
26 be based only upon the information and data for those pupils who
27 are enrolled in the school for a full academic year. On or before
28 July 31 of each year, the Department shall transmit:

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

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

35 (c) The determination made for the charter school to the
36 Achievement School District if the charter school is sponsored by
37 the Achievement School District.

38 (d) *The determination made for the charter school to the*
39 *community college that sponsors the charter school if a charter*
40 *school is sponsored by a community college within the Nevada*
41 *System of Community Colleges.*

42 (e) The determination made for the charter school to the
43 institution that sponsors the charter school if a charter school is
44 sponsored by a college or university within the Nevada System of
45 Higher Education.



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

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

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

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

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

5. As used in this section:

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

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

Sec. 88. NRS 385A.720 is hereby amended to read as follows:

385A.720 1. Based upon the information received from the Department pursuant to NRS 385A.670, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority, the Achievement School District, *a community college within the Nevada System of Community Colleges* or a college or university within the Nevada System of Higher Education. The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary ratings for all charter schools sponsored by the State Public Charter School Authority, all charter schools sponsored by the Achievement School District and all charter schools sponsored by a *community college, college or university within the Nevada System of Community Colleges* or Nevada System of Higher Education **† as applicable.**



2. Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15. If the school is a charter school sponsored by the State Public Charter School Authority, the Achievement School District, *a community college within the Nevada System of Community Colleges* or a college or university within the Nevada System of Higher Education, the Department shall make a final determination concerning the rating for the school on September 15.

3. On or before September 15 of each year, the Department shall provide written notice of the determinations made pursuant to NRS 385A.670 and the final ratings made pursuant to this section as follows:

(a) The determinations and final ratings made for all schools in this State to the:

- (1) Governor;
- (2) State Board;
- (3) Committee; and
- (4) Bureau.

(b) The determinations and final ratings made for all schools within a school district to the:

- (1) Superintendent of schools of the school district; and
- (2) Board of trustees of the school district.

(c) The determination and final rating made for each school to the principal of the school.

(d) The determination and final rating made for each charter school to the sponsor of the charter school.

Sec. 89. NRS 385A.800 is hereby amended to read as follows:

385A.800 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385A.070 and 385A.400; and

(2) In a separate reporting for each group of pupils identified in the statewide system of accountability for public schools;

(b) Include a system of unique identification for each pupil:



(1) To ensure that individual pupils may be tracked over time throughout this State;

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for ~~both~~ the public schools, *the Nevada System of Community Colleges* and the Nevada System of Higher Education, if that pupil enrolls in ~~the~~ *either* System after graduation from high school; and

(3) Which must, to the extent money is available for this purpose, include, without limitation, a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in a manner that will allow for the disaggregation of each category;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the ratings of schools and, if available, school districts pursuant to the statewide system of accountability for public schools and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, the sponsors of charter schools, the school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➤ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction.

2. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch,



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1 administrators of public schools and school districts, teachers and
2 other educational personnel, and parents and guardians, will have
3 different types of access to the accountability information contained
4 within the automated system to the extent that such information is
5 necessary for the performance of a duty or to the extent that such
6 information may be made available to the general public without
7 posing a threat to the confidentiality of an individual pupil.

8 3. On or before December 31 of each year, the Department
9 shall share with the Interagency Council on Veterans Affairs
10 aggregate data collected pursuant to subsection 1 concerning each
11 pupil whose parent or guardian is a member of the Armed Forces of
12 the United States, a reserve component thereof or the National
13 Guard.

14 4. The Department may, to the extent authorized by the Family
15 Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g,
16 and any regulations adopted pursuant thereto, enter into an
17 agreement with the *Nevada System of Community Colleges and the*
18 Nevada System of Higher Education to provide access to data
19 contained within the automated system for research purposes.

20 **Sec. 90.** NRS 387.1241 is hereby amended to read as follows:

21 387.1241 Except as otherwise provided in this section and
22 NRS 387.124, 387.1242, 387.1244 and 387.528:

23 1. The apportionment to a charter school, computed on a yearly
24 basis, is equal to the sum of the basic support per pupil in the county
25 in which the pupil resides plus the amount of local funds available
26 per pupil pursuant to NRS 387.163 and all other funds available for
27 public schools in the county in which the pupil resides minus the
28 sponsorship fee prescribed by NRS 388A.414 and minus all the
29 funds attributable to pupils who are enrolled in the charter school
30 but are concurrently enrolled part-time in a program of distance
31 education provided by a school district or another charter school. If
32 the apportionment per pupil to a charter school is more than the
33 amount to be apportioned to the school district in which a pupil who
34 is enrolled in the charter school resides, the school district in which
35 the pupil resides shall pay the difference directly to the charter
36 school.

37 2. The apportionment to a charter school that is sponsored by
38 the State Public Charter School Authority, *a community college*
39 *within the Nevada System of Community Colleges* or ~~by~~ a college
40 or university within the Nevada System of Higher Education,
41 computed on a yearly basis, is equal to the sum of the basic support
42 per pupil in the county in which the pupil resides plus the amount of
43 local funds available per pupil pursuant to NRS 387.163 and all
44 other funds available for public schools in the county in which the
45 pupil resides, minus the sponsorship fee prescribed by



1 NRS 388A.414 and minus all funds attributable to pupils who are
2 enrolled in the charter school but are concurrently enrolled part-time
3 in a program of distance education provided by a school district or
4 another charter school.

5 3. The governing body of a charter school may submit a
6 written request to the Superintendent of Public Instruction to
7 receive, in the first year of operation of the charter school, an
8 apportionment 30 days before the apportionment is required to be
9 made pursuant to NRS 387.124. Upon receipt of such a request, the
10 Superintendent of Public Instruction may make the apportionment
11 30 days before the apportionment is required to be made. A charter
12 school may receive all four apportionments in advance in its first
13 year of operation.

14 **Sec. 91.** NRS 388.205 is hereby amended to read as follows:

15 388.205 1. The board of trustees of each school district shall
16 adopt a policy for each public school in the school district in which
17 ninth grade pupils are enrolled to develop a 4-year academic plan
18 for each of those pupils. The academic plan must set forth the
19 specific educational goals that the pupil intends to achieve before
20 graduation from high school. The plan may include, without
21 limitation, the designation of a career pathway and enrollment in
22 dual credit courses, career and technical education courses,
23 advanced placement courses and honors courses.

24 2. The policy may ensure that each pupil enrolled in ninth
25 grade and the pupil's parent or legal guardian are provided with, to
26 the extent practicable, the following information:

27 (a) The advanced placement courses, honors courses,
28 international baccalaureate courses, dual credit courses, career and
29 technical education courses, including, without limitation, career
30 and technical skills-building programs, and any other educational
31 programs, pathways or courses available to the pupil which will
32 assist the pupil in the advancement of his or her education;

33 (b) The requirements for graduation from high school with a
34 diploma and the types of diplomas available;

35 (c) The requirements for admission to the *Nevada System of*
36 *Community Colleges and* Nevada System of Higher Education and
37 the eligibility requirements for a Governor Guinn Millennium
38 Scholarship; and

39 (d) The charter schools within the school district.

40 3. The policy required by subsection 1 must require each pupil
41 enrolled in ninth grade and the pupil's parent or legal guardian to:

42 (a) Be notified of opportunities to work in consultation with a
43 school counselor to develop and review an academic plan for the
44 pupil;

45 (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. 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. 92. NRS 388.409 is hereby amended to read as follows:

388.409 1. The English Mastery Council is hereby created. The English Mastery Council consists of the following 16 members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the English Mastery Council.

(b) Two members who have knowledge and expertise in language acquisition and ~~who represent the~~ :

(1) One of whom represents the Nevada System of Community Colleges, appointed by the State Board for Community Colleges; and

(2) One of whom represents the Nevada System of Higher Education, appointed by the Chancellor of the Nevada System of Higher Education.

(c) Two members who are teachers at public schools in this State, hold a master's degree to teach English as a second language and have knowledge and expertise in providing instruction to pupils who are limited English proficient, appointed by the Governor from a list of nominees submitted by the Nevada State Education Association, or its successor organization. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State.

(d) Two members who are parents or legal guardians of pupils who are limited English proficient, one of whom is appointed by the Governor from a list of nominees submitted by the Speaker of the Assembly and one of whom is appointed by the Governor from a list of nominees submitted by the Majority Leader of the Senate. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State. The Nevada Parent Teacher Association shall submit a list of names of persons that the Association would recommend for inclusion on



1 the list of nominees submitted by the Speaker of the Assembly and
2 the Majority Leader of the Senate.

3 (e) Two members who are school-level administrators, one of
4 whom is employed by a school district in a county whose population
5 is 100,000 or more and one of whom is employed by a school
6 district in a county whose population is less than 100,000, appointed
7 by the Governor from a list of nominees submitted by the Nevada
8 Association of School Administrators.

9 (f) Two members who are school-district-level administrators,
10 one of whom is employed by a school district in a county whose
11 population is 100,000 or more and one of whom is employed by a
12 school district in a county whose population is less than 100,000,
13 appointed by the Governor from a list of nominees submitted by the
14 Nevada Association of School Administrators.

15 (g) One member who is a member of a board of trustees of a
16 school district, appointed by the Governor from a list of nominees
17 submitted by the Nevada Association of School Boards.

18 (h) Two members who are representatives of the general public,
19 private business and industry in this State or nonprofit organizations
20 and who have been leaders in education reform related to pupils
21 who are limited English proficient, appointed by the Governor.

22 (i) Two members with expertise in the development of public
23 policy relating to the education of pupils who are limited English
24 proficient, appointed by the Superintendent of Public Instruction
25 upon the advice and recommendation of persons who have
26 knowledge and expertise in providing instruction to pupils who are
27 limited English proficient.

28 2. Each appointed member of the English Mastery Council
29 serves a term of 2 years and may be reappointed to additional terms.

30 3. A vacancy on the English Mastery Council must be filled in
31 the same manner as the original appointment.

32 4. The English Mastery Council shall, at its first meeting and
33 annually thereafter, elect a Chair from among its members.

34 5. The English Mastery Council shall meet at least quarterly
35 and may meet at other times upon the call of the Chair.

36 6. Members of the English Mastery Council serve without
37 compensation, except that for each day or portion of a day during
38 which a member of the Council attends a meeting of the Council or
39 is otherwise engaged in the business of the Council, the member is
40 entitled to receive the per diem allowances and travel expenses
41 provided for state officers and employees generally.

42 7. A member of the English Mastery Council who is a public
43 employee must be granted administrative leave from the member's
44 duties to engage in the business of the Council without loss of his or



1 her regular compensation. Such leave does not reduce the amount of
2 the member's other accrued leave.

3 8. The English Mastery Council may apply for and accept gifts,
4 grants, donations and contributions from any source for the purpose
5 of carrying out its duties pursuant to NRS 388.411.

6 9. The Department shall provide administrative support to the
7 English Mastery Council.

8 **Sec. 93.** NRS 388.411 is hereby amended to read as follows:

9 388.411 The English Mastery Council created by NRS 388.409
10 shall:

11 1. Make recommendations to the State Board for the adoption
12 of regulations concerning criteria for the policies to teach English to
13 pupils who are limited English proficient that are developed by the
14 board of trustees of each school district pursuant to NRS 388.407.

15 2. Review annually each policy to teach English to pupils who
16 are limited English proficient that is developed by the board of
17 trustees of each school district pursuant to NRS 388.407 and make
18 recommendations for improvement to the State Board and the
19 applicable board of trustees.

20 3. Make recommendations to the Superintendent of Public
21 Instruction, the Commission on Professional Standards in Education
22 and the State Board for:

23 (a) The adoption of regulations pursuant to NRS 391.019
24 concerning the requirements for an endorsement to teach English as
25 a second language, including, without limitation, the teachers who
26 should be required to obtain the endorsement; and

27 (b) After the adoption of the regulations pursuant to paragraph
28 (a), any revisions to those regulations as deemed necessary by the
29 Council.

30 4. Develop standards and criteria for a curriculum for pupils
31 who are limited English proficient and submit those standards and
32 criteria to the State Board for consideration.

33 5. Review any course of study offered by the *Nevada System*
34 *of Community Colleges and the* Nevada System of Higher
35 Education for training to teach English as a second language to
36 determine if the course of study, including, without limitation,
37 student teaching, is sufficiently rigorous to provide teachers with the
38 tools necessary to improve the English proficiency and academic
39 achievement and proficiency of pupils who are limited English
40 proficient.

41 6. Make recommendations to the *State Board for Community*
42 *Colleges or the* Board of Regents of the University of Nevada , *as*
43 *applicable*, for the improvement of any course of study described in
44 subsection 5 and submit a copy of those recommendations to the
45 Governor and the State Board *of Education.*



Sec. 94. NRS 388.790 is hereby amended to read as follows:

388.790 1. The Commission on Educational Technology, consisting of 2 members who serve ex officio and ~~11~~ 12 members who are appointed, is hereby created. The Superintendent of Public Instruction and the Administrator of the Division of Enterprise Information Technology Services of the Department of Administration shall serve ex officio as nonvoting members of the Commission.

2. The Governor shall appoint the following voting members to the Commission, at least two of whom must reside in a county whose population is less than 100,000:

(a) One administrator in a public school who possesses knowledge and experience in the general application of technology;

(b) One school teacher in a public elementary school who possesses knowledge and experience in the use of educational technology in the public schools;

(c) One school teacher in a public secondary school who possesses knowledge and experience in the use of educational technology in the public schools;

(d) One representative of public libraries who possesses knowledge and experience in the general application of technology;

(e) *One representative of the Nevada System of Community Colleges who possesses knowledge and experience in the use of educational technology in institutions of higher education;*

(f) One representative of the Nevada System of Higher Education who possesses knowledge and experience in the use of educational technology in institutions of higher education;

~~(f)~~ (g) One representative of the private sector who possesses knowledge and experience in the use of technology; and

~~(g)~~ (h) One parent or legal guardian who possesses knowledge and experience in the general application of technology.

3. The Majority Leader of the Senate shall appoint two voting members to the Commission:

(a) One of whom is a member of the Senate; and

(b) One of whom is employed in the field of technology.

4. The Speaker of the Assembly shall appoint two voting members to the Commission:

(a) One of whom is a member of the Assembly; and

(b) One of whom is employed in the field of technology.

5. The Governor shall appoint a Chair among the voting members of the Commission.

6. After the initial terms, the term of each member of the Commission is 2 years, commencing on January 1 of the year in which the member is appointed and expiring on December 31 of the immediately following year. A member shall continue to serve on



1 the Commission until his or her successor is appointed. Upon the
2 expiration of a term of a member, he or she may be reappointed if he
3 or she still possesses any requisite qualifications for appointment.
4 There is no limit on the number of terms that a member may serve.

5 7. The person or entity who appoints a member to the
6 Commission may remove that member if the member neglects his or
7 her duty or commits malfeasance in office, or for other just cause.
8 Any vacancy in the membership of the Commission must be filled
9 for the remainder of the unexpired term in the same manner as the
10 original appointment.

11 8. The Commission shall hold at least four regular meetings
12 each year and may hold special meetings at the call of the Chair.

13 9. Members of the Commission who are not Legislators serve
14 without compensation, except that for each day or portion of a day
15 during which a member of the Commission attends a meeting of the
16 Commission or is otherwise engaged in the business of the
17 Commission, the member is entitled to receive the per diem
18 allowance and travel expenses provided for state officers and
19 employees generally.

20 10. For each day or portion of a day during which a member of
21 the Commission who is a Legislator attends a meeting of
22 the Commission or is otherwise engaged in the work of the
23 Commission, except during a regular or special session of the
24 Legislature, the Legislator is entitled to receive the:

25 (a) Compensation provided for a majority of the members of the
26 Legislature during the first 60 days of the preceding session;

27 (b) Per diem allowance provided for state officers and
28 employees generally; and

29 (c) Travel expenses provided pursuant to NRS 218A.655.

30 ➔ The compensation, per diem allowances and travel expenses of
31 the legislative members of the Commission must be paid from the
32 Legislative Fund.

33 **Sec. 95.** NRS 388.795 is hereby amended to read as follows:

34 388.795 1. The Commission shall establish a plan for the use
35 of educational technology in the public schools of this State. In
36 preparing the plan, the Commission shall consider:

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

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

40 (c) The information reported pursuant to NRS 385A.310 and
41 similar information included in the annual report of accountability
42 information prepared by the State Public Charter School Authority,
43 the Achievement School District and a *community college*, college
44 or university within the *Nevada System of Community Colleges or*



1 Nevada System of Higher Education, *as applicable*, that sponsors a
2 charter school pursuant to subsection 3 of NRS 385A.070;

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

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

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

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

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

13 (c) Increase the availability of educational technology to assist
14 licensed teachers and other educational personnel in complying with
15 the requirements of continuing education, including, without
16 limitation, the receipt of credit for college courses completed
17 through the use of educational technology;

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

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

24 3. The Department shall provide:

25 (a) Administrative support;

26 (b) Equipment; and

27 (c) Office space,

28 ➔ as is necessary for the Commission to carry out the provisions of
29 this section.

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

32 (a) The State Board.

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

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

35 (d) The Department.

36 5. The Commission shall:

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

43 (b) Allocate money to the school districts from the Trust Fund
44 for Educational Technology created pursuant to NRS 388.800 and
45 any money appropriated by the Legislature for educational



1 technology, subject to any priorities for such allocation established
2 by the Legislature.

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

5 (1) Repair, replace and maintain computer systems.

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

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

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

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

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

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

23 (a) The recommendations set forth in the plan pursuant to
24 subsection 2;

25 (b) The plan for educational technology of each school district,
26 if applicable;

27 (c) Evaluations of educational technology conducted for the
28 State or for a school district, if applicable; and

29 (d) Any other information deemed relevant by the Commission.

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

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

39 8. The Commission may appoint an advisory committee
40 composed of members of the Commission or other qualified persons
41 to provide recommendations to the Commission regarding standards
42 for the establishment, coordination and use of a telecommunications
43 network in the public schools throughout the various school districts
44 in this State. The advisory committee serves at the pleasure of the



Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

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

Sec. 96. NRS 388.834 is hereby amended to read as follows:

388.834 1. The Department shall prepare and publish a list of courses of distance education that satisfy the requirements of NRS 388.820 to 388.874, inclusive, and all other applicable statutes and regulations. If an application to provide a program of distance education is approved pursuant to NRS 388.838, the Department shall automatically include on the list each course of study included within that program if the course of study had not been approved pursuant to this section before submission of the application to provide the program.

2. A person or entity that has developed a course of distance education, including, without limitation, a vendor of a course of distance education, *the Nevada System of Community Colleges*, the Nevada System of Higher Education or other postsecondary educational institution, a board of trustees of a school district or a governing body of a charter school, may submit an application for inclusion of the course on the list prepared by the Department. The Department shall approve an application if the application satisfies the requirements of NRS 388.820 to 388.874, inclusive, and all other applicable statutes and regulations. The Department shall provide written notice to the applicant of its approval or denial of the application.

3. If the Department denies an application, the Department shall include in the written notice the reasons for the denial and the deficiencies of the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. The Department shall approve an application that has been resubmitted pursuant to this subsection if the application satisfies the requirements of NRS 388.820 to 388.874, inclusive, and all other applicable statutes and regulations.

Sec. 97. NRS 388A.105 is hereby amended to read as follows:

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

1. The process for submission of an application pursuant to NRS 388A.220 by the board of trustees of a school district, *a community college within the Nevada System of Community Colleges* or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor



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1 charter schools, the contents of the application, the process for the
2 Department to review the application and the timeline for review;

3 2. The process for the Department to conduct a comprehensive
4 review of the sponsors of charter schools that it has approved for
5 sponsorship pursuant to NRS 388A.220 at least once every 3 years;

6 3. The process for the Department to determine whether to
7 continue or to revoke the authorization of a board of trustees of a
8 school district , *a community college within the Nevada System of*
9 *Community Colleges* or a college or university within the Nevada
10 System of Higher Education to sponsor charter schools;

11 4. The process for submission of an application to form a
12 charter school to the board of trustees of a school district , *a*
13 *community college within the Nevada System of Community*
14 *Colleges* and a college or university within the Nevada System of
15 Higher Education, and the contents of the application;

16 5. The process for submission of an application to renew a
17 charter contract to the board of trustees of a school district , *a*
18 *community college within the Nevada System of Community*
19 *Colleges* and a college or university within the Nevada System of
20 Higher Education, and the contents of the application;

21 6. The criteria and type of investigation that must be applied by
22 the board of trustees of a school district , *a community college*
23 *within the Nevada System of Community Colleges* and a college or
24 university within the Nevada System of Higher Education in
25 determining whether to approve an application to form a charter
26 school, an application to renew a charter contract or a request for an
27 amendment of a written charter or a charter contract;

28 7. The process for submission of an amendment of a written
29 charter or a charter contract to the board of trustees of a school
30 district , *a community college within the Nevada System of*
31 *Community Colleges* and a college or university within the Nevada
32 System of Higher Education pursuant to NRS 388A.276 and the
33 contents of the application; and

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

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

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

42 **Sec. 98.** NRS 388A.159 is hereby amended to read as follows:

43 388A.159 1. The State Public Charter School Authority is
44 hereby deemed a local educational agency for the purpose of
45 directing the proportionate share of any money available from



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1 federal and state categorical grant programs to charter schools which
2 are sponsored by the State Public Charter School Authority , *a*
3 *community college within the Nevada System of Community*
4 *Colleges* or a college or university within the Nevada System of
5 Higher Education that are eligible to receive such money. A
6 *community college*, college or university within the *Nevada System*
7 *of Community Colleges or* Nevada System of Higher Education , *as*
8 *applicable* that sponsors a charter school shall enter into an
9 agreement with the State Public Charter School Authority for the
10 provision of any necessary functions of a local educational
11 authority. A charter school that receives money pursuant to such a
12 grant program shall comply with any applicable reporting
13 requirements to receive the grant.

14 2. As used in this section, "local educational agency" has the
15 meaning ascribed to it in 20 U.S.C. § ~~7801(26)(A)-~~ **7801(30)(A)**.

16 **Sec. 99.** NRS 388A.171 is hereby amended to read as follows:

17 388A.171 The State Public Charter School Authority shall:

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

19 (a) In consultation with the Department and each board of
20 trustees of a school district and *community college*, college or
21 university within the *Nevada System of Community Colleges or*
22 Nevada System of Higher Education , *as applicable*, that sponsors a
23 charter school, review all statutes and regulations from which
24 charter schools are not exempt and determine whether such statutes
25 and regulations assisted or impeded the charter schools in achieving
26 their academic, fiscal and organizational goals and objectives;

27 (b) Make recommendations to the Legislative Committee on
28 Education concerning any legislation that would assist charter
29 schools in achieving their academic, fiscal and organizational goals;
30 and

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

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

42 **Sec. 100.** NRS 388A.220 is hereby amended to read as
43 follows:

44 388A.220 1. The board of trustees of a school district may
45 apply to the Department for authorization to sponsor charter schools



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

8 2. The State Public Charter School Authority shall sponsor
9 charter schools whose applications have been approved by the State
10 Public Charter School Authority pursuant to NRS 388A.255. Except
11 as otherwise provided by specific statute, if the State Public Charter
12 School Authority sponsors a charter school, the State Public Charter
13 School Authority is responsible for the evaluation, monitoring and
14 oversight of the charter school.

15 3. *A community college within the Nevada System of*
16 *Community Colleges may submit an application to the Department*
17 *to sponsor charter schools in accordance with the regulations*
18 *adopted by the Department pursuant to NRS 388A.105 or*
19 *388A.110. An application must be approved by the Department*
20 *before a community college within the Nevada System of*
21 *Community Colleges may sponsor charter schools.*

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

29 ~~14-~~ 5. The board of trustees of a school district , *a community*
30 *college within the Nevada System of Community Colleges* or a
31 college or university within the Nevada System of Higher Education
32 may enter into an agreement with the State Public Charter School
33 Authority to provide technical assistance and support in preparing
34 an application to sponsor a charter school and planning and
35 executing the duties of a sponsor of a charter school as prescribed in
36 this section.

37 ~~15-~~ 6. Before the State Public Charter School Authority or a
38 board of trustees of a school district , *a community college within*
39 *the Nevada System of Community Colleges* or a college or
40 university within the Nevada System of Higher Education that is
41 approved to sponsor charter schools begins soliciting applications to
42 form a charter school, the State Public Charter School Authority,
43 board of trustees ~~16-~~ , *community college*, college or university, as
44 applicable, shall prepare, in collaboration with the Department and,
45 to the extent practicable, the school district in which the proposed



1 charter school will be located and any other sponsor of a charter
2 school located in that school district, an evaluation of the academic
3 needs of pupils in geographic areas served by the sponsor.

4 **Sec. 101.** NRS 388A.229 is hereby amended to read as
5 follows:

6 388A.229 1. The sponsor of a charter school shall ensure the
7 collection, analysis and reporting of all data from the results of
8 pupils enrolled in the charter school on statewide examinations to
9 determine whether the charter school is meeting the performance
10 indicators, measures and metrics for the achievement and
11 proficiency of pupils as set forth in the performance framework for
12 the charter school in a manner that complies with all applicable
13 federal and state laws.

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

32 3. The State Board may adopt regulations to place
33 requirements on the manner in which data is reported by the board
34 of trustees of a school district , *a community college within the*
35 *Nevada System of Community Colleges* or a college or university
36 within the Nevada System of Higher Education that sponsors a
37 charter school , including, without limitation, the manner in which
38 data must be aggregated or disaggregated in any report.

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



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Sec. 102. NRS 388A.240 is hereby amended to read as follows:

388A.240 1. A committee to form a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;

(c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

(d) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the committee to form a charter school may include, without limitation, not more than four additional members as follows:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses;

(c) Representatives of a community college within the Nevada System of Community Colleges; or

~~(c)~~ (d) Representatives of a college or university within the Nevada System of Higher Education.

3. A majority of the persons who serve on the committee to form a charter school must be residents of this State at the time that the application to form the charter school is submitted to the Department.

4. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

➔ The term does not include a person who is employed as a substitute teacher.

Sec. 103. NRS 388A.246 is hereby amended to read as follows:

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



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- 1 1. A summary of the plan for the proposed charter school.
- 2 2. A clear written description of the mission of the charter
- 3 school and the goals for the charter school. A charter school must
- 4 have as its stated purpose at least one of the following goals:
- 5 (a) Improving the academic achievement of pupils;
- 6 (b) Encouraging the use of effective and innovative methods of
- 7 teaching;
- 8 (c) Providing an accurate measurement of the educational
- 9 achievement of pupils;
- 10 (d) Establishing accountability and transparency of public
- 11 schools;
- 12 (e) Providing a method for public schools to measure
- 13 achievement based upon the performance of the schools; or
- 14 (f) Creating new professional opportunities for teachers.
- 15 3. A clear description of the indicators, measures and metrics
- 16 for the categories of academics, finances and organization that the
- 17 charter school proposes to use, the external assessments that will be
- 18 used to assess performance in those categories and the objectives
- 19 that the committee to form a charter school plans to achieve in those
- 20 categories, which must be expressed in terms of the objectives,
- 21 measures and metrics. The objectives and the indicators, measures
- 22 and metrics used by the charter school must be consistent with the
- 23 performance framework adopted by the sponsor pursuant to
- 24 NRS 388A.270.
- 25 4. A resume and background information for each person who
- 26 serves on the board of the charter management organization or the
- 27 committee to form a charter school, as applicable, which must
- 28 include the name, telephone number, electronic mail address,
- 29 background, qualifications, any past or current affiliation with any
- 30 charter school in this State or any other state, any potential conflicts
- 31 of interest and any other information required by the sponsor.
- 32 5. The proposed location of, or the geographic area to be
- 33 served by, the charter school and evidence of a need and community
- 34 support for the charter school in that area.
- 35 6. The minimum, planned and maximum projected enrollment
- 36 of pupils in each grade in the charter school for each year that the
- 37 charter school would operate under the proposed charter contract.
- 38 7. The procedure for applying for enrollment in the proposed
- 39 charter school, which must include, without limitation, the proposed
- 40 dates for accepting applications for enrollment in each year of
- 41 operation under the proposed charter contract and a statement of
- 42 whether the charter school will enroll pupils who are in a particular
- 43 category of at-risk pupils before enrolling other children who are
- 44 eligible to attend the charter school pursuant to NRS 388A.456 and



1 the method for determining eligibility for enrollment in each such
2 category of at-risk pupils served by the charter school.

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

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

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

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

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

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

27 14. The rules of behavior and punishments that the charter
28 school plans to adopt pursuant to NRS 388A.495, including, without
29 limitation, any unique discipline policies for pupils enrolled in a
30 program of special education.

31 15. A chart that clearly presents the proposed organizational
32 structure of the charter school and a clear description of the roles
33 and responsibilities of the governing body, administrators and any
34 other persons included on the chart and a table summarizing the
35 decision-making responsibilities of the staff and governing body of
36 the charter school and, if applicable, the charter management
37 organization that operates the charter school. The table must also
38 identify the person responsible for each activity conducted by the
39 charter school, including, without limitation, the person responsible
40 for establishing curriculum and culture, providing professional
41 development to employees of the charter school and making
42 determinations concerning the staff of the charter school.

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



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

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

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

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

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

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

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

33 24. A statement of the charter school's plans for food service
34 and other significant operational services, including a statement of
35 whether the charter school will provide food service or participate in
36 the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If
37 the charter school will not provide food service or participate in the
38 National School Lunch Program, the application must include an
39 explanation of the manner in which the charter school will ensure
40 that the lack of such food service or participation does not prevent
41 pupils from attending the charter school.

42 25. Opportunities and expectations for involving the parents of
43 pupils enrolled in the charter school in instruction at the charter
44 school and the operation of the charter school, including, without



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1 limitation, the manner in which the charter school will solicit input
2 concerning the governance of the charter school from such parents.

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

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

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

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

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

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

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

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

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

30 (b) Require pupils to participate in assessments and submit
31 coursework;

32 (c) Conduct parent-teacher conferences; and

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

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

40 (a) The proposed duration of the relationship between the
41 charter school and the *community college*, college or university and
42 the conditions for renewal and termination of the relationship;

43 (b) The roles and responsibilities of the governing body of the
44 charter school, the employees of the charter school and the
45 *community college*, college or university;



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

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

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

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

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

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

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

(b) A term sheet that sets forth:

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

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

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

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

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

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

(c) A disclosure of any conflicts of interest concerning the applicant and the educational management organization or other



1 person, including, without limitation, any past or current
2 employment, business or familial relationship between any
3 prospective employee of the charter school and a member of the
4 committee to form a charter school or the board of directors of the
5 charter management organization, as applicable.

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

10 **Sec. 104.** NRS 388A.249 is hereby amended to read as
11 follows:

12 388A.249 1. A committee to form a charter school or charter
13 management organization may submit the application to the
14 proposed sponsor of the charter school. Except as otherwise
15 provided in NRS 388B.290, if an application proposes to convert an
16 existing public school, homeschool or other program of home study
17 into a charter school, the proposed sponsor shall deny the
18 application.

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

21 (a) Assemble a team of reviewers, which may include, without
22 limitation, natural persons from different geographic areas of the
23 United States who possess the appropriate knowledge and expertise
24 with regard to the academic, financial and organizational experience
25 of charter schools, to review and evaluate the application;

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

31 (c) Base its determination on documented evidence collected
32 through the process of reviewing the application; and

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

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

38 (a) The application:

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

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

43 (b) The applicant has demonstrated competence in accordance
44 with the criteria for approval prescribed by the sponsor pursuant to



subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school.

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

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

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

(c) The current status of the application; and

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

Sec. 105. NRS 388A.252 is hereby amended to read as follows:

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

2. The board of trustees, the *community college, the college* or the university, as applicable, may approve an application if it satisfies the requirements of subsection 3 of NRS 388A.249.

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

4. If the board of trustees, *the community college*, the college or the university, as applicable, denies an application after it has



1 been resubmitted pursuant to subsection 3, the applicant may submit
2 a written request for sponsorship by the State Public Charter School
3 Authority not more than 30 days after receipt of the written notice of
4 denial. Any request that is submitted pursuant to this subsection
5 must be accompanied by the application to form the charter school.

6 **Sec. 106.** NRS 388A.258 is hereby amended to read as
7 follows:

8 388A.258 Notwithstanding the provisions of NRS 388A.249,
9 388A.252 and 388A.255, the State Public Charter School Authority
10 may adopt regulations establishing timelines and procedures by
11 which the State Public Charter School Authority will review
12 applications and the board of trustees of a school district that is
13 approved to sponsor charter schools , *a community college within*
14 *the Nevada System of Community Colleges that is approved to*
15 *sponsor charter schools* or a college or university within the
16 Nevada System of Higher Education that is approved to sponsor
17 charter schools may adopt policies establishing timelines and
18 procedures by which the board of trustees ~~for~~ , *community college,*
19 college or university, as applicable, will review applications. These
20 regulations or policies may:

21 1. Establish different timelines and review procedures for
22 different types of applicants; and

23 2. Authorize or require an applicant to submit an abbreviated
24 application, the contents of such an application and criteria that the
25 State Public Charter School Authority will use to determine whether
26 to invite the applicant to submit a full application that meets the
27 requirements of NRS 388A.243 and 388A.246 or deny the
28 abbreviated application and recommend that the applicant make
29 substantial revisions and submit the application during another
30 application cycle.

31 **Sec. 107.** NRS 388A.270 is hereby amended to read as
32 follows:

33 388A.270 1. If the proposed sponsor of a charter school
34 approves an application to form a charter school, it shall, before
35 June 11, 2013, grant a written charter to the governing body of the
36 charter school or, on or after June 11, 2013, negotiate and execute
37 a charter contract with the governing body of the charter school. A
38 charter contract must be executed not later than 60 days before the
39 charter school commences operation. The charter contract must be
40 in writing and incorporate, without limitation:

41 (a) The performance framework for the charter school;

42 (b) A description of the administrative relationship between the
43 sponsor of the charter school and the governing body of the charter
44 school, including, without limitation, the rights and duties of the
45 sponsor and the governing body; and



(c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

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

(a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;

(b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; ~~for~~

(c) If a community college within the Nevada System of Community Colleges is the sponsor of the charter school, the president of the community college; or

(d) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university.

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

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

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

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

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

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

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

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

7. If a community college within the Nevada System of Community Colleges approves the application:

(a) The community college shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body



1 *of the charter school or any of the employees of the charter*
2 *school.*

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

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

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

10 ~~18.1~~ 9. A written charter or a charter contract, as applicable,
11 must be for a term of 6 years. The term of the charter contract
12 begins on the first day of operation of the charter school after the
13 charter contract has been executed. The sponsor of the charter
14 school may require, or the governing body of the charter school may
15 request that the sponsor authorize, the charter school to delay
16 commencement of operation for 1 school year.

17 **Sec. 108.** NRS 388A.279 is hereby amended to read as
18 follows:

19 388A.279 1. The State Public Charter School Authority, the
20 board of trustees of the school district, *a community college within*
21 *the Nevada System of Community Colleges* or a college or
22 university within the Nevada System of Higher Education, as
23 applicable, which sponsors a charter school may hold a public
24 hearing concerning any request to amend a written charter or a
25 charter contract of the charter school it sponsors, including, without
26 limitation, a request to amend a written charter or charter contract
27 for the purpose of:

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

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

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

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

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

44 2. A written charter or charter contract may not be amended in
45 any manner described in subsection 1 unless the amendment is



1 approved by the State Public Charter School Authority, the board of
2 trustees of the school district , *a community college within the*
3 *Nevada System of Community Colleges* or a college or university
4 within the Nevada System of Higher Education, as applicable.

5 3. The State Public Charter School Authority, the board of
6 trustees of the school district , *a community college within the*
7 *Nevada System of Community Colleges* or a college or university
8 within the Nevada System of Higher Education, as applicable, must
9 deny a request to amend a written charter or charter contract in the
10 manner described in paragraph (d) or (e) of subsection 1 if the State
11 Public Charter School Authority, ~~the~~ board of trustees ~~for a~~ ,
12 *community college*, college or university , ~~within the Nevada~~
13 ~~System of Higher Education.~~ as applicable, determines that:

14 (a) The charter school is not meeting the requirements of the
15 performance framework concerning academics, finances or
16 organization established pursuant to NRS 388A.273; or

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

19 **Sec. 109.** NRS 388A.378 is hereby amended to read as
20 follows:

21 388A.378 1. The governing body of a charter school may
22 contract with the board of trustees of the school district in which the
23 charter school is located or in which a pupil enrolled in the charter
24 school resides or with the *Nevada System of Community Colleges*
25 *or* Nevada System of Higher Education for the provision of facilities
26 to operate the charter school or to perform any service relating to the
27 operation of the charter school, including, without limitation,
28 transportation, the provision of health services for the pupils who
29 are enrolled in the charter school and the provision of school police
30 officers. If the board of trustees of a school district , *a community*
31 *college within the Nevada System of Community Colleges* or a
32 college or university within the Nevada System of Higher Education
33 is the sponsor of the charter school, the governing body and the
34 sponsor must enter into a service agreement pursuant to NRS
35 388A.381 before the provision of such services other than for the
36 provision of school police officers when the provisions of NRS
37 388A.384 apply. If the board of trustees of a school district provides
38 services to a charter school pursuant to this section or NRS
39 388A.474, it shall not charge more than its cost for providing such
40 services determined on a cost per pupil basis.

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



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

4. A charter school may:

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

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

(c) Borrow money and otherwise incur indebtedness; and

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

Sec. 110. NRS 388B.290 is hereby amended to read as follows:

388B.290 1. During the sixth year that a school operates as an achievement charter school, the Department shall evaluate the pupil achievement and school performance of the school. The Executive Director shall provide the Department with such information and assistance as the Department determines necessary to perform such an evaluation. If, as a result of such an evaluation, the Department determines:

(a) That the achievement charter school has made adequate improvement in pupil achievement and school performance, the governing body of the achievement charter school must decide whether to:

(1) Convert to a public school under the governance of the board of trustees of the school district in which the school is located;

(2) Seek to continue as a charter school subject to the provisions of chapter 388A of NRS by applying to the board of trustees of the school district in which the school is located, the State Public Charter School Authority, *a community college within the Nevada System of Community Colleges* or a college or university within the Nevada System of Higher Education to sponsor the charter school pursuant to NRS 388A.220; or

(3) Remain an achievement charter school for at least 6 more years.

(b) That the achievement charter school has not made adequate improvement in pupil achievement and school performance, the Department shall direct the Executive Director to notify the parent or legal guardian of each pupil enrolled in the achievement charter school that the achievement charter school has not made adequate



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1 improvement in pupil achievement and school performance. Such
2 notice must include, without limitation, information regarding:

3 (1) Public schools which the pupil may be eligible to attend,
4 including, without limitation, charter schools, programs of distance
5 education offered pursuant to NRS 388.820 to 388.874, inclusive,
6 and alternative programs for the education of pupils at risk of
7 dropping out of school pursuant to NRS 388.537;

8 (2) The opportunity for the parent to establish an education
9 savings account pursuant to NRS 353B.850 and enroll the pupil in a
10 private school, have the pupil become an opt-in child or provide for
11 the education of the pupil in any other manner authorized by
12 NRS 353B.900;

13 (3) Any other alternatives for the education of the pupil that
14 are available in this State; and

15 (4) The actions that may be considered by the Department
16 with respect to the achievement charter school and the manner in
17 which the parent may provide input.

18 2. Upon deciding that the achievement charter school has not
19 made adequate improvement in pupil achievement and school
20 performance pursuant to paragraph (b) of subsection 1, the
21 Department must decide whether to:

22 (a) Convert the achievement charter school to a public school
23 under the governance of the board of trustees of the school district
24 in which the school is located; or

25 (b) Continue to operate the school as an achievement charter
26 school for at least 6 more years.

27 3. If the Department decides to continue to operate a school as
28 an achievement charter school pursuant to subsection 2, the
29 Executive Director must:

30 (a) Terminate the contract with the charter management
31 organization, educational management organization or other person
32 that operated the achievement charter school;

33 (b) Enter into a contract with a different charter management
34 organization, educational management organization or other person
35 to operate the achievement charter school after complying with the
36 provisions of NRS 388B.210;

37 (c) Require the charter management organization, educational
38 management organization or other person with whom the Executive
39 Director enters into a contract to operate the achievement charter
40 school to appoint a new governing body of the achievement charter
41 school in the manner provided pursuant to NRS 388B.220, and must
42 not reappoint more than 40 percent of the members of the previous
43 governing body; and

44 (d) Evaluate the pupil achievement and school performance of
45 such a school at least each 3 years of operation thereafter.



4. If an achievement charter school is converted to a public school under the governance of the board of trustees of a school district pursuant to paragraph (a) of subsection 1, the board of trustees must employ any teacher, administrator or paraprofessional who wishes to continue employment at the school and meets the requirements of chapter 391 of NRS to teach at the school. Any administrator or teacher employed at such a school who was employed by the board of trustees as a postprobationary employee before the school was converted to an achievement charter school and who wishes to continue employment at the school after it is converted back into a public school must be employed as a postprobationary employee.

5. If an achievement charter school becomes a charter school sponsored by the school district in which the charter school is located, the State Public Charter School Authority, *a community college within the Nevada System of Community Colleges* or a college or university within the Nevada System of Higher Education pursuant to paragraph (a) of subsection 1, the school is subject to the provisions of chapter 388A of NRS and the continued operation of the charter school in the building in which the school has been operating is subject to the provisions of NRS 388A.378.

6. As used in this section, "postprobationary employee" has the meaning ascribed to it in NRS 391.650.

Sec. 111. NRS 388G.130 is hereby amended to read as follows:

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

2. The board of trustees shall approve or deny the empowerment plan. The approval or denial of an empowerment plan must be based solely upon the contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the school pursuant to subsection 4 of NRS 388G.120.



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

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

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

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

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

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

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

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



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

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

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

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

Sec. 112. NRS 388G.140 is hereby amended to read as follows:

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

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

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

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

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



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

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

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

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

Sec. 113. NRS 388G.200 is hereby amended to read as follows:

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

(a) The financial status of the school; and

(b) A description of the school's compliance with each component of the empowerment plan for the school.

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

(a) The financial status of the school; and

(b) A description of the school's compliance with each component of the empowerment plan for the school.



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

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

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

- (a) Governor;
- (b) Department; and
- (c) Legislative Committee on Education.

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

- (a) Governor; and
- (b) Legislative Committee on Education.

Sec. 114. NRS 388H.050 is hereby amended to read as follows:

388H.050 The Board of Regents of the University of Nevada *or the State Board for Community Colleges, as applicable*, may, with the cooperation of the Department of Corrections, offer courses that lead to a postsecondary degree for incarcerated persons in any facility or institution operated by the Department of Corrections.

Sec. 115. NRS 391.011 is hereby amended to read as follows:

391.011 1. The Commission on Professional Standards in Education, consisting of ~~nine~~ *ten* members appointed by the Governor, is hereby created.

2. Four members of the Commission must be teachers who teach in the classroom as follows:

- (a) One who teaches in a secondary school.
- (b) One who teaches in a middle school or junior high school.
- (c) One who teaches in an elementary school.
- (d) One who teaches special education.

3. The remaining members of the Commission must include:



1 (a) One counselor or psychologist employed by a school district.
2 (b) Two administrators of schools, at least one of whom must be
3 a principal of a school.

4 (c) The dean of the College of Education at one of the
5 universities in the Nevada System of Higher Education, or a
6 representative of one of the Colleges of Education nominated by
7 such a dean for appointment by the Governor.

8 (d) *A president of one of the community colleges within the*
9 *Nevada System of Community Colleges nominated by State Board*
10 *for Community Colleges for appointment by the Governor or his*
11 *or her designee.*

12 (e) One member who is a representative of the general public.

13 4. The appointments of a counselor, the administrators and
14 three of the four teachers must be made from a list of names of at
15 least three persons for each position that is submitted to the
16 Governor:

17 (a) For the counselor and teachers, by an employee organization
18 representing the majority of counselors and the majority of teachers
19 in the State of Nevada who teach in the educational level from
20 which the appointment is being made; or

21 (b) For administrators, by an organization of administrators for
22 schools in which the majority of administrators of schools in this
23 State have membership.

24 5. One member of the Commission who is a teacher,
25 administrator, counselor or psychologist must be employed by a
26 private school licensed pursuant to chapter 394 of NRS.

27 **Sec. 116.** NRS 391A.150 is hereby amended to read as
28 follows:

29 391A.150 1. Each regional training program must have a
30 governing body consisting of:

31 (a) The superintendent of schools, or the superintendent's
32 designee, for each school district that is included within the primary
33 jurisdiction of the regional training program. The superintendent of
34 schools serves ex officio.

35 (b) Teachers who are considered masters, appointed by the
36 superintendents of schools of the school districts that are included
37 within the primary jurisdiction of the regional training program and
38 the representatives of higher education appointed to the governing
39 body. Each teacher who wishes to be considered for appointment to
40 the governing body must submit an application explaining his or her
41 qualifications as a master teacher. At least one teacher must be
42 appointed from each school district within the primary jurisdiction
43 of the regional training program.

44 (c) Representatives of the Nevada System of Higher Education,
45 appointed by the Board of Regents, *representatives of the Nevada*



1 *System of Community Colleges, appointed by the State Board for*
2 *Community Colleges*, and representatives of other institutions of
3 higher education, as determined by the superintendents of school
4 districts included within the primary jurisdiction of the regional
5 training program.

6 (d) A nonvoting member who is an employee of the
7 Department.

8 2. After the appointments are made, the governing body shall
9 select a chair from among its membership.

10 3. Each member of the governing body shall serve a term of 2
11 years. A person must not be appointed to serve more than three
12 consecutive terms.

13 4. A vacancy in the governing body must be filled in the same
14 manner as the original appointment.

15 **Sec. 117.** NRS 391A.175 is hereby amended to read as
16 follows:

17 391A.175 1. The governing body of each regional training
18 program shall:

19 (a) Adopt a training model, taking into consideration other
20 model programs, including, without limitation, the program used by
21 the Geographic Alliance in Nevada.

22 (b) Assess the training needs of teachers and administrators who
23 are employed by the school districts within the primary jurisdiction
24 of the regional training program and adopt priorities of training for
25 the program based upon the assessment of needs. The board of
26 trustees of each such school district may submit recommendations to
27 the appropriate governing body for the types of training that should
28 be offered by the regional training program.

29 (c) In making the assessment required by paragraph (b) and as
30 deemed necessary by the governing body, review the plans to
31 improve the achievement of pupils prepared pursuant to NRS
32 385A.650 for individual schools within the primary jurisdiction of
33 the regional training program.

34 (d) Prepare a 5-year plan for the regional training program for
35 review by the Statewide Council, which includes, without
36 limitation:

37 (1) An assessment of the training needs of teachers and
38 administrators who are employed by the school districts within the
39 primary jurisdiction of the regional training program; and

40 (2) Specific details of the training that will be offered by the
41 regional training program for the first 2 years covered by the plan
42 including, without limitation, the biennial budget of the regional
43 training program for those 2 years.

44 ➤ The governing body shall incorporate into the 5-year plan any
45 revisions recommended by the Statewide Council.



(e) Review the 5-year plan on an annual basis and make revisions to the plan as are necessary to serve the training needs of teachers and administrators employed by the school districts within the primary jurisdiction of the regional training program.

2. The Department, the Nevada System of Higher Education , *the Nevada System of Community Colleges* and the board of trustees of a school district may request the governing body of the regional training program that serves the school district to provide training, participate in a program or otherwise perform a service that is in addition to the duties of the regional training program that are set forth in the plan adopted pursuant to this section or otherwise required by statute. An entity may not represent that a regional training program will perform certain duties or otherwise obligate the regional training program as part of an application by that entity for a grant unless the entity has first obtained the written confirmation of the governing body of the regional training program to perform those duties or obligations. The governing body of a regional training program may, but is not required to, grant a request pursuant to this subsection.

Sec. 118. NRS 391A.505 is hereby amended to read as follows:

391A.505 1. The Superintendent of Public Instruction shall coordinate the annual distribution of grants of money from the Great Teaching and Leading Fund to the following entities whose applications for a grant are approved:

(a) The governing body of a regional training program for the professional development of teachers and administrators.

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

(c) The governing body of a charter school.

(d) The State Public Charter School Authority.

(e) A university ~~or~~ *or* state college ~~for community college~~ within the Nevada System of Higher Education.

(f) *A community college within the Nevada System of Community Colleges.*

(g) Employee associations representing licensed educational personnel.

~~(e)~~ *(h)* Nonprofit educational organizations.

2. The Superintendent of Public Instruction shall:

(a) Prescribe the form for an entity described in subsection 1 to submit an application for a grant of money from the Fund and the deadline for submission of such an application.

(b) Assign a committee to review the applications and make recommendations to the Superintendent for awarding grants of money from the Fund.



(c) Make recommendations to the State Board regarding awarding grants of money from the Fund.

3. Based upon the recommendations made by the Superintendent of Public Instruction pursuant to paragraph (c) of subsection 2 and to the extent money is available in the Fund, the State Board shall award grants of money to each entity with an approved application not later than December 31 of each year. To the extent that money is available, a grant of money from the Fund may be awarded for the period specified by the applicant in the application, not to exceed 3 years. The State Board may not award more than 20 percent of the money placed in the Fund by legislative appropriation to any single entity in a fiscal year.

4. On or before September 30 of each year, the State Board shall prescribe the priorities of programs set forth in subsection 2 of NRS 391A.510 for which grants of money will be made from the Fund on or before December 31 of that year. In developing the priorities, the State Board shall review and consider the assessment of the training needs of teachers and administrators made by the governing body of each regional training program for the professional development of teachers and administrators pursuant to NRS 391A.175.

5. The Superintendent of Public Instruction shall:

(a) Post on the Internet website maintained by the Department a list of each gift or grant, if any, received pursuant to subsection 1 of NRS 391A.500 for deposit in the Fund and the name of the donor of the gift or grant.

(b) Update the list annually.

(c) On or before February 1 of each year, transmit the list prepared for the immediately preceding year:

(1) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(2) In even-numbered years, to the Legislative Committee on Education.

Sec. 119. NRS 392.128 is hereby amended to read as follows:

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

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district or the State Public Charter School Authority, the Achievement School District, *a community college within the Nevada System of Community Colleges* or a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 2 of NRS 385A.240;



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

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

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

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

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

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

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

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

Sec. 120. NRS 394.625 is hereby amended to read as follows:

394.625 1. Except for the Nevada System of Higher Education ~~and~~ *and the Nevada System of Community Colleges*, no person may use the term “university,” ~~“college”~~ *“college” or “community college”* or any term or abbreviation which represents



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1 that the person is a university , ~~for~~ college *or community college* as
2 part of the name or other designation of any entity without
3 authorization from the Commission.

4 2. The Commission shall adopt regulations for authorizing
5 postsecondary educational institutions to use the term “university ,”
6 ~~for~~ “college” *or “community college”* as part of their respective
7 names or designations. The regulations must provide for
8 consideration of the institution’s qualification to award degrees and
9 may include minimum standards similar to those prescribed by law
10 for licensing by the Commission.

11 **Sec. 121.** NRS 396.005 is hereby amended to read as follows:

12 396.005 As used in this chapter, unless the context otherwise
13 requires:

14 1. “Board of Regents” means the Board of Regents of the
15 University of Nevada.

16 2. “Community college” means all of the community colleges
17 within the Nevada System of ~~Higher Education.~~ *Community*
18 *Colleges.*

19 3. “State college” means all of the state colleges within the
20 Nevada System of Higher Education.

21 4. “System” means the Nevada System of Higher Education.

22 5. “University” means all of the universities within the Nevada
23 System of Higher Education.

24 **Sec. 122.** NRS 396.020 is hereby amended to read as follows:

25 396.020 The legal and corporate name of the State University
26 is the University of Nevada. The System of:

27 1. Universities;

28 2. State colleges;

29 3. ~~Community colleges;~~

30 ~~4.~~ Administrative services;

31 ~~5.~~ 4. Research facilities, including, without limitation:

32 (a) The Desert Research Institute;

33 (b) The Ethics Institute; and

34 (c) The Center for the Analysis of Crime Statistics, established
35 within the Department of Criminal Justice at the University of
36 Nevada, Las Vegas; and

37 ~~6.~~ 5. Departments within the Public Service Division,

38 administered under the direction of the Board of Regents is
39 hereby collectively known as the Nevada System of Higher
40 Education. The System is comprised of such branches and facilities
41 as the Board of Regents deems appropriate.

42 **Sec. 123.** NRS 396.405 is hereby amended to read as follows:

43 396.405 1. A university foundation:

44 (a) Shall comply with the provisions of chapter 241 of NRS;



(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010;

(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 pursuant to subsection 13 of NRS 375.090; and

(d) May allow a president or an administrator of the university ~~††~~ or state college ~~for community college†~~ which it supports to serve as a member of its governing body.

2. A university foundation is not required to disclose the name of any contributor or potential contributor to the university foundation, the amount of his or her contribution or any information which may reveal or lead to the discovery of his or her identity. The university foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.

3. As used in this section, "university foundation" means a nonprofit corporation, association or institution or a charitable organization that is:

(a) Organized and operated primarily for the purpose of fundraising in support of a university ~~††~~ or a state ~~college or a community†~~ college;

(b) Formed pursuant to the laws of this State; and

(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 124. NRS 396.4365 is hereby amended to read as follows:

396.4365 1. The Board of Regents shall ensure that each university ~~††~~ and state college ~~and community college†~~ within the System:

(a) Maintains at the university ~~††~~ or state college ~~for community college†~~ a material safety data sheet for each hazardous chemical used on the buildings or grounds of the university ~~††~~ or state college ~~†; for community college.†~~

(b) Complies with any safety precautions contained in those sheets; and

(c) Makes those sheets available to all the personnel of the university ~~††~~ or state college ~~for community college†~~ and the parents of each student attending the university ~~††~~ or state college ~~. for community college.†~~

2. For the purposes of this section, "material safety data sheet" has the meaning ascribed to ~~††~~ *"safety data sheet"* in 29 C.F.R. § 1910.1200.

Sec. 125. NRS 396.504 is hereby amended to read as follows:

396.504 1. The Legislature hereby encourages the Board of Regents to:



(a) Examine and audit the function, strengths and most efficient use of the facilities, resources and staff of each institution to address the needs of the students of the System.

(b) Review periodically their mission for higher education, as the number of institutions within the System expands and the focus of each institution is defined and further redefined, to determine whether there is unnecessary duplication of programs or courses within the System which might be more appropriate for a different institution.

(c) Examine and audit the educational opportunities, programs and services offered by the institutions within the System to ensure that those opportunities, programs and services are tailored appropriately to:

(1) The different categories of students and prospective students having varied aptitudes, aspirations and educational needs, including, without limitation, students who are veterans;

(2) The jobs and industries likely to be employing the students; and

(3) The state economic development plan.

(d) Insofar as is practicable to achieve the goals set forth in paragraphs (a), (b) and (c), implement measures pursuant to which the educational needs of students and prospective students will be met by:

(1) Providing:

(I) ~~Programs of remedial education, continuing education and entry level higher education at community colleges.~~

~~(II)~~ Programs of baccalaureate-level higher education at state colleges.

~~(III)~~ (II) Programs of baccalaureate-level higher education in other disciplines and graduate-level higher education and research at universities and the Desert Research Institute.

(2) Fostering a culture that recognizes the unique challenges of students who are veterans and works to accommodate the transition of those students to higher education by collecting, tracking and sharing data concerning those students.

(e) On or before September 1 of each year, provide a report of its findings and any adjustments made and actions taken as a result of those findings to the Director of the Legislative Counsel Bureau for transmission to the Interim Finance Committee and the next regular session of the Nevada Legislature.

2. The System is encouraged to review the core curriculum at each institution to determine whether there is parity among the institutions of the System.



Sec. 126. NRS 396.533 is hereby amended to read as follows:

396.533 A student who is enrolled in a university ~~or~~ **or** state college ~~for community college~~ within the System must be granted access to all the library facilities that are available to students enrolled in any of the institutions within the System and must be adequately informed of the library services that are available.

Sec. 127. NRS 396.535 is hereby amended to read as follows:

396.535 1. The Board of Regents shall prescribe a form that provides for the informed consent of students concerning the directory information that a university, university foundation ~~or~~ **or** state college, ~~for community college,~~ as applicable, makes public. The form must:

(a) Allow each student a reasonable opportunity to indicate whether the student opts not to authorize the release or disclosure of personally identifiable information concerning the student for:

(1) Commercial purposes, without the prior written consent of the student;

(2) Noncommercial purposes, without the prior written consent of the student; or

(3) Both commercial and noncommercial purposes, without the prior written consent of the student.

(b) Inform the student that:

(1) If the student does not return the form indicating that his or her personally identifiable information must not be released or disclosed, then it is probable that the information will be released or disclosed.

(2) If the student returns the form indicating that his or her personally identifiable information must not be released or disclosed, then the university, university foundation ~~or~~ **or** state college, ~~for community college,~~ as applicable, will not release or disclose the information without the student's prior written consent.

(c) Be included with the other forms required for admission to the university ~~or~~ **or** state college, ~~for community college,~~ as applicable.

2. Except as otherwise required by federal law, a university, university foundation ~~or~~ **or** state college ~~for community college~~ shall not release, disclose or otherwise use any personally identifiable information concerning a student without the prior written consent of the student for:

(a) Commercial or noncommercial purposes if the student has returned a form indicating that the student does not authorize release or disclosure for those purposes without his or her consent;

(b) Commercial purposes if the student has returned a form indicating that the student does not authorize release or disclosure for those purposes without his or her consent; or



(c) Noncommercial purposes if the student has returned a form indicating that the student does not authorize release or disclosure for those purposes.

3. As used in this section:

(a) "Commercial purposes" means the use of directory information by any person, including, without limitation, a corporation or other business, outside of the System to solicit or provide facilities, goods or services in exchange for the payment of any purchase price, fee, contribution, donation or other valuable consideration.

(b) "Directory information" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(5)(A).

(c) "Personally identifiable information" means information that may be used to identify a person, including, without limitation, the name, address, telephone number, date of birth, and directory information of a person.

(d) "University foundation" has the meaning ascribed to it in NRS 396.405.

Sec. 128. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

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

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

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

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

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

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



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

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

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

(f) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada; and

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

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

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

Sec. 129. NRS 396.543 is hereby amended to read as follows:

396.543 1. The Board of Regents may enter into an agreement with another state for the granting of full or partial waivers of the nonresident tuition to residents of the other state who are students at or are eligible for admission to any branch of the System if the agreement provides that, under substantially the same circumstances, the other state will grant reciprocal waivers to residents of Nevada who are students at or are eligible for admission to universities or colleges in the other state.

2. Each agreement must specify:

(a) The criteria for granting the waivers; and

(b) The specific universities ~~and~~ **or** state colleges ~~and community colleges~~ for which the waivers will be granted.

3. The Board of Regents shall provide by regulation for the administration of any waivers for which an agreement is entered into pursuant to subsection 1.

4. The waivers granted pursuant to this section must not be included in the number of waivers determined for the purpose of applying the limitation in subsection 4 of NRS 396.540.



Sec. 130. NRS 396.545 is hereby amended to read as follows:

396.545 1. To the extent of money available for this purpose, the Board of Regents shall pay all registration fees, laboratory fees and expenses for required textbooks and course materials assessed against or incurred by a dependent child of a public safety officer who was killed in the line of duty, for classes taken towards satisfying the requirements of an undergraduate degree at a school within the *Nevada System of Community Colleges and the Nevada System of Higher Education*. No such payment may be made for any fee assessed after the child reaches the age of 23 years.

2. There is hereby created in the State General Fund a Trust Account for the Education of Dependent Children. The Board of Regents shall administer the Account. The Board of Regents may accept gifts and grants for deposit in the Account. All money held by the State Treasurer or received by the Board of Regents for that purpose must be deposited in the Account. The money in the Account must be invested as the money in other state accounts is invested. After deducting all applicable charges, all interest and income earned on the money in the Account must be credited to the Account. Any money remaining in the Account at the end of a 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.

3. For each fiscal year, the Board of Regents shall estimate:

(a) The amount of money in the Trust Account that is available to make payments pursuant to subsection 1 for that fiscal year; and

(b) The anticipated amount of such payments for that fiscal year.

➔ If the anticipated amount of payments estimated for the fiscal year exceeds the estimated amount of money available in the Account in the fiscal year for such payments, the Board of Regents may request an allocation from the Contingency Account created in the State General Fund pursuant to NRS 353.266 to cover the projected shortfall.

4. As used in this section:

(a) "Firefighter" means a person who is a salaried employee or volunteer member of a:

(1) Fire prevention or suppression unit organized by a local government and whose principal duty is to control and extinguish fires; or

(2) Fire-fighting agency.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 450B.072.

(c) "Local government" means a county, city, unincorporated town or metropolitan police department.

(d) "Member of a rescue or emergency medical services crew" means:



(1) A member of a search and rescue organization in this State under the direct supervision of any county sheriff;

(2) A person licensed as an attendant pursuant to chapter 450B of NRS if the person is a salaried employee of a public agency and is not retained under contract to perform services for the public agency;

(3) A person certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS if the person is a salaried employee or volunteer of a public agency and is not retained under contract to perform services for the public agency; or

(4) A volunteer attendant as that term is defined in NRS 450B.110.

(e) "Peace officer" means a category I peace officer, category II peace officer or category III peace officer as those terms are defined in NRS 289.460, 289.470 and 289.480, respectively.

(f) "Public agency" means an agency, bureau, commission, department or division of the State of Nevada or a political subdivision of the State of Nevada that provides police, firefighting, rescue or emergency medical services.

(g) "Public safety officer" means a person serving a public agency in an official capacity, with or without compensation, as a peace officer, a firefighter or a member of a rescue or emergency medical services crew.

Sec. 131. NRS 396.546 is hereby amended to read as follows:

396.546 1. In the most timely manner practicable after receiving a written request for an electronic version of instructional material from a student with a print access disability, an institution shall provide to the student, at no cost, an electronic version of each requested instructional material that the institution determines is essential to the success of the student in a course of study offered by an institution of the System in which the student is enrolled.

2. If an institution receives a request for an electronic version of nonprinted instructional material from a student pursuant to subsection 1 to whom the institution would be required to provide an electronic version of the material pursuant to subsection 1 and an electronic version of the nonprinted instructional material is not currently available at the institution or at another institution of the System, the institution must contact the publisher of the nonprinted instructional material and request an electronic version of the nonprinted instructional material. If the publisher:

(a) Has an electronic version of the nonprinted instructional material, the publisher must provide the electronic version to the institution for distribution to the student; or



(b) Does not have an electronic version of the nonprinted instructional material, the institution must create and provide to the student an electronic version in the most timely manner practicable after the institution is notified by the publisher that the publisher does not have an electronic version of the nonprinted instructional material.

3. As used in this section:

(a) "Institution" means any university ~~H~~ *or* state college ~~for community college~~ within the System.

(b) "Instructional material" means any published textbook and other published material that is used by students of the System. The term does not include nontextual mathematics and science materials unless, as determined by the Board of Regents, such materials are commercially available in a format that is compatible for use with equipment which is used by students of the System with print access disabilities to convert material into a format that provides them with the ability to have increased independent access to the material. The term includes, without limitation, nonprinted instructional material.

(c) "Nonprinted instructional material" means instructional material that is in a format other than print. The term does not include a website or Internet link that is associated with instructional material. The term includes, without limitation, instructional material that requires electronic equipment other than a computer or computer peripheral for the material to be used as a learning resource, such as a software program, videodisc, videotape and audiotape.

(d) "Print access disability" means a condition in which a person's independent reading of, reading comprehension of, or visual access to printed material is limited or reduced because of a sensory, neurological, cognitive, physical or psychiatric disability.

Sec. 132. NRS 396.548 is hereby amended to read as follows:

396.548 The Board of Regents shall require employees of the System to provide to the board of trustees of each school district of this State, as appropriate, information regarding the:

1. Number of pupils who graduated from a high school in the district in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university ~~H~~ *or* state college ~~for community college~~ within the System.

2. Costs incurred by the System in providing remedial instruction pursuant to subsection 1.

Sec. 133. NRS 396.568 is hereby amended to read as follows:

396.568 1. All credits earned by a student in a course at a community college within the *Nevada* System ~~H~~ *of Community Colleges*, including, without limitation, all credits earned in a course toward the award of an associate's degree must automatically



1 transfer toward the course work required of the student in his or her
2 major or minor, or other course work required of the student, for the
3 award of a baccalaureate degree upon graduation of the student from
4 any university or state college within the *Nevada System* ~~of~~ *of*
5 *Higher Education*.

6 2. Pursuant to the policy of the Board of Regents, a student
7 who is awarded an associate's degree ~~from a community college~~
8 *within the Nevada System of Community Colleges*;

9 (a) Shall be deemed to have completed the course of study
10 required of a sophomore.

11 (b) If the student enrolls in ~~another~~ *an* institution within the
12 *Nevada System* ~~of~~ *of Higher Education*, must be enrolled as a
13 junior.

14 3. All credits earned toward the completion of a degree of
15 associate of arts, associate of science or associate of business *from a*
16 *community college within the Nevada System of Community*
17 *Colleges* must automatically transfer toward the course work
18 required for the award of a baccalaureate degree upon the
19 graduation of the student from any university or college within the
20 *Nevada System* ~~of~~ *of Higher Education*.

21 ~~4.~~ 4. If the transfer of credit pursuant to this section is denied
22 and the student believes that the credit should be applied to his or
23 her degree, the student may appeal the decision. The appeal process
24 must be made available to all students and may be posted on the
25 ~~website~~ *websites* of the *Nevada System* ~~of~~ *of Higher Education*
26 *and the Nevada System of Community Colleges*.

27 **Sec. 134.** NRS 396.8395 is hereby amended to read as
28 follows:

29 396.8395 Subject to any existing pledges or other contractual
30 limitations and to the provisions of NRS 396.810:

31 1. The Board may include, without limitation, as pledged
32 revenues for the payment of bonds or other securities issued
33 hereunder:

34 (a) The gross revenues derived from the fees designated as the
35 capital improvement fee, the student union building fee, the student
36 center building fee, and the student union capital improvement fee,
37 or words of similar import, except for the words pertaining to any
38 such fee designating the campus or campuses of the System to
39 which the pledged fee or fees pertain, or any combination thereof;
40 and

41 (b) The gross revenues derived from the fee designated as the
42 general fund fee, except for the words pertaining thereto designating
43 the campus or campuses of the system to which the pledged fee
44 pertains, but subject to the limitation stated in subsection 5 of
45 NRS 396.840.



2. The Board may also include, without limitation, as pledged revenues for the payment of bonds or other securities issued hereunder, regardless of the location of the campus or campuses on which the project or projects are to be done for which the securities are authorized, the pledged revenues designated in subsection 1 pertaining to ~~†~~:

~~—(a) One, all or any combination of the campuses relating to the community colleges if the project or projects relate thereto and to one or more campuses thereof; or~~

~~—(b) Either~~ *either* or both the University of Nevada, Reno, and the University of Nevada, Las Vegas, if the project or projects relate to either of those campuses, the Desert Research Institute or any combination thereof.

Sec. 135. NRS 396.890 is hereby amended to read as follows:

396.890 1. The Board of Regents, *in cooperation with the State Board for Community Colleges*, may administer, directly or through a designated officer or employee of the *Nevada System of Higher Education*, a program to provide loans for fees, books and living expenses to students in the nursing programs of the *Nevada System of Higher Education and the Nevada System of Community Colleges*.

2. Each student to whom a loan is made must:

(a) Have been a “bona fide resident” of Nevada, as that term is defined in NRS 396.540 ~~†~~ *or section 61 of this act, as applicable*, for at least 6 months prior to the “matriculation” of the student in the *Nevada System of Higher Education or the Nevada System of Community Colleges, as applicable*, as that term is defined pursuant to NRS 396.540 ~~†~~ *or section 61 of this act, as applicable*;

(b) Be enrolled at the time the loan is made in a nursing program of the *Nevada System of Higher Education or the Nevada System of Community Colleges, as applicable*, for the purpose of becoming a licensed practical nurse or registered nurse;

(c) Fulfill all requirements for classification as a full-time student showing progression towards completion of the program; and

(d) Maintain at least a 2.00 grade point average in each class and at least a 2.75 overall grade point average, on a 4.0 grading scale.

3. Each loan must be made upon the following terms:

(a) All loans must bear interest at 8 percent per annum from the date when the student receives the loan.

(b) Each student receiving a loan must repay the loan with interest following the termination of the student’s education for which the loan is made. The loan must be repaid in monthly installments over the period allowed with the first installment due 1 year after the date of the termination of the student’s education for



1 which the loan is made. The amounts of the installments must not be
2 less than \$50 and may be calculated to allow a smaller payment at
3 the beginning of the period of repayment, with each succeeding
4 payment gradually increasing so that the total amount due will have
5 been paid within the period for repayment. The period for
6 repayment of the loans must be:

7 (1) Five years for loans which total less than \$10,000.

8 (2) Eight years for loans which total \$10,000 or more, but
9 less than \$20,000.

10 (3) Ten years for loans which total \$20,000 or more.

11 4. A delinquency charge may be assessed on any installment
12 delinquent 10 days or more in the amount of 8 percent of the
13 installment or \$4, whichever is greater, but not more than \$15.

14 5. The reasonable costs of collection and an attorney's fee may
15 be recovered in the event of delinquency.

16 **Sec. 136.** NRS 396.891 is hereby amended to read as follows:

17 396.891 1. The loans made pursuant to NRS 396.890 to
18 396.898, inclusive, must not exceed the following amounts per
19 student per semester. If the student is enrolled in a program of:

20 (a) A community college, \$1,700.

21 (b) A university, \$2,005.

22 2. Any money distributed pursuant to NRS 396.890 to 396.898,
23 inclusive, must be distributed among the campuses of the *Nevada*
24 *System of Higher Education and the Nevada System of*
25 *Community Colleges* in amounts that will allow the same
26 percentage of eligible students enrolled in the licensed practical
27 nurse and registered practical nurse programs of each campus to
28 receive loans.

29 **Sec. 137.** NRS 396.892 is hereby amended to read as follows:

30 396.892 1. Each student who receives a loan made pursuant
31 to NRS 396.890 to 396.898, inclusive, shall repay the loan and
32 accrued interest pursuant to the terms of the loan unless the student:

33 (a) Practices nursing in a rural area of Nevada or as an employee
34 of the State for 6 months for each academic year for which he or she
35 received a loan; or

36 (b) Practices nursing in any other area of Nevada for 1 year for
37 each academic year for which he or she received a loan.

38 2. The Board of Regents, *in cooperation with the State Board*
39 *for Community Colleges*, may adopt regulations:

40 (a) Extending the time for completing the required practice
41 beyond 5 years for persons who are granted extensions because of
42 hardship; and

43 (b) Granting prorated credit towards repayment of a loan for
44 time a person practices nursing as required, for cases in which the
45 period for required practice is only partially completed,



1 ↪ and such other regulations as are necessary to carry out the
2 provisions of NRS 396.890 to 396.898, inclusive.

3 3. As used in this section, "practices nursing in a rural area"
4 means that the person practices nursing in an area located in a
5 county whose population is less than 47,500 at least half of the total
6 time the person spends in the practice of nursing, and not less than
7 20 hours per week.

8 **Sec. 138.** NRS 396.916 is hereby amended to read as follows:

9 396.916 "Eligible institution" means:

10 1. A university ~~or~~ state college ~~for community college~~
11 within the Nevada System ~~of~~ *of Higher Education;*

12 2. *A community college within the Nevada System of*
13 *Community Colleges; or*

14 3. Any other nonsectarian college or university that:

15 (a) Was originally established in, and is organized under the
16 laws of, this state;

17 (b) Is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3);
18 and

19 (c) Is accredited by a regional accrediting agency recognized by
20 the United States Department of Education.

21 **Sec. 139.** NRS 396.930 is hereby amended to read as follows:

22 396.930 1. Except as otherwise provided in subsections 2 and
23 3, a student may apply to the Board of Regents for a Millennium
24 Scholarship if the student:

25 (a) Except as otherwise provided in paragraph (e) of subsection
26 2, has been a resident of this State for at least 2 years before the
27 student applies for the Millennium Scholarship;

28 (b) Except as otherwise provided in paragraph (c), graduated
29 from a public or private high school in this State:

30 (1) After May 1, 2000, but not later than May 1, 2003; or

31 (2) After May 1, 2003, and, except as otherwise provided in
32 paragraphs (c), (d) and (f) of subsection 2, not more than 6 years
33 before the student applies for the Millennium Scholarship;

34 (c) Does not satisfy the requirements of paragraph (b) and:

35 (1) Was enrolled as a pupil in a public or private high school
36 in this State with a class of pupils who were regularly scheduled to
37 graduate after May 1, 2000;

38 (2) Received his or her high school diploma within 4 years
39 after he or she was regularly scheduled to graduate; and

40 (3) Applies for the Millennium Scholarship not more than 6
41 years after he or she was regularly scheduled to graduate from high
42 school;

43 (d) Except as otherwise provided in paragraph (e), maintained in
44 high school in the courses designated by the Board of Regents
45 pursuant to paragraph (b) of subsection 2, at least:



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(1) A 3.00 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2003 or 2004;

(2) A 3.10 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or

(3) A 3.25 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class;

(e) Does not satisfy the requirements of paragraph (d) and received at least the minimum score established by the Board of Regents on a college entrance examination approved by the Board of Regents that was administered to the student while the student was enrolled as a pupil in a public or private high school in this State; and

(f) Is enrolled in at least:

(1) Nine semester credit hours in a community college within the Nevada System **of Community Colleges.**

(2) Twelve semester credit hours in another eligible institution; or

(3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.

2. The Board of Regents **, in coordination with the State Board for Community Colleges:**

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship.

(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.

(d) Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(1) The 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph (b) of subsection 1.



(2) The minimum number of credits prescribed in paragraph (e) of subsection 1.

(e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 3.

(f) Shall establish criteria with respect to students who have been actively serving or participating in a charitable, religious or public service assignment or mission to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must provide for the award of Millennium Scholarships to those students who qualify for the exemption and who otherwise meet the eligibility criteria to the extent that money is available to award Millennium Scholarships to the students after all other obligations for the award of Millennium Scholarships for the current school year have been satisfied.

3. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this State and who, except as otherwise provided in paragraph (e) of subsection 2, have been residents of this State for at least 2 years, the Board of Regents, *in cooperation with the State Board for Community Colleges*, shall establish:

(a) The minimum score on a standardized test that such students must receive; or

(b) Other criteria that students must meet, to be eligible for Millennium Scholarships.

4. In awarding Millennium Scholarships, the Board of Regents shall enhance ~~its~~ outreach to students who:

(a) Are pursuing a career in education or health care;

(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or

(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.

5. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant's eligibility for a Millennium Scholarship pursuant to the requirements of this section. The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant's immigration status or will file an application to legalize his or her immigration status as soon as he or she is eligible to do so.



Sec. 140. NRS 396.934 is hereby amended to read as follows:

396.934 1. Except as otherwise provided in this section, within the limits of money available in the Trust Fund, a student who is eligible for a Millennium Scholarship is entitled to receive:

(a) If he or she is enrolled in a community college within the *Nevada System of Community Colleges*, including, without limitation, a summer academic term, \$40 per credit for each lower division course and \$60 per credit for each upper division course in which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the community college that are not otherwise satisfied by other grants or scholarships, whichever is less. The *State Board of Regents for Community Colleges* shall provide for the designation of upper and lower division courses for the purposes of this paragraph.

(b) If he or she is enrolled in a state college within the *Nevada System of Higher Education*, including, without limitation, a summer academic term, \$60 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships, whichever is less.

(c) If he or she is enrolled in another eligible institution, including, without limitation, a summer academic term, \$80 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the university that are not otherwise satisfied by other grants or scholarships, whichever is less.

(d) If he or she is enrolled in more than one eligible institution, including, without limitation, a summer academic term, the amount authorized pursuant to paragraph (a), (b) or (c), or a combination thereof, in accordance with procedures and guidelines established by the Board of Regents *in cooperation with the State Board for Community Colleges*.

➤ In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of 15 semester credits per semester pursuant to this subsection.

2. No student may be awarded a Millennium Scholarship:

(a) To pay for remedial courses.

(b) For a total amount in excess of \$10,000.

3. A student who receives a Millennium Scholarship shall:

(a) Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents *and the State Board for Community Colleges* pursuant to subsection 8; and

(b) If the student graduated from high school after May 1, 2003, maintain:



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(1) At least a 2.60 grade point average on a 4.0 grading scale for each semester during the first year of enrollment in the Governor Guinn Millennium Scholarship Program.

(2) At least a 2.75 grade point average on a 4.0 grading scale for each semester during the second year of enrollment in the Governor Guinn Millennium Scholarship Program and for each semester during each year of enrollment thereafter.

4. A student who receives a Millennium Scholarship is encouraged to volunteer at least 20 hours of community service for this State, a political subdivision of this State or a charitable organization that provides service to a community or the residents of a community in this State during each year in which the student receives a Millennium Scholarship.

5. If a student does not satisfy the requirements of subsection 3 during one semester of enrollment, excluding a summer academic term, he or she is not eligible for the Millennium Scholarship for the succeeding semester of enrollment. If such a student:

(a) Subsequently satisfies the requirements of subsection 3 in a semester in which he or she is not eligible for the Millennium Scholarship, the student is eligible for the Millennium Scholarship for the student's next semester of enrollment.

(b) Fails a second time to satisfy the requirements of subsection 3 during any subsequent semester, excluding a summer academic term, the student is no longer eligible for a Millennium Scholarship.

6. A Millennium Scholarship must be used only:

(a) For the payment of registration fees and laboratory fees and expenses;

(b) To purchase required textbooks and course materials; and

(c) For other costs related to the attendance of the student at the eligible institution.

7. The Board of Regents, *in cooperation with the State Board for Community Colleges*, shall certify a list of eligible students to the State Treasurer. The State Treasurer shall disburse a Millennium Scholarship for each semester on behalf of an eligible student directly to the eligible institution in which the student is enrolled, upon certification from the eligible institution of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility and certification that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents *and the State Board for Community Colleges* pursuant to subsection 8. The Millennium Scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection 6.



1 If a student is enrolled in more than one eligible institution, the
2 Millennium Scholarship must be administered by the eligible
3 institution at which the student is enrolled in a program of study
4 leading to a recognized degree or certificate.

5 8. The Board of Regents , *in cooperation with the State Board*
6 *for Community Colleges*, shall establish:

7 (a) Criteria for determining whether a student is making
8 satisfactory academic progress toward a recognized degree or
9 certificate for purposes of subsection 7.

10 (b) Procedures to ensure that all money from a Millennium
11 Scholarship awarded to a student that is refunded in whole or in part
12 for any reason is refunded to the Trust Fund and not the student.

13 (c) Procedures and guidelines for the administration of a
14 Millennium Scholarship for students who are enrolled in more than
15 one eligible institution.

16 **Sec. 141.** NRS 396.952 is hereby amended to read as follows:

17 396.952 1. The Silver State Opportunity Grant Program is
18 hereby created for the purpose of awarding grants to eligible
19 students to pay for a portion of the cost of education at a community
20 college *within the Nevada System of Community Colleges* or *a*
21 state college within the *Nevada System* ~~of~~ *of Higher Education*.

22 2. The Board of Regents shall administer the Program ~~of~~ *in*
23 *cooperation with the State Board for Community Colleges*.

24 3. In administering the Program, the Board of Regents shall for
25 each semester, subject to the limits of money available for this
26 purpose, award a grant to each eligible student to pay for a portion
27 of the cost of education at a community college *within the Nevada*
28 *System of Community Colleges* or *a* state college within the *Nevada*
29 System ~~of~~ *of Higher Education*.

30 4. To be eligible for a grant awarded under the Program, a
31 student must:

32 (a) Be enrolled, or accepted to be enrolled, during a semester in
33 at least 15 credit hours at a community college *within the Nevada*
34 *System of Community Colleges* or *a* state college within the *Nevada*
35 System ~~of~~ *of Higher Education*;

36 (b) Be enrolled in a program of study leading to a recognized
37 degree or certificate;

38 (c) Demonstrate proficiency in English and mathematics
39 sufficient for placement into college-level English and mathematics
40 courses pursuant to regulations adopted by the Board of Regents for
41 such placement;

42 (d) Be a bona fide resident of the State of Nevada for the
43 purposes of determining pursuant to NRS 396.540 *or section 61 of*
44 *this act* whether the student is assessed a tuition charge; and



(e) Complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090.

Sec. 142. NRS 396.954 is hereby amended to read as follows:

396.954 1. For each eligible student, the Board of Regents or a designee thereof shall:

(a) Calculate the maximum amount of the grant which the student is eligible to receive. The maximum amount of such a grant must not exceed the amount equal to the cost of education of the student minus the amounts determined for the student contribution, family contribution and federal contribution to the cost of education of the student.

(b) Determine the actual amount of the grant which will be awarded to each student, which amount must not exceed the maximum amount calculated pursuant to paragraph (a), but which may be in a lesser amount if the Board of Regents or a designee thereof, as applicable, determines that the amount of money available for all grants for any semester is insufficient to award to all eligible students the maximum amount of the grant which each student is eligible to receive.

(c) Award to each eligible student a grant in the amount determined pursuant to paragraph (b).

2. Money received from a grant awarded under the Program must be used by a student only to pay for the cost of education of the student at a community college *within the Nevada System of Community Colleges* or a state college within the *Nevada System of Higher Education* and not for any other purpose.

Sec. 143. NRS 396.956 is hereby amended to read as follows:

396.956 1. The Board of Regents ~~H~~, *in cooperation with the State Board for Community Colleges:*

(a) Shall adopt regulations prescribing the procedures and standards for determining the eligibility of a student for a grant from the Program.

(b) Shall adopt regulations prescribing the methodology by which the Board of Regents or a designee thereof will calculate:

(1) The cost of education of a student at each community college *within the Nevada System of Community Colleges* and state college within the *Nevada System* ~~H~~ *of Higher Education* which must be consistent with the provisions of 20 U.S.C. § 10871l.

(2) For each student, the amounts of the student contribution, family contribution and federal contribution to the cost of education of the student.

(3) The maximum amount of the grant for which a student is eligible.

(c) Shall adopt regulations prescribing the process by which each student may meet the credit-hour requirement described in



paragraph (a) of subsection 4 of NRS 396.952 for eligibility for a grant awarded under the Program.

(d) May adopt any other regulations necessary to carry out the Program.

2. The regulations prescribed pursuant to this section must provide that:

(a) In determining the student contribution to the cost of education, the student contribution must not exceed the amount that the Board of Regents determines the student reasonably could be expected to earn from employment during the time the student is enrolled at a community college *within the Nevada System of Community Colleges* or state college within the *Nevada System of Higher Education*, including, without limitation, during breaks between semesters. This paragraph and any regulations adopted pursuant to this section must not be construed to require a student to seek or obtain employment as a condition of eligibility for a grant under the Program.

(b) Determination of the family contribution to the cost of education must be based on the family resources reported in the Free Application for Federal Student Aid submitted by the student.

(c) Determination of the federal contribution to the cost of education must be equal to the total amount that the student and his or her family are expected to receive from the Federal Government as grants.

Sec. 144. NRS 396.960 is hereby amended to read as follows:

396.960 On or before February 1 of each odd-numbered year, the Board of Regents shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report on the Program which must include, without limitation, information regarding:

1. The number of students during the immediately preceding school year who were awarded grants under the Program.

2. The average amount of each grant awarded under the Program for the immediately preceding school year.

3. The success of the Program, including, without limitation, information regarding the percentage of students awarded grants since the creation of the Program who have remained enrolled at a community college *within the Nevada System of Community Colleges* or a state college within the *Nevada System of Higher Education* and the percentage of students awarded grants since the creation of the Program who have been awarded a degree or certificate.



1 **Sec. 145.** Chapter 400 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 146, 147 and 148 of this
3 act.

4 **Sec. 146.** *1. The Articulation and Transfer Board,*
5 *consisting of 15 voting members appointed by the Governor, is*
6 *hereby created to facilitate the transfer of community college*
7 *students to colleges and universities within the Nevada System of*
8 *Higher Education and to consider other similar issues.*

9 *2. The Governor shall appoint 15 members to the Board as*
10 *follows:*

11 *(a) Five members from a list of candidates submitted by the*
12 *State Board of Education;*

13 *(b) Five members from a list of candidates submitted by the*
14 *State Board for Community Colleges; and*

15 *(c) Five members from a list of candidates submitted by the*
16 *Board of Regents of the University of Nevada.*

17 *3. The Governor shall appoint the Chair of the Board from*
18 *among its members.*

19 *4. After the initial terms, each member appointed to the*
20 *Board pursuant to subsection 2 serves a term of 4 years, except*
21 *that each member continues to serve until a successor is*
22 *appointed. A member of the Board may be reappointed.*

23 *5. If a vacancy occurs during the term of a member of the*
24 *Board appointed pursuant to subsection 2, the Governor shall*
25 *appoint a person to fill the vacancy for the remainder of the*
26 *unexpired term.*

27 **Sec. 147.** *1. The Articulation and Transfer Board created*
28 *by section 146 of this act shall meet at the call of the Chair.*

29 *2. The Board shall comply with the provisions of chapter 241*
30 *of NRS.*

31 *3. Each member of the Board is entitled to receive a salary of*
32 *\$80 for each meeting of the Board that he or she attends.*

33 *4. Each member of the Board is entitled to receive in*
34 *attending meetings of the Board, or while on the business of the*
35 *Board within the State:*

36 *(a) A per diem expense allowance not to exceed the greater of:*

37 *(1) The rate of \$60; or*

38 *(2) The maximum rate established by the Federal*
39 *Government for the locality in which the travel is performed.*

40 *(b) The travel allowance provided for state officers and*
41 *employees generally.*

42 *5. The Office of the Governor shall provide such:*

43 *(a) Administrative support;*

44 *(b) Equipment; and*



(c) Office space,
↪ as is necessary for the Board to carry out its duties.

Sec. 148. *1. The Articulation and Transfer Board created by section 146 of this act shall coordinate and facilitate the ability of pupils enrolled in public high schools in this State to successfully make the transition from high school to community college and from community college to a college or university within the Nevada System of Higher Education.*

2. The Board shall provide reports to the Director of the Legislative Counsel Bureau regarding successes, challenges and such other matters as the Board deems important for the consideration of the Legislature. The Director shall transmit the reports on a regular basis to the Legislative Committee on Education and the appropriate Standing Committees of the Legislature.

Sec. 149. NRS 400.015 is hereby amended to read as follows:

400.015 *As used in this chapter,* "Council" means the P-20W Advisory Council created by NRS 400.030.

Sec. 150. NRS 400.025 is hereby amended to read as follows:

400.025 The Legislature hereby finds and declares that:

1. The Board of Regents of the University of Nevada was created by the Nevada Constitution and empowered to control and manage the affairs of the Nevada System of Higher Education.

2. Matters relating to education are vitally important to the future of the State of Nevada, its economy and the general welfare of its residents. In light of the growing enrollments in Nevada's system of public elementary and secondary education and Nevada's system of public higher education, it is important that the Nevada Legislature, the Board of Regents, *the State Board for Community Colleges*, the State Board *of Education* and the Executive Branch of the State Government work together as partners in developing a needed public agenda to advance education in this State.

3. The development of an agenda to advance education should be carried out with a view toward seeking input from all parties who have a stake in the advancement of education in this State.

4. Coordination between elementary, secondary and higher education must be strengthened to ensure that pupils in the 12th grade are prepared adequately to make the transition from secondary education to higher education or to careers. To this end, a body should be established to coordinate education from the level of preschool through the completion of a bachelor's degree, to be known as the P-20W Advisory Council.

Sec. 151. NRS 400.030 is hereby amended to read as follows:

400.030 1. The P-20W Advisory Council, consisting of 11 voting members, is hereby created to assist in the coordination



1 between early childhood education programs, K-12 public
2 education, postsecondary education and the workforce in this State.
3 The Chancellor of the *Nevada System* **†† of Higher Education, the**
4 ***Executive Director of the State Board for Community Colleges,***
5 the Superintendent of Public Instruction and the Director of the
6 Department of Employment, Training and Rehabilitation serve as ex
7 officio nonvoting members of the Council.

8 2. The Governor shall appoint five members to the Council as
9 follows:

10 (a) One representative of higher education in this State.

11 (b) One representative of elementary and secondary education in
12 this State.

13 (c) One representative of private business in this State.

14 (d) One member who is a parent of a pupil enrolled in a public
15 school in this State or of a student enrolled in the *Nevada System of*
16 ***Community Colleges or the Nevada System*** **†† of Higher**
17 ***Education.*** The parent must not be employed by the board of
18 trustees of a school district, the Achievement School District, the
19 governing body of a charter school , *the Nevada System of*
20 ***Community Colleges*** or the *Nevada System* **†† of Higher**
21 ***Education.***

22 (e) One person who possesses knowledge of and experience in
23 early childhood education programs and services for children in this
24 State from birth through prekindergarten.

25 3. The Majority Leader of the Senate and the Speaker of the
26 Assembly shall each appoint two members to the Council as
27 follows:

28 (a) One member of the House of the Legislature that he or she
29 represents.

30 (b) One person who meets the qualifications of paragraph (a),
31 (b), (c) or (e) of subsection 2.

32 4. The Minority Leader of the Senate and the Minority Leader
33 of the Assembly shall each appoint one member to the Council who
34 is a member of the general public.

35 5. The members of the Council shall elect a Chair and a Vice
36 Chair from among the members of the Council. After the initial
37 term, the Chair and Vice Chair serve in the office for a term of 2
38 years beginning July 1 of each odd-numbered year. If a vacancy
39 occurs in the office of Chair or Vice Chair, the members of the
40 Council shall elect a member to fill the vacancy to serve for the
41 remainder of the unexpired term of that office.

42 6. After the initial terms, each member of the Council serves a
43 term of 3 years commencing on July 1 of the year of appointment.
44 Such members may be reappointed for one additional term. A
45 vacancy on the Council must be filled for the remainder of the



1 unexpired term in the same manner as the original appointment.
2 Each member of the Council continues in office until his or her
3 successor is appointed.

4 7. Any member who is absent from two consecutive meetings
5 of the Council without permission of the Chair:

6 (a) Forfeits his or her office; and

7 (b) Must be replaced as provided in subsection 6 for the filling
8 of a vacancy before the end of a term.

9 **Sec. 152.** NRS 400.035 is hereby amended to read as follows:

10 400.035 1. The Council shall meet at least once each calendar
11 quarter and as frequently as necessary to afford the general public,
12 representatives of governmental agencies and representatives of
13 organizations an opportunity to present information and
14 recommendations relating to the coordination between elementary,
15 secondary and postsecondary education, including, without
16 limitation, the Nevada Youth Legislature created by NRS 219A.130
17 and the Advisory Council on Parental Involvement and Family
18 Engagement established by NRS 385.610.

19 2. The Council shall comply with the provisions of chapter 241
20 of NRS.

21 3. For each day or portion of a day during which the members
22 of the Council attend a meeting of the Council or are otherwise
23 engaged in the business of the Council:

24 (a) The members who are Legislators are entitled to receive the
25 compensation provided for a majority of the members of the
26 Legislature during the first 60 days of the preceding regular session
27 plus the per diem allowance provided for state officers and
28 employees generally and the travel expenses provided pursuant to
29 NRS 218A.655, payable from the Legislative Fund.

30 (b) The members who are appointed by the Majority Leader of
31 the Senate, the Speaker of the Assembly, the Minority Leader of the
32 Senate and the Minority Leader of the Assembly who are not
33 Legislators are entitled to receive the per diem allowance and travel
34 expenses provided for state officers and employees generally,
35 payable from the Legislative Fund.

36 (c) The members who are appointed by the Governor are
37 entitled to receive the per diem allowance and travel expenses
38 provided for state officers and employees generally, payable as
39 other claims against the State are paid.

40 4. The Office of the Governor shall provide:

41 (a) Administrative support;

42 (b) Equipment; and

43 (c) Office space,

44 ➡ as is necessary for the Council to carry out its duties.



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5. The Board of Regents of the University of Nevada , *the State Board for Community Colleges* and the Department shall provide technical assistance to the Council upon the request of the Chair.

Sec. 153. NRS 400.040 is hereby amended to read as follows:

400.040 1. The Council shall address:

(a) Methods to increase the number of students who enroll in programs at the *Nevada System of Community Colleges or the Nevada System of Higher Education* to become teachers, including, without limitation, financial aid programs for students enrolled in those programs.

(b) Methods to ensure the successful transition of children from early childhood education programs to elementary school, including, without limitation, methods to increase parental involvement.

(c) Methods to ensure the successful transition of pupils from:

(1) Elementary school to middle school;

(2) Middle school to high school; and

(3) High school to postsecondary education or the workforce, or both,

including, without limitation, methods to increase parental involvement.

(d) Methods to ensure that the course work, standards and assessments required of pupils in secondary schools is aligned with the workload expected of students at the postsecondary level.

(e) Methods to ensure collaboration among the business community, members of the academic community and political leaders to set forth a process for developing strategies for the growth and diversification of the economy of this State.

(f) Policies relating to workforce development, employment needs of private employers and workforce shortages in occupations critical to the education, health and safety of the residents of this State.

(g) The development and oversight of a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.

(h) A plan for collaborative research using data from the statewide longitudinal data system developed pursuant to paragraph (g), including, without limitation, research that assesses:

(1) The efficiency and effectiveness of the use of state resources to improve the readiness of pupils in this State for postsecondary education and the workforce;

(2) The effectiveness of the preparation of teachers and administrators in this State; and



(3) The return on investment of educational and workforce development programs paid for by this State.

(i) Other matters within the scope of the Council as determined necessary or appropriate by the Council.

2. The Council may:

(a) Establish committees to assist the Council in carrying out its duties.

(b) Apply for any available grants and may accept any gifts, grants and donations from any source to assist the Council in carrying out its duties.

Sec. 154. NRS 400.045 is hereby amended to read as follows:

400.045 On or before June 30 of each year, the Council shall submit a written report of its activities and any recommendations to the:

1. Board of Regents of the University of Nevada;

2. *State Board for Community Colleges;*

3. State Board ~~of~~

~~3.~~ *of Education;*

4. Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature;

~~4.~~ 5. Legislative Committee on Education; and

~~5.~~ 6. Governor.

Sec. 155. NRS 1.530 is hereby amended to read as follows:

1.530 1. The Chief Justice shall appoint, from a list of recommendations submitted to the Chief Justice by the Court Administrator, a committee to advise the Court Administrator regarding adoption of regulations pursuant to NRS 1.510 and 1.520. The committee must consist of:

(a) A district judge;

(b) A justice of the peace or municipal judge in a county whose population is less than 100,000;

(c) An administrator of a district court;

(d) An administrator of a justice court or municipal court in a county whose population is less than 100,000;

(e) A representative of the Nevada System of Higher Education;

(f) *A representative of the Nevada System of Community Colleges;*

(g) A representative of a nonprofit organization for persons who speak a language other than English; and

~~(g)~~ (h) A person certified to act as an interpreter for a federal court.

2. The Court Administrator is ex officio chair of the committee.

3. Members of the committee shall serve in that capacity without any additional compensation.



Sec. 156. NRS 2.345 is hereby amended to read as follows:

2.345 The following persons and agencies are entitled to the supreme court decisions in pamphlet form without charge:

1. Each of the judges of the District Court of the United States, one copy.

2. The Supreme Court Law Library, two copies.

3. Each state officer, district judge, district attorney, county clerk, justice of the peace and municipal judge in this State, one copy.

4. Each public library in this State, one copy.

5. Each library in the Nevada System of Higher Education, one copy.

6. Each library in the Nevada System of Community Colleges, one copy.

7. Each newspaper published in this State, and each commercial television and radio station transmitting in this State, one copy upon its annual request therefor.

Sec. 157. 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, *the Nevada System of Community Colleges* 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,



1 mines, mills, smelters or other works for the reduction of ores, with
2 water for domestic and other uses, for irrigating purposes, for
3 draining and reclaiming lands, or for floating logs and lumber on
4 streams not navigable.

5 (f) Byroads. Byroads leading from highways to residences and
6 farms.

7 (g) Public utilities. Lines for telephone, electric light and electric
8 power and sites for plants for electric light and power.

9 (h) Sewerage. Sewerage of any city, town, settlement of not less
10 than 10 families or any public building belonging to the State or
11 college or university.

12 (i) Water for generation and transmission of electricity. Canals,
13 reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying
14 and storing water for the operation of machinery to generate and
15 transmit electricity for power, light or heat.

16 (j) Cemeteries, public parks. Cemeteries or public parks.

17 (k) Pipelines for petroleum products, natural gas. Pipelines for
18 the transportation of crude petroleum, petroleum products or natural
19 gas, whether interstate or intrastate.

20 (l) Aviation. Airports, facilities for air navigation and aerial
21 rights-of-way.

22 (m) Monorails. Monorails and any other overhead or
23 underground system used for public transportation.

24 (n) Video service providers. Video service providers that are
25 authorized pursuant to chapter 711 of NRS to operate a video
26 service network. The exercise of the power of eminent domain may
27 include the right to use the wires, conduits, cables or poles of any
28 public utility if:

29 (1) It creates no substantial detriment to the service provided
30 by the utility;

31 (2) It causes no irreparable injury to the utility; and

32 (3) The Public Utilities Commission of Nevada, after giving
33 notice and affording a hearing to all persons affected by the
34 proposed use of the wires, conduits, cables or poles, has found that it
35 is in the public interest.

36 (o) Redevelopment. The acquisition of property pursuant to
37 chapter 279 of NRS.

38 2. Notwithstanding any other provision of law and except as
39 otherwise provided in this subsection, the public uses for which
40 private property may be taken by the exercise of eminent domain do
41 not include the direct or indirect transfer of any interest in the
42 property to another private person or entity. Property taken by the
43 exercise of eminent domain may be transferred to another private
44 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. 158. NRS 43.080 is hereby amended to read as follows:

43.080 "Municipality" means the State of Nevada, or any corporation, instrumentality or other agency thereof, or any incorporated city, any unincorporated town, or any county, school district, conservancy district, drainage district, irrigation district, general improvement district, other corporate district constituting a political subdivision of this State, housing authority, urban renewal authority, other type of authority, the Nevada System of Higher Education, the Board of Regents of the University of Nevada, *the Nevada System of Community Colleges, the State Board for*



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1 *Community Colleges* or any other body corporate and politic of the
2 State of Nevada, but excluding the Federal Government.

3 **Sec. 159.** NRS 49.117 is hereby amended to read as follows:

4 49.117 As used in NRS 49.117 to 49.123, inclusive, unless the
5 context otherwise requires, "review committee" means:

6 1. An organized committee of:

7 (a) A hospital;

8 (b) An ambulatory surgical center;

9 (c) A health maintenance organization;

10 (d) An organization that provides emergency medical services
11 pursuant to the provisions of chapter 450B of NRS;

12 (e) A medical facility as defined in NRS 449.0151; ~~for~~

13 (f) An institution of the Nevada System of Higher Education or
14 any of its affiliated organizations that provides a clinical program or
15 practice related to the medical treatment or care of *patients; or*

16 *(g) A community college within the Nevada System of*
17 *Community Colleges or any of its affiliated organizations that*
18 *provides a clinical program or practice related to the medical*
19 *treatment or care of patients,*

20 ➔ which has the responsibility of evaluating and improving the
21 quality of care rendered by the parent organization;

22 2. A peer review committee of a medical or dental society; or

23 3. A medical review committee of a county or district board of
24 health that certifies, licenses or regulates providers of emergency
25 medical services pursuant to the provisions of chapter 450B of NRS,
26 but only when functioning as a peer review committee.

27 **Sec. 160.** NRS 62C.060 is hereby amended to read as follows:

28 62C.060 1. If a child is taken into custody for an unlawful act
29 that involves the possession, use or threatened use of a firearm, the
30 child must not be released before a detention hearing is held
31 pursuant to NRS 62C.040.

32 2. At the detention hearing, the juvenile court shall, if the child
33 was taken into custody for:

34 (a) Carrying or possessing a firearm while on the property of the
35 Nevada System of Higher Education, *the Nevada System of*
36 *Community Colleges*, a private or public school or child care
37 facility, or while in a vehicle of a private or public school or child
38 care facility, order the child to:

39 (1) Be evaluated by a qualified professional; and

40 (2) Submit to a test to determine whether the child is using
41 any controlled substance.

42 (b) Committing an unlawful act involving a firearm other than
43 the act described in paragraph (a), determine whether to order the
44 child to be evaluated by a qualified professional.



3. If the juvenile court orders the child to be evaluated by a qualified professional or to submit to a test to determine whether the child is using any controlled substance, the evaluation or the results from the test must be completed not later than 14 days after the detention hearing. Until the evaluation or the test is completed, the child must be:

(a) Detained at a facility for the detention of children; or

(b) Placed under a program of supervision in the home of the child that may include electronic surveillance of the child.

4. If a child is evaluated by a qualified professional pursuant to this section, the statements made by the child to the qualified professional during the evaluation and any evidence directly or indirectly derived from those statements may not be used for any purpose in a proceeding which is conducted to prove that the child committed a delinquent act or criminal offense. The provisions of this subsection do not prohibit the district attorney from proving that the child committed a delinquent act or criminal offense based upon evidence obtained from sources or by means that are independent of the statements made by the child to the qualified professional during the evaluation.

5. As used in this section, "child care facility" has the meaning ascribed to it in paragraph (a) of subsection 5 of NRS 202.265.

Sec. 161. NRS 171.1223 is hereby amended to read as follows:

171.1223 1. Except as otherwise provided in subsection 3, in a county whose population is 100,000 or more, a peace officer with limited jurisdiction who witnesses a category A felony being committed or attempted in the officer's presence, or has reasonable cause for believing a person has committed or attempted to commit a category A felony in an area that is within the officer's jurisdiction, shall immediately notify the primary law enforcement agency in the city or county, as appropriate, where the offense or attempted offense was committed.

2. Upon arrival of an officer from the primary law enforcement agency notified pursuant to subsection 1, a peace officer with limited jurisdiction shall immediately transfer the investigation of the offense or attempted offense to the primary law enforcement agency.

3. The provisions of subsection 1 do not:

(a) Apply to an offense or attempted offense that is a misdemeanor, gross misdemeanor or felony other than a category A felony;

(b) Apply to an officer of the Nevada Highway Patrol, a member of the police department of the Nevada System of Higher Education ~~or~~ *or the Nevada System of Community Colleges*, an agent of the



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1 Investigation Division of the Department of Public Safety or a
2 ranger of the Division of State Parks of the State Department of
3 Conservation and Natural Resources;

4 (c) Apply to a peace officer with limited jurisdiction if an
5 interlocal agreement between the officer's employer and the primary
6 law enforcement agency in the city or county in which a category A
7 felony was committed or attempted authorizes the peace officer with
8 limited jurisdiction to respond to and investigate the felony without
9 immediately notifying the primary law enforcement agency; or

10 (d) Prohibit a peace officer with limited jurisdiction from:

11 (1) Contacting a primary law enforcement agency for
12 assistance with an offense that is a misdemeanor, gross
13 misdemeanor or felony that is not a category A felony; or

14 (2) Responding to a category A felony until the appropriate
15 primary law enforcement agency arrives at the location where the
16 felony was allegedly committed or attempted, including, without
17 limitation, taking any appropriate action to provide assistance to a
18 victim of the felony, to apprehend the person suspected of
19 committing or attempting to commit the felony, to secure the
20 location where the felony was allegedly committed or attempted and
21 to protect the life and safety of the peace officer and any other
22 person present at that location.

23 4. As used in this section:

24 (a) "Peace officer with limited jurisdiction" means:

25 (1) A school police officer who is appointed or employed
26 pursuant to subsection 2 of NRS 391.281;

27 (2) An airport guard or police officer who is appointed
28 pursuant to NRS 496.130;

29 (3) A person employed to provide police services for an
30 airport authority created by a special act of the Legislature; and

31 (4) A marshal or park ranger who is part of a unit of
32 specialized law enforcement established pursuant to NRS 280.125.

33 (b) "Primary law enforcement agency" means:

34 (1) A police department of an incorporated city;

35 (2) The sheriff's office of a county; or

36 (3) If the county is within the jurisdiction of a metropolitan
37 police department, the metropolitan police department.

38 **Sec. 162.** NRS 179D.045 is hereby amended to read as
39 follows:

40 179D.045 "Institution of higher education" means:

41 1. A university ~~H~~ or college ~~for community college~~ which is
42 privately owned or which is part of the Nevada System of Higher
43 Education;

44 2. *A community college which is privately owned or which is*
45 *part of the Nevada System of Community Colleges;* and



~~12-1~~ 3. A postsecondary educational institution, as defined in NRS 394.099, or any other institution of higher education.

Sec. 163. NRS 201.480 is hereby amended to read as follows:

201.480 "College" means a college ~~for community college~~ which is privately owned or which is part of the Nevada System of Higher Education ~~or a community college which is privately owned or which is part of the Nevada System of Community Colleges.~~

Sec. 164. NRS 202.2483 is hereby amended to read as follows:

202.2483 1. Except as otherwise provided in subsection 3, smoking tobacco in any form is prohibited within indoor places of employment including, but not limited to, the following:

- (a) Child care facilities;
- (b) Movie theatres;
- (c) Video arcades;
- (d) Government buildings and public places;
- (e) Malls and retail establishments;
- (f) All areas of grocery stores; and
- (g) All indoor areas within restaurants.

2. Without exception, smoking tobacco in any form is prohibited within school buildings and on school property.

3. Smoking tobacco is not prohibited in:

(a) Areas within casinos where loitering by minors is already prohibited by state law pursuant to NRS 463.350;

(b) Completely enclosed areas with stand-alone bars, taverns and saloons in which patrons under 21 years of age are prohibited from entering;

(c) Age-restricted stand-alone bars, taverns and saloons;

(d) Strip clubs or brothels;

(e) Retail tobacco stores;

(f) The area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:

(1) Is not open to the public;

(2) Is being produced or organized by a business relating to tobacco or a professional association for convenience stores; and

(3) Involves the display of tobacco products; and

(g) Private residences, including private residences which may serve as an office workplace, except if used as a child care, an adult day care or a health care facility.

4. A supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon shall not allow a person who is under 21 years of age to loiter in an age-restricted stand-alone bar, tavern or saloon or an area of a



1 stand-alone bar, tavern or saloon where smoking is allowed pursuant
2 to this section. A person who violates the provisions of this
3 subsection is guilty of a misdemeanor.

4 5. If a supervisor on duty or employee of an age-restricted
5 stand-alone bar, tavern or saloon or a stand-alone bar, tavern or
6 saloon violates the provisions of subsection 4, the age-restricted
7 stand-alone bar, tavern or saloon or stand-alone bar, tavern or saloon
8 is liable for a civil penalty of:

9 (a) For the first offense, \$1,000.

10 (b) For a second or subsequent offense, \$2,000.

11 6. In any prosecution or other proceeding for a violation of the
12 provisions of subsection 4 or 5, it is no excuse for a supervisor,
13 employee, age-restricted bar, tavern or saloon, or stand-alone bar,
14 tavern or saloon alleged to have committed the violation to plead
15 that a supervisor or employee believed that the person who was
16 permitted to loiter was 21 years of age or older.

17 7. In areas or establishments where smoking is not prohibited
18 by this section, nothing in state law shall be construed to prohibit
19 the owners of said establishments from voluntarily creating
20 nonsmoking sections or designating the entire establishment as
21 smoke free.

22 8. Nothing in state law shall be construed to restrict local
23 control or otherwise prohibit a county, city or town from adopting
24 and enforcing local tobacco control measures that meet or exceed
25 the minimum applicable standards set forth in this section.

26 9. "No Smoking" signs or the international "No Smoking"
27 symbol shall be clearly and conspicuously posted in every public
28 place and place of employment where smoking is prohibited by this
29 section. Each public place and place of employment where smoking
30 is prohibited shall post, at every entrance, a conspicuous sign clearly
31 stating that smoking is prohibited. All ashtrays and other smoking
32 paraphernalia shall be removed from any area where smoking is
33 prohibited.

34 10. Health authorities, police officers of cities or towns,
35 sheriffs and their deputies shall, within their respective jurisdictions,
36 enforce the provisions of this section and shall issue citations for
37 violations of this section pursuant to NRS 202.2492 and 202.24925.

38 11. No person or employer shall retaliate against an employee,
39 applicant or customer for exercising any rights afforded by, or
40 attempts to prosecute a violation of, this section.

41 12. For the purposes of this section, the following terms have
42 the following definitions:

43 (a) "Age-restricted stand-alone bar, tavern or saloon" means an
44 establishment:



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(1) Devoted primarily to the sale of alcoholic beverages to be consumed on the premises;

(2) In which food service or sales may or may not be incidental food service or sales, in the discretion of the operator of the establishment;

(3) In which patrons under 21 years of age are prohibited at all times from entering the premises; and

(4) That must be located within:

(I) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplace where smoking is prohibited by this section; or

(II) A completely enclosed area of a larger structure, which may include, without limitation, a strip mall or an airport, provided that indoor windows must remain closed at all times and doors must remain closed when not actively in use.

(b) "Casino" means an entity that contains a building or large room devoted to gambling games or wagering on a variety of events. A casino must possess a nonrestricted gaming license as described in NRS 463.0177 and typically uses the word 'casino' as part of its proper name.

(c) "Child care facility" has the meaning ascribed to it in NRS 441A.030.

(d) "Completely enclosed area" means an area that is enclosed on all sides by any combination of solid walls, windows or doors that extend from the floor to the ceiling.

(e) "Government building" means any building or office space owned or occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System;

(2) *Any component of the Nevada System of Community Colleges and used for any purpose relating to the System;*

(3) The State of Nevada and used for any public purpose; or

~~(3)~~ (4) Any county, city, school district or other political subdivision of the State and used for any public purpose.

(f) "Health authority" has the meaning ascribed to it in NRS 202.2485.

(g) "Incidental food service or sales" means the service of prepackaged food items including, but not limited to, peanuts, popcorn, chips, pretzels or any other incidental food items that are exempt from food licensing requirements pursuant to subsection 2 of NRS 446.870.

(h) "Place of employment" means any enclosed area under the control of a public or private employer which employees frequent during the course of employment including, but not limited to, work



1 areas, restrooms, hallways, employee lounges, cafeterias, conference
2 and meeting rooms, lobbies and reception areas.

3 (i) "Public places" means any enclosed areas to which the public
4 is invited or in which the public is permitted.

5 (j) "Restaurant" means a business which gives or offers for sale
6 food, with or without alcoholic beverages, to the public, guests or
7 employees, as well as kitchens and catering facilities in which food
8 is prepared on the premises for serving elsewhere.

9 (k) "Retail tobacco store" means a retail store utilized primarily
10 for the sale of tobacco products and accessories and in which the
11 sale of other products is merely incidental.

12 (l) "School building" means all buildings on the grounds of any
13 public school described in NRS 388.020 and any private school as
14 defined in NRS 394.103.

15 (m) "School property" means the grounds of any public school
16 described in NRS 388.020 and any private school as defined in
17 NRS 394.103.

18 (n) "Stand-alone bar, tavern or saloon" means an establishment:

19 (1) Devoted primarily to the sale of alcoholic beverages to be
20 consumed on the premises;

21 (2) In which food service or sales may or may not be
22 incidental food service or sales, in the discretion of the operator of
23 the establishment;

24 (3) In which smoke from such establishments does not
25 infiltrate into areas where smoking is prohibited under the
26 provisions of this section; and

27 (4) That must be housed in either:

28 (I) A physically independent building that does not share
29 a common entryway or indoor area with a restaurant, public place or
30 any other indoor workplaces where smoking is prohibited by this
31 section; or

32 (II) A completely enclosed area of a larger structure, such
33 as a strip mall or an airport, provided that indoor windows must
34 remain shut at all times and doors must remain closed when not
35 actively in use.

36 (o) "Video arcade" has the meaning ascribed to it in paragraph
37 (d) of subsection 3 of NRS 453.3345.

38 13. Any statute or regulation inconsistent with this section is
39 null and void.

40 14. The provisions of this section are severable. If any
41 provision of this section or the application thereof is declared by a
42 court of competent jurisdiction to be invalid or unconstitutional,
43 such declaration shall not affect the validity of the section as a
44 whole or any provision thereof other than the part declared to be
45 invalid or unconstitutional.



Sec. 165. NRS 202.2491 is hereby amended to read as follows:

202.2491 1. Except as otherwise provided in subsections 5 and 6 and NRS 202.24915, the smoking of tobacco in any form is prohibited if done in any:

(a) Public elevator.

(b) Public building.

(c) Public waiting room, lobby or hallway of any:

(1) Medical facility or facility for the dependent as defined in chapter 449 of NRS; or

(2) Office of any chiropractor, dentist, physical therapist, physician, podiatric physician, psychologist, optician, optometrist or doctor of Oriental medicine.

(d) Hotel or motel when so designated by the operator thereof.

(e) Public area of a store principally devoted to the sale of food for human consumption off the premises.

(f) Child care facility.

(g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.

(h) School bus.

(i) Video arcade.

2. The person in control of an area listed in paragraph (c), (d), (e) or (g) of subsection 1:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) May designate separate rooms or portions of the area which may be used for smoking, except for a room or portion of the area of a store described in paragraph (e) of subsection 1 if the room or portion of the area:

(1) Is leased to or operated by a person licensed pursuant to NRS 463.160; and

(2) Does not otherwise qualify for an exemption set forth in NRS 202.24915.

3. The person in control of a public building:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.

➔ A school district which prohibits the use of tobacco by pupils need not designate an area which may be used by the pupils to smoke.

4. The operator of a restaurant with a seating capacity of 50 or more shall maintain a flexible nonsmoking area within the restaurant



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1 and offer each patron the opportunity to be seated in a smoking or
2 nonsmoking area.

3 5. A business which derives more than 50 percent of its gross
4 receipts from the sale of alcoholic beverages or 50 percent of its
5 gross receipts from gaming operations may be designated as a
6 smoking area in its entirety by the operator of the business.

7 6. The smoking of tobacco is not prohibited in:

8 (a) Any room or area designated for smoking pursuant to
9 paragraph (b) of subsection 2 or paragraph (b) of subsection 3.

10 (b) A licensed gaming establishment. A licensed gaming
11 establishment may designate separate rooms or areas within the
12 establishment which may or may not be used for smoking.

13 7. As used in this section:

14 (a) "Child care facility" means an establishment operated and
15 maintained to furnish care on a temporary or permanent basis,
16 during the day or overnight, to five or more children under 18 years
17 of age, if compensation is received for the care of any of those
18 children. The term does not include the home of a natural person
19 who provides child care.

20 (b) "Licensed gaming establishment" has the meaning ascribed
21 to it in NRS 463.0169.

22 (c) "Public building" means any building or office space owned
23 or occupied by:

24 (1) Any component of the Nevada System of Higher
25 Education and used for any purpose related to the System.

26 (2) *Any component of the Nevada System of Community*
27 *Colleges and used for any purpose relating to the System.*

28 (3) The State of Nevada and used for any public purpose,
29 other than that used by the Department of Corrections to house or
30 provide other services to offenders.

31 ~~(3)~~ (4) Any county, city, school district or other political
32 subdivision of the State and used for any public purpose.

33 ➤ If only part of a building is owned or occupied by an entity
34 described in this paragraph, the term means only that portion of the
35 building which is so owned or occupied.

36 (d) "School bus" has the meaning ascribed to it in NRS 483.160.

37 (e) "Video arcade" means a facility legally accessible to persons
38 under 18 years of age which is intended primarily for the use of
39 pinball and video machines for amusement and which contains a
40 minimum of 10 such machines.

41 **Sec. 166.** NRS 202.265 is hereby amended to read as follows:

42 202.265 1. Except as otherwise provided in this section, a
43 person shall not carry or possess while on the property of the
44 Nevada System of Higher Education, *the Nevada System of*
45 *Community Colleges*, a private or public school or child care



1 facility, or while in a vehicle of a private or public school or child
2 care facility:

- 3 (a) An explosive or incendiary device;
- 4 (b) A dirk, dagger or switchblade knife;
- 5 (c) A nunchaku or trefoil;
- 6 (d) A blackjack or billy club or metal knuckles;
- 7 (e) A pneumatic gun;
- 8 (f) A pistol, revolver or other firearm; or
- 9 (g) Any device used to mark any part of a person with paint or
10 any other substance.

11 2. Any person who violates subsection 1 is guilty of a gross
12 misdemeanor.

13 3. This section does not prohibit the possession of a weapon
14 listed in subsection 1 on the property of:

- 15 (a) A private or public school or child care facility by a:

- 16 (1) Peace officer;
- 17 (2) School security guard; or
- 18 (3) Person having written permission from the president of a
19 branch or facility of the Nevada System of Higher Education , *the*
20 *president of a community college within the Nevada System of*
21 *Community Colleges* or the principal of the school or the person
22 designated by a child care facility to give permission to carry or
23 possess the weapon.

24 (b) A child care facility which is located at or in the home of a
25 natural person by the person who owns or operates the facility so
26 long as the person resides in the home and the person complies with
27 any laws governing the possession of such a weapon.

28 4. The provisions of this section apply to a child care facility
29 located at or in the home of a natural person only during the normal
30 hours of business of the facility.

31 5. For the purposes of this section:

32 (a) "Child care facility" means any child care facility that is
33 licensed pursuant to chapter 432A of NRS or licensed by a city or
34 county.

35 (b) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

36 (c) "Pneumatic gun" means any implement designed as a gun
37 that may expel a ball bearing or a pellet by action of pneumatic
38 pressure. The term includes, without limitation, a paintball gun that
39 expels plastic balls filled with paint for the purpose of marking the
40 point of impact.

41 (d) "Switchblade knife" means a spring-blade knife, snap-blade
42 knife or any other knife having the appearance of a pocketknife, any
43 blade of which is 2 or more inches long and which can be released
44 automatically by a flick of a button, pressure on the handle or other
45 mechanical device, or is released by any type of mechanism. The



term does not include a knife which has a blade that is held in place by a spring if the blade does not have any type of automatic release.

(e) "Trefoil" has the meaning ascribed to it in NRS 202.350.

(f) "Vehicle" has the meaning ascribed to "school bus" in NRS 484A.230.

Sec. 167. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while the permittee is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while the permittee is on the premises of:

(a) A public building that is located on the property of a public school or a child care facility or the property of the Nevada System of Higher Education ~~or~~ *or the Nevada System of Community Colleges*, unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265.

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he or she is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which the judge presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he or she is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he or she is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he or she is on the premises of the public building if the permittee has received written permission from the person in control of the public



1 building to carry a concealed firearm while the permittee is on the
2 premises of the public building.

3 5. A person who violates subsection 2 or 3 is guilty of a
4 misdemeanor.

5 6. As used in this section:

6 (a) "Child care facility" has the meaning ascribed to it in
7 paragraph (a) of subsection 5 of NRS 202.265.

8 (b) "Public building" means any building or office space
9 occupied by:

10 (1) Any component of the Nevada System of Higher
11 Education and used for any purpose related to the System; ~~for~~

12 (2) *Any component of the Nevada System of Community*
13 *Colleges and used for any purpose related to the System; or*

14 (3) The Federal Government, the State of Nevada or any
15 county, city, school district or other political subdivision of the State
16 of Nevada and used for any public purpose.

17 ➡ If only part of the building is occupied by an entity described in
18 this subsection, the term means only that portion of the building
19 which is so occupied.

20 **Sec. 168.** NRS 203.119 is hereby amended to read as follows:

21 203.119 1. A person shall not commit any act in a public
22 building or on the public grounds surrounding the building which
23 interferes with the peaceful conduct of activities normally carried on
24 in the building or on the grounds.

25 2. Any person whose conduct is prohibited by subsection 1
26 who refuses to leave the building or grounds upon request by the
27 proper official is guilty of a misdemeanor.

28 3. Any person who aids, counsels or abets another to commit
29 an act prohibited by subsection 2 is guilty of a misdemeanor.

30 4. For the purpose of this section:

31 (a) "Proper official" means the person or persons designated by
32 the administrative officer or board in charge of the building.

33 (b) "Public building" means any building owned by:

34 (1) Any component of the Nevada System of Higher
35 Education and used for any purpose related to the System.

36 (2) *Any component of the Nevada System of Community*
37 *Colleges and used for any purpose related to the System.*

38 (3) The State of Nevada or any county, city, school district or
39 other political subdivision of the State and used for any public
40 purpose.

41 **Sec. 169.** NRS 205.462 is hereby amended to read as follows:

42 205.462 "Public body" means:

43 1. The State of Nevada, or any agency, instrumentality or
44 corporation thereof;

45 2. The Nevada System of Higher Education;



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3. *The Nevada System of Community Colleges;*

4. Any municipality, county, school district or other type of district, or a city or town, incorporated or unincorporated; or

~~4.1~~ 5. Any other body corporate and politic comprising a political subdivision of this State or acting on behalf thereof.

Sec. 170. NRS 209.391 is hereby amended to read as follows:

209.391 The Director shall:

1. Establish programs to provide medical, psychological, psychiatric and other appropriate forms of counseling to offenders under the jurisdiction of the Department in accordance with classification requirements.

2. Administer programs of general education, vocational training and other rehabilitation for offenders established by the Board.

3. Within the limits of legislative appropriations, purchase textbooks for use by offenders who are enrolled in courses of general education and vocational training offered by any branch or facility of the Nevada System of Higher Education ~~H~~ *or the Nevada System of Community Colleges*. Any textbooks purchased pursuant to this section must remain the property of the State and must be reissued to offenders as appropriate.

4. Within the limits of legislative appropriations, establish programs of research, statistics and planning to:

(a) Determine and review periodically the effectiveness of the Department's programs of education, vocational training and other rehabilitation for offenders;

(b) Provide annually, and at other times when so requested, to the Board, the Governor and the Legislature information pertaining to:

(1) The number of offenders who are participating in and who complete those programs;

(2) The effectiveness of those programs in accomplishing their purposes; and

(3) The number of offenders who are returned to prison after their release; and

(c) Effect appropriate changes in the programs established by the Board.

Sec. 171. NRS 218A.970 is hereby amended to read as follows:

218A.970 1. Except as otherwise provided in subsection 2, a Legislator shall not:

(a) Become a named contractor or named subcontractor under any contract or order for supplies or any other kind of contract paid for in whole or in part by money appropriated by the Legislature of which that Legislator is a member for the State or any of its



1 departments, or the Legislature or either House, or to be interested,
2 directly or indirectly, as principal, in any kind of contract so paid.

3 (b) Be interested in any contract made by the Legislature of
4 which that Legislator is a member, or be a purchaser or interested in
5 any purchase or sale made by the Legislature of which that
6 Legislator is a member.

7 2. A Legislator may:

8 (a) Sell or enter into a contract to sell, to the State or any of its
9 departments, any item, commodity, service or capital improvement
10 if:

11 (1) The sources of supply for the item, commodity, service or
12 capital improvement are limited;

13 (2) The contracting process is controlled by rules of open
14 competitive bidding;

15 (3) The Legislator has not taken part in developing the plans
16 or specifications for the sale or contract; and

17 (4) The Legislator will not be personally involved in
18 opening, considering or accepting any bids for the sale or contract.

19 (b) If the Legislator is not named in a contract, receive, as direct
20 salary or wages, compensation for which the original source was a
21 legislative appropriation to any governmental entity or a private
22 entity not owned or controlled by the Legislator.

23 (c) Receive, for services as an instructor or teacher from any
24 county school district, *the Nevada System of Community Colleges*
25 or the Nevada System of Higher Education, compensation for which
26 the original source was a legislative appropriation to any
27 governmental entity or a private entity not owned or controlled by
28 the Legislator.

29 3. Any contract made in violation of subsection 1 may be
30 declared void at the instance of the State or of any other person
31 interested in the contract except the Legislator prohibited by
32 subsection 1 from making or being interested in the contract.

33 4. A person who violates any provision of this section is guilty
34 of a gross misdemeanor and forfeits the person's office.

35 **Sec. 172.** NRS 218D.915 is hereby amended to read as
36 follows:

37 218D.915 1. The following persons, offices or organizations,
38 upon request, are entitled to receive free of charge in any 1 calendar
39 year one copy of any bill, resolution, daily history, daily journal or
40 index:

41 (a) Elected state officers.

42 (b) Offices of all state departments and agencies.

43 (c) County clerks, sheriffs, treasurers, assessors, recorders and
44 auditors.

45 (d) Offices of other county officials.



- (e) Municipal officers.
- (f) Districts and other governmental agencies.
- (g) Justices of the peace.
- (h) The Division of State Library, Archives and Public Records of the Department of Administration.
- (i) County and city libraries and libraries of the Nevada System of Higher Education **H** *and the Nevada System of Community Colleges.*

(j) Accredited members of the press.

2. Upon approval of the committee of the Senate or the Assembly which has jurisdiction of issues relating to legislative functions, additional copies must be provided to these persons, offices or organizations without charge, except for the cost of any handling and postage as determined by the Director.

3. Township, school and municipal officials may have distributed, free of charge, the number of copies of any legislative measure or publication that is approved by the committee of the Senate or the Assembly which has jurisdiction of issues relating to legislative functions.

Sec. 173. NRS 218E.625 is hereby amended to read as follows:

218E.625 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division. The Fiscal Analysts shall appoint to the Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the Fiscal Analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.

2. The Bureau shall, as the Fiscal Analysts determine is necessary or at the request of the Committee:

(a) Collect and analyze data and issue written reports concerning:

(1) The effectiveness of the provisions of chapter 385A of NRS in improving the accountability of the schools of this State;

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

(3) The statewide program to educate persons with disabilities that is set forth in NRS 388.5223 to 388.5243, inclusive;

(4) The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 390.830; and

(5) Any program or legislative measure, the purpose of which is to reform the system of education within this State.



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(b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this State. Such studies and analyses may be conducted:

(1) As the Fiscal Analysts determine are necessary; or

(2) At the request of the Legislature.

➔ This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.

(c) On or before October 1 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the next regular session. The Bureau shall, on or before October 1 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the Legislative Commission and to the Legislative Committee on Education.

3. The Bureau may, pursuant to NRS 218F.620, require a school, a school district, the Nevada System of Higher Education , *the Nevada System of Community Colleges* or the Department of Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.

4. Except as otherwise provided in this subsection and NRS 239.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Bureau may, at the discretion of the Chief and after submission to the Legislature or Legislative Commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.

5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this State.

Sec. 174. NRS 223.600 is hereby amended to read as follows:

223.600 1. The Office of Science, Innovation and Technology is hereby established in the Office of the Governor.

2. The Governor shall appoint the Director of the Office of Science, Innovation and Technology. In making the appointment, the Governor:

(a) Shall give consideration to any recommendation which is submitted by the Chancellor of the Nevada System of Higher Education **+** *and the Executive Director of the State Board for Community Colleges.*



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(b) May assemble a panel of persons with appropriate experience in science and technology to make recommendations of qualified candidates for the position of Director.

3. The Director shall devote his or her entire time and attention to the business of his or her office and shall not engage in any other gainful employment or occupation.

4. The Director is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.

Sec. 175. NRS 223.640 is hereby amended to read as follows:

223.640 1. The Advisory Council on Science, Technology, Engineering and Mathematics is hereby created within the Office of Science, Innovation and Technology. The Council consists of:

(a) The following ex officio members:

(1) The Superintendent of Public Instruction or his or her designee;

(2) The Chancellor of the Nevada System of Higher Education or his or her designee;

(3) *The Executive Director of the State Board for Community Colleges;*

(4) The Executive Director of the Office of Economic Development or his or her designee; and

~~{(4)}~~ (5) The Director of the Department of Employment, Training and Rehabilitation or his or her designee;

(b) Three members appointed by the Governor pursuant to subsection 2;

(c) Two members appointed by the Majority Leader of the Senate pursuant to subsection 2;

(d) Two members appointed by the Speaker of the Assembly pursuant to subsection 2;

(e) Two members appointed by the Minority Leader of the Senate pursuant to subsection 2; and

(f) Two members appointed by the Minority Leader of the Assembly pursuant to subsection 2.

2. The Governor, the Majority Leader and the Minority Leader of the Senate and the Speaker and the Minority Leader of the Assembly shall coordinate their respective appointments of members to the Council:

(a) On a geographic basis to ensure statewide representation; and

(b) To ensure representation from:

(1) Classroom teachers or administrators in the field of science, technology, engineering or mathematics;

(2) Higher education in the field of science, technology, engineering or mathematics; and



(3) Businesses operating in the sectors relating to science, technology, engineering or mathematics.

3. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. The Council shall meet at least six times each year at the call of the Chair. Two meetings of the Council must be held in person and any other meeting may be held by videoconference.

5. A majority of the members of the Council constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Council.

6. The Chair may appoint such subcommittees of the Council as the Chair determines necessary to carry out the duties of the Council.

7. The members of the Council serve without compensation, except that each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Council.

Sec. 176. NRS 223.650 is hereby amended to read as follows:

223.650 1. The Advisory Council on Science, Technology, Engineering and Mathematics created by NRS 223.640 shall:

(a) Develop a strategic plan for the development of educational resources in the fields of science, technology, engineering and mathematics to serve as a foundation for workforce development, college preparedness and economic development in this State;

(b) Develop a plan for identifying and awarding recognition to pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics;

(c) Develop a plan for identifying and awarding recognition to not more than 15 schools in this State that demonstrate exemplary performance in the fields of science, technology, engineering and mathematics;

(d) Conduct a survey of education programs and proposed programs relating to the fields of science, technology, engineering and mathematics in this State and in other states to identify recommendations for the implementation of such programs by public schools and institutions of higher education in this State and report the information gathered by the survey to the State Board of Education, *the State Board for Community Colleges* and the Board of Regents of the University of Nevada;

(e) Apply for grants on behalf of the State of Nevada relating to the development and expansion of education programs in the fields of science, technology, engineering and mathematics;



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(f) Identify a nonprofit corporation to assist in the implementation of the plans developed pursuant to paragraphs (a), (b) and (c);

(g) Prepare a written report which includes, without limitation, recommendations based on the survey conducted pursuant to paragraph (d) and any other recommendations concerning the instruction and curriculum in courses of study in science, technology, engineering and mathematics in public schools in this State and, on or before January 31 of each odd-numbered year, submit a copy of the report to the State Board of Education, *the State Board for Community Colleges*, the Board of Regents of the University of Nevada, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature; and

(h) Conduct surveys for and make recommendations as deemed necessary to the Office of Economic Development and the Governor's Workforce Investment Board.

2. Each year the Council:

(a) Shall establish an event in southern Nevada and an event in northern Nevada to recognize pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics. The events must be held at an institution of higher education in this State.

(b) Shall establish a statewide event which must be held in Carson City to recognize not more than 15 schools in this State that have demonstrated exemplary performance in the fields of science, technology, engineering and mathematics.

(c) May accept any gifts, grants or donations from any source for use in carrying out the provisions of this subsection.

3. The Council or a subcommittee of the Council may seek the input, advice and assistance of persons and organizations that have knowledge, interest or expertise relevant to the duties of the Council.

4. The State Board of Education, *the State Board for Community Colleges* and the Board of Regents of the University of Nevada shall consider the plans developed by the Advisory Council on Science, Technology, Engineering and Mathematics pursuant to paragraphs (a), (b) and (c) of subsection 1 and the written report submitted pursuant to paragraph (g) of subsection 1. The State Board of Education shall adopt such regulations as the State Board deems necessary to carry out the recommendations in the written report.

Sec. 177. NRS 227.205 is hereby amended to read as follows:

227.205 1. The State Controller shall establish an electronic payment system to pay the salaries and wages of state officers and employees through the use of direct deposit.



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2. Except as otherwise provided in subsection 3, the State Controller shall pay the salaries and wages of state officers and employees using the electronic payment system.

3. Upon application by a state officer or employee, the State Controller may waive the participation of the state officer or employee in the electronic payment system established pursuant to subsection 1 if:

(a) The State Controller determines that participation in the system by the state officer or employee would cause the state officer or employee to suffer undue hardship or extreme inconvenience; or

(b) The state officer or employee does not have an account at a financial institution that accepts direct deposit.

4. The State Controller may adopt such regulations as he or she determines to be necessary or advisable to carry out the provisions of this section.

5. As used in this section:

(a) "Direct deposit" means payment of the salary and wages of a person by causing the net amount of such person's salary and wages to be deposited in an account maintained in a financial institution in the name of the person.

(b) "State employee" means any person who performs public duties under the direction and control of a state officer for compensation paid by or through the State except any employee of:

(1) The Nevada System of Higher Education; ~~or~~

(2) *The Nevada System of Community Colleges; or*

(3) The Legislative Department of the State Government.

(c) "State officer" means a person elected or appointed to a position with the State Government, except the Nevada System of Higher Education, *the Nevada System of Community Colleges* or the Legislative Department of State Government, which involves the exercise of a state power, trust or duty, including:

(1) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of state policy;

(2) The expenditure of state money; and

(3) The enforcement of laws and regulations of the State.

Sec. 178. NRS 231.033 is hereby amended to read as follows:

231.033 1. There is hereby created the Board of Economic Development, consisting of:

(a) The following voting members:

(1) The Governor;

(2) The Lieutenant Governor;

(3) The Secretary of State; and

(4) Six members who must be selected from the private sector and appointed as follows:



- 1 (I) Three members appointed by the Governor;
- 2 (II) One member appointed by the Speaker of the
- 3 Assembly;
- 4 (III) One member appointed by the Majority Leader of
- 5 the Senate; and
- 6 (IV) One member appointed by the Minority Leader of
- 7 the Assembly or the Minority Leader of the Senate. The Minority
- 8 Leader of the Senate shall appoint the member for the initial term,
- 9 the Minority Leader of the Assembly shall appoint the member for
- 10 the next succeeding term, and thereafter, the authority to appoint the
- 11 member for each subsequent term alternates between the Minority
- 12 Leader of the Assembly and the Minority Leader of the Senate.

13 (b) The following nonvoting members:

14 (1) The Chancellor of the Nevada System of Higher

15 Education or his or her designee; ~~and~~

16 (2) *The Executive Director of the State Board for*

17 *Community Colleges or his or her designee; and*

18 (3) The Director of the Department of Employment, Training

19 and Rehabilitation.

20 2. In appointing the members of the Board described in

21 subsection 1, the appointing authorities shall coordinate the

22 appointments when practicable so that the members of the Board

23 represent the diversity of this State, including, without limitation,

24 different strategically important industries, different geographic

25 regions of this State and different professions.

26 3. The Governor shall serve as the Chair of the Board.

27 4. Except as otherwise provided in this subsection, the

28 members of the Board appointed pursuant to subparagraph (4) of

29 paragraph (a) of subsection 1 are appointed for terms of 4 years. The

30 initial members of the Board shall by lot select three of the initial

31 members of the Board appointed pursuant to subparagraph (4) of

32 paragraph (a) of subsection 1 to serve an initial term of 2 years.

33 5. The Governor, the Lieutenant Governor or the Secretary of

34 State may designate a person to serve as a member of the Board for

35 the Governor, Lieutenant Governor or Secretary of State,

36 respectively. Any person designated to serve pursuant to this

37 subsection shall serve for the term of the officer appointing him or

38 her and serves at the pleasure of that officer. If the Governor

39 designates a person to serve on his or her behalf, that person shall

40 serve as the Chair of the Board. Vacancies in the appointed

41 positions on the Board must be filled by the appointing authority for

42 the unexpired term.

43 6. The Executive Director shall serve as the nonvoting

44 Secretary of the Board.



1 7. A majority of the Board constitutes a quorum, and a
2 majority of the Board is required to exercise any power conferred on
3 the Board.

4 8. The Board shall meet at least once each quarter but may
5 meet more often at the call of the Chair or a majority of the
6 members of the Board.

7 9. The members of the Board serve without compensation but
8 are entitled to receive the per diem allowance and travel expenses
9 provided for state officers and employees generally while engaged
10 in the official business of the Board.

11 **Sec. 179.** NRS 231.055 is hereby amended to read as follows:

12 231.055 Under the direction of the Executive Director, the
13 Office:

14 1. Shall provide administrative and technical support to the
15 Board.

16 2. Shall support the efforts of the Board, the regional
17 development authorities designated by the Executive Director
18 pursuant to subsection 4 of NRS 231.053 and the private sector to
19 encourage the creation and expansion of businesses in Nevada and
20 the relocation of businesses to Nevada.

21 3. Shall coordinate and oversee all economic development
22 programs in this State to ensure that such programs are consistent
23 with the State Plan for Economic Development developed by the
24 Executive Director pursuant to subsection 2 of NRS 231.053,
25 including, without limitation:

26 (a) Coordinating the economic development activities of
27 agencies of this State, local governments in this State and local and
28 regional organizations for economic development to avoid
29 duplication of effort or conflicting efforts;

30 (b) Working with local, state and federal authorities to
31 streamline the process for obtaining abatements, financial
32 incentives, grants, loans and all necessary permits, licenses and
33 registrations for the creation or expansion of businesses in Nevada
34 or the relocation of businesses to Nevada; and

35 (c) Reviewing, analyzing and making recommendations for the
36 approval or disapproval of applications for abatements, financial
37 incentives, development resources, and grants and loans of money
38 provided by the Office.

39 4. Shall, upon request, assist an electric utility with the
40 marketing of vacant or decommissioned assets for sale and
41 redevelopment pursuant to NRS 704.734.

42 5. Shall, in consultation with the Nevada System of Higher
43 Education, *the Nevada System of Community Colleges*, the
44 Department of Employment, Training and Rehabilitation, the
45 Department of Education and any other person or entity which



1 the Executive Director determines is appropriate, develop and
2 implement one or more programs to provide customized workforce
3 development services to persons that create and expand businesses
4 in Nevada and relocate businesses to Nevada.

5 6. Shall prepare a list of authorized providers that are eligible
6 to provide programs of workforce recruitment, assessment and
7 training pursuant to NRS 231.1467.

8 7. May:

9 (a) Participate in any federal programs for economic
10 development that are consistent with the State Plan for Economic
11 Development developed by the Executive Director pursuant to
12 subsection 2 of NRS 231.053; and

13 (b) When practicable and authorized by federal law, act as the
14 agency of this State to administer such federal programs.

15 **Sec. 180.** NRS 231.1415 is hereby amended to read as
16 follows:

17 231.1415 "Authorized provider" means any institution within
18 the Nevada System of Higher Education, *any community college*
19 *within the Nevada System of Community Colleges*, a state or local
20 agency, a school district, a charter school, a nonprofit organization,
21 a labor organization or a private postsecondary educational
22 institution that provides a program of workforce development
23 approved by the Office.

24 **Sec. 181.** NRS 232.920 is hereby amended to read as follows:

25 232.920 The Director:

26 1. Shall:

27 (a) Organize the Department into divisions and other operating
28 units as needed to achieve the purposes of the Department;

29 (b) Upon request, provide the Director of the Department of
30 Administration with a list of organizations and agencies in this State
31 whose primary purpose is the training and employment of persons
32 with disabilities;

33 (c) Except as otherwise provided by a specific statute, direct the
34 divisions to share information in their records with agencies of local
35 governments which are responsible for the collection of debts or
36 obligations if the confidentiality of the information is otherwise
37 maintained under the terms and conditions required by law; ~~and~~

38 (d) Provide the employment and wage information to the Board
39 of Regents of the University of Nevada for purposes of the reporting
40 required of the Board of Regents by subsection 4 of NRS 396.531
41 ~~and~~; and

42 *(e) Provide the employment and wage information to the State*
43 *Board for Community Colleges for the purposes of the reporting*
44 *required of the State Board by subsection 4 of section 57 of this*
45 *act.*



2. Is responsible for the administration, through the divisions of the Department, of the provisions of NRS 426.010 to 426.720, inclusive, 426.740, 426.790 and 426.800, and chapters 612 and 615 of NRS, and all other provisions of law relating to the functions of the Department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as otherwise provided by specific statute.

3. May employ, within the limits of legislative appropriations, such staff as is necessary for the performance of the duties of the Department.

Sec. 182. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(n) The Silver State Health Insurance Exchange.

(o) The Nevada System of Community Colleges.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional



Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➔ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694; or

(d) The judicial review of decisions of the Public Utilities Commission of Nevada.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 183. NRS 236.015 is hereby amended to read as follows:

236.015 1. The following days are declared to be legal holidays for state, county and city governmental offices:

January 1 (New Year's Day)

Martin Luther King, Jr.'s birthday is on January 15 but is to be observed on the third Monday in January

Washington's birthday is on February 22 but is to be observed on the third Monday in February



1 Last Monday in May (Memorial Day)
2 July 4 (Independence Day)
3 First Monday in September (Labor Day)
4 Nevada Day is October 31 but is to be observed on the last
5 Friday in October
6 November 11 (Veterans Day)
7 Fourth Thursday in November (Thanksgiving Day)
8 Friday following the fourth Thursday in November (Family
9 Day)
10 December 25 (Christmas Day)
11 Any day that may be appointed by the President of the United
12 States for public fast, thanksgiving or as a legal holiday
13 except for any Presidential appointment of the fourth
14 Monday in October as Veterans Day.
15

16 2. Except as otherwise provided by NRS 293.560 and
17 293C.527, all state, county and city offices, courts, public schools ,
18 *the Nevada System of Community Colleges* and the Nevada System
19 of Higher Education must close on the legal holidays enumerated in
20 subsection 1 unless in the case of appointed holidays all or a part
21 thereof are specifically exempted.

22 3. If January 1, July 4, November 11 or December 25 falls
23 upon a:

24 (a) Sunday, the Monday following must be observed as a legal
25 holiday.

26 (b) Saturday, the Friday preceding must be observed as a legal
27 holiday.

28 **Sec. 184.** NRS 237.300 is hereby amended to read as follows:

29 237.300 1. Notwithstanding any other provision of law, not
30 later than September 1 of each year, each county which possesses or
31 maintains a digital parcel base map for the county shall provide the
32 digital parcel base map for the county, as of June 30 of that year, to
33 the State Demographer at no charge. The State Demographer may
34 not require a county to provide a digital parcel base map in a
35 particular electronic format or to use any specific software to
36 provide the digital parcel base map. The State Demographer shall
37 keep confidential the information provided to him or her pursuant to
38 this subsection, except that the State Demographer shall provide
39 such information at no charge to a state agency which satisfies the
40 requirements of this section.

41 2. A state agency engaged in activities related to economic
42 development or population estimate research may request the digital
43 parcel base maps for each county that possesses or maintains a
44 digital parcel base map by submitting a written request to the State
45 Demographer. The written request must include, without limitation:



1 (a) The name and address of the state agency;
2 (b) A statement of the purpose for which the state agency is
3 seeking the digital parcel base maps; and

4 (c) A summary of the research or statistical reports which will
5 be produced from the digital parcel base maps.

6 3. Except as otherwise provided in subsection 4, if the State
7 Demographer finds that a written request complies with subsection
8 2, the State Demographer shall provide to the state agency at no
9 charge the digital parcel base maps provided to the State
10 Demographer pursuant to subsection 1.

11 4. The State Demographer may refuse a request submitted by a
12 state agency pursuant to subsection 2 if the State Demographer has
13 provided the requested information to the state agency during the
14 calendar year in which the request is made.

15 5. A state agency receiving a digital parcel base map pursuant
16 to this section shall provide to the county that provided the digital
17 parcel base map and the Office of Economic Development, at no
18 charge, a summary of the research produced from that information.

19 6. A state agency receiving a digital parcel base map pursuant
20 to this section shall keep the digital parcel base map confidential,
21 and, except as otherwise provided in subsection 5, the State
22 Demographer, or any employee or other agent of a state agency
23 receiving a digital parcel base map for a county pursuant to this
24 section, shall not provide the digital parcel base map to any person
25 or governmental agency.

26 7. As used in this section:

27 (a) “Digital parcel base map” means a map in an electronic
28 format that contains the boundaries of the parcels in the county.

29 (b) “State agency” means:

30 (1) The State of Nevada, or any agency, instrumentality or
31 corporation thereof; ~~and~~

32 (2) Faculty of the Nevada System of Higher Education or
33 any branch or facility thereof ~~and~~; and

34 *(3) Faculty of the Nevada System of Community Colleges*
35 *or any branch or facility thereof.*

36 (c) “State Demographer” means the demographer employed
37 pursuant to NRS 360.283.

38 **Sec. 185.** NRS 239.005 is hereby amended to read as follows:

39 239.005 As used in this chapter, unless the context otherwise
40 requires:

41 1. “Actual cost” means the direct cost related to the
42 reproduction of a public record. The term does not include a cost
43 that a governmental entity incurs regardless of whether or not a
44 person requests a copy of a particular public record.



2. "Agency of the Executive Department" means an agency, board, commission, bureau, council, department, division, authority or other unit of the Executive Department of the State Government. The term does not include the Nevada System of Higher Education ~~and~~ *and the Nevada System of Community Colleges.*

3. "Committee" means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.

4. "Division" means the Division of State Library, Archives and Public Records of the Department of Administration.

5. "Governmental entity" means:

(a) An elected or appointed officer of this State or of a political subdivision of this State;

(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of the Executive Department, or of a political subdivision of this State;

(c) A university foundation, as defined in NRS 396.405; ~~for~~

(d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools ~~for~~ *or*

(e) A community college foundation, as defined in section 39 of this act.

6. "Official state record" includes, without limitation:

(a) Papers, unpublished books, maps and photographs;

(b) Information stored on magnetic tape or computer, laser or optical disc;

(c) Materials that are capable of being read by a machine, including, without limitation, microforms and audio and visual materials; and

(d) Materials that are made or received by a state agency and preserved by that agency or its successor as evidence of the organization, operation, policy or any other activity of that agency or because of the information contained in the material.

7. "Privatization contract" means a contract executed by or on behalf of a governmental entity which authorizes a private entity to provide public services that are:

(a) Substantially similar to the services provided by the public employees of the governmental entity; and

(b) In lieu of the services otherwise authorized or required to be provided by the governmental entity.

Sec. 186. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,



1 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
2 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
3 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
4 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
5 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
6 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
7 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
8 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
9 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
10 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
11 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
12 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
13 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
14 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
15 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
16 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
17 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
18 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
19 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
20 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
21 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
22 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
23 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
24 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
25 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
26 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
27 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
28 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
29 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
30 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
31 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
32 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
33 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
34 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
35 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
36 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
37 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
38 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
39 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
40 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
41 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
42 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
43 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
44 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
45 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,



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1 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
2 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
3 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
4 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
5 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
6 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
7 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
8 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
9 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
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11 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
12 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
13 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
14 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
15 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
16 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
17 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
18 710.159, 711.600, *and sections 32, 39 and 60 of this act*, sections
19 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2
20 of chapter 391, Statutes of Nevada 2013 and unless otherwise
21 declared by law to be confidential, all public books and public
22 records of a governmental entity must be open at all times during
23 office hours to inspection by any person, and may be fully copied or
24 an abstract or memorandum may be prepared from those public
25 books and public records. Any such copies, abstracts or memoranda
26 may be used to supply the general public with copies, abstracts or
27 memoranda of the records or may be used in any other way to the
28 advantage of the governmental entity or of the general public. This
29 section does not supersede or in any manner affect the federal laws
30 governing copyrights or enlarge, diminish or affect in any other
31 manner the rights of a person in any written book or record which is
32 copyrighted pursuant to federal law.

33 2. A governmental entity may not reject a book or record
34 which is copyrighted solely because it is copyrighted.

35 3. A governmental entity that has legal custody or control of a
36 public book or record shall not deny a request made pursuant to
37 subsection 1 to inspect or copy or receive a copy of a public book or
38 record on the basis that the requested public book or record contains
39 information that is confidential if the governmental entity can
40 redact, delete, conceal or separate the confidential information from
41 the information included in the public book or record that is not
42 otherwise confidential.

43 4. A person may request a copy of a public record in any
44 medium in which the public record is readily available. An officer,



1 employee or agent of a governmental entity who has legal custody
2 or control of a public record:

3 (a) Shall not refuse to provide a copy of that public record in a
4 readily available medium because the officer, employee or agent has
5 already prepared or would prefer to provide the copy in a different
6 medium.

7 (b) Except as otherwise provided in NRS 239.030, shall, upon
8 request, prepare the copy of the public record and shall not require
9 the person who has requested the copy to prepare the copy himself
10 or herself.

11 **Sec. 187.** NRS 241.015 is hereby amended to read as follows:
12 241.015 As used in this chapter, unless the context otherwise
13 requires:

14 1. "Action" means:

15 (a) A decision made by a majority of the members present,
16 whether in person or by means of electronic communication, during
17 a meeting of a public body;

18 (b) A commitment or promise made by a majority of the
19 members present, whether in person or by means of electronic
20 communication, during a meeting of a public body;

21 (c) If a public body may have a member who is not an elected
22 official, an affirmative vote taken by a majority of the members
23 present, whether in person or by means of electronic
24 communication, during a meeting of the public body; or

25 (d) If all the members of a public body must be elected officials,
26 an affirmative vote taken by a majority of all the members of the
27 public body.

28 2. "Deliberate" means collectively to examine, weigh and
29 reflect upon the reasons for or against the action. The term includes,
30 without limitation, the collective discussion or exchange of facts
31 preliminary to the ultimate decision.

32 3. "Meeting":

33 (a) Except as otherwise provided in paragraph (b), means:

34 (1) The gathering of members of a public body at which a
35 quorum is present, whether in person or by means of electronic
36 communication, to deliberate toward a decision or to take action on
37 any matter over which the public body has supervision, control,
38 jurisdiction or advisory power.

39 (2) Any series of gatherings of members of a public body at
40 which:

41 (I) Less than a quorum is present, whether in person or by
42 means of electronic communication, at any individual gathering;

43 (II) The members of the public body attending one or
44 more of the gatherings collectively constitute a quorum; and



(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present, whether in person or by means of electronic communication:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

4. Except as otherwise provided in NRS 241.016, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 , ~~and~~ a university foundation as defined in subsection 3 of NRS 396.405 ~~and~~ *and a community college foundation as defined in subsection 3 of section 39 of this act*, if the administrative, advisory, executive or legislative body is created by:

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee



1 has at least two members who are not employees of the Executive
2 Department of the State Government;

3 (2) An entity in the Executive Department of the State
4 Government consisting of members appointed by the Governor, if
5 the board, commission or committee otherwise meets the definition
6 of a public body pursuant to this subsection; or

7 (3) A public officer who is under the direction of an agency
8 or other entity in the Executive Department of the State Government
9 consisting of members appointed by the Governor, if the board,
10 commission or committee has at least two members who are not
11 employed by the public officer or entity; and

12 (c) A limited-purpose association that is created for a rural
13 agricultural residential common-interest community as defined in
14 subsection 6 of NRS 116.1201.

15 5. "Quorum" means a simple majority of the membership of a
16 public body or another proportion established by law.

17 6. "Working day" means every day of the week except
18 Saturday, Sunday and any day declared to be a legal holiday
19 pursuant to NRS 236.015.

20 **Sec. 188.** NRS 241.016 is hereby amended to read as follows:

21 241.016 1. The meetings of a public body that are quasi-
22 judicial in nature are subject to the provisions of this chapter.

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

25 (a) The Legislature of the State of Nevada.

26 (b) Judicial proceedings, including, without limitation,
27 proceedings before the Commission on Judicial Selection and,
28 except as otherwise provided in NRS 1.4687, the Commission on
29 Judicial Discipline.

30 (c) Meetings of the State Board of Parole Commissioners when
31 acting to grant, deny, continue or revoke the parole of a prisoner or
32 to establish or modify the terms of the parole of a prisoner.

33 3. Any provision of law, including, without limitation, NRS
34 91.270, 219A.210, 239C.140, 281A.350, 281A.440, 281A.550,
35 284.3629, 286.150, 287.0415, 288.220, 289.387, 295.121, 360.247,
36 388.261, 388A.495, 388C.150, 392.147, 392.467, 394.1699,
37 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311,
38 630.336, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196
39 and 706.1725, *and section 32 of this act*, which:

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

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

44 ➤ prevails over the general provisions of this chapter.



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

Sec. 189. NRS 241.017 is hereby amended to read as follows:

241.017 1. The Board of Regents of the University of Nevada shall establish for the student governments within the Nevada System of Higher Education requirements equivalent to those of this chapter and shall provide for their enforcement.

2. *The State Board for Community Colleges shall establish for student governments within the Nevada System of Community Colleges requirements equivalent to those of this chapter and shall provide for their enforcement.*

Sec. 190. NRS 241.031 is hereby amended to read as follows:

241.031 1. Except as otherwise provided in subsection 2, a public body shall not hold a closed meeting to consider the character, alleged misconduct or professional competence of:

(a) An elected member of a public body; or

(b) A person who is an appointed public officer or who serves at the pleasure of a public body as a chief executive or administrative officer or in a comparable position, including, without limitation, a president of a university ~~H~~ or state college ~~for community college~~ within the Nevada System of Higher Education, *a president of a community college within the Nevada System of Community Colleges*, a superintendent of a county school district, a county manager and a city manager.

2. The prohibition set forth in subsection 1 does not apply if the consideration of the character, alleged misconduct or professional competence of the person does not pertain to his or her role as an elected member of a public body or an appointed public officer or other officer described in paragraph (b) of subsection 1, as applicable.

Sec. 191. NRS 242.111 is hereby amended to read as follows:

242.111 The Administrator shall adopt regulations necessary for the administration of this chapter, including:

1. The policy for the information systems of the Executive Branch of Government, excluding the Nevada System of Higher Education, *the Nevada System of Community Colleges* and the Nevada Criminal Justice Information System, as that policy relates, but is not limited, to such items as standards for systems and programming and criteria for selection, location and use of information systems to meet the requirements of state agencies and officers at the least cost to the State;



2. The procedures of the Division in providing information services, which may include provision for the performance, by an agency which uses the services or equipment of the Division, of preliminary procedures, such as data recording and verification, within the agency;

3. The effective administration of the Division, including, without limitation, security to prevent unauthorized access to information systems and plans for the recovery of systems and applications after they have been disrupted;

4. The development of standards to ensure the security of the information systems of the Executive Branch of Government; and

5. Specifications and standards for the employment of all personnel of the Division.

Sec. 192. NRS 242.115 is hereby amended to read as follows:

242.115 1. Except as otherwise provided in subsection 2, the Administrator shall:

(a) Develop policies and standards for the information systems of the Executive Branch of Government;

(b) Coordinate the development of a biennial state plan for the information systems of the Executive Branch of Government;

(c) Develop guidelines to assist state agencies in the development of short- and long-term plans for their information systems; and

(d) Develop guidelines and procedures for the procurement and maintenance of the information systems of the Executive Branch of Government.

2. This section does not apply to the Nevada System of Higher Education, *the Nevada System of Community Colleges* or the Nevada Criminal Justice Information System used to provide support for the operations of law enforcement agencies in this State.

Sec. 193. NRS 242.131 is hereby amended to read as follows:

242.131 1. The Division shall provide state agencies and elected state officers with all their required design of information systems. All agencies and officers must use those services and equipment, except as otherwise provided in subsection 2.

2. The following agencies may negotiate with the Division for its services or the use of its equipment, subject to the provisions of this chapter, and the Division shall provide those services and the use of that equipment as may be mutually agreed:

(a) The Court Administrator;

(b) The Department of Motor Vehicles;

(c) The Department of Public Safety;

(d) The Department of Transportation;

(e) The Employment Security Division of the Department of Employment, Training and Rehabilitation;



- 1 (f) The Department of Wildlife;
- 2 (g) The Housing Division of the Department of Business and
- 3 Industry;
- 4 (h) The Legislative Counsel Bureau;
- 5 (i) The State Controller;
- 6 (j) The Nevada Gaming Control Board and Nevada Gaming
- 7 Commission; ~~and~~
- 8 (k) The Nevada System of Higher Education ~~H~~; and
- 9 *(l) The Nevada System of Community Colleges.*

10 3. Any state agency or elected state officer who uses the

11 services of the Division and desires to withdraw substantially from

12 that use must apply to the Administrator for approval. The

13 application must set forth justification for the withdrawal. If the

14 Administrator denies the application, the agency or officer must:

15 (a) If the Legislature is in regular or special session, obtain the

16 approval of the Legislature by concurrent resolution.

17 (b) If the Legislature is not in regular or special session, obtain

18 the approval of the Interim Finance Committee. The Administrator

19 shall, within 45 days after receipt of the application, forward the

20 application together with his or her recommendation for approval or

21 denial to the Interim Finance Committee. The Interim Finance

22 Committee has 45 days after the application and recommendation

23 are submitted to its Secretary within which to consider the

24 application. Any application which is not considered by the

25 Committee within the 45-day period shall be deemed approved.

26 4. If the demand for services or use of equipment exceeds the

27 capability of the Division to provide them, the Division may

28 contract with other agencies or independent contractors to furnish

29 the required services or use of equipment and is responsible for the

30 administration of the contracts.

31 **Sec. 194.** NRS 244.3675 is hereby amended to read as

32 follows:

33 244.3675 Subject to the limitations set forth in NRS 244.368,

34 278.02315, 278.580, 278.582, 278.586, 444.340 to 444.430,

35 inclusive, and 477.030, the boards of county commissioners within

36 their respective counties may:

37 1. Regulate all matters relating to the construction,

38 maintenance and safety of buildings, structures and property within

39 the county.

40 2. Adopt any building, electrical, housing, plumbing or safety

41 code necessary to carry out the provisions of this section and

42 establish such fees as may be necessary. Except as otherwise

43 provided in NRS 278.580, these fees do not apply to the State of

44 Nevada, *the Nevada System of Community Colleges* or the Nevada

45 System of Higher Education.



Sec. 195. NRS 250.087 is hereby amended to read as follows:

250.087 1. Notwithstanding any other provision of law, not later than September 1 of each year, a county assessor shall provide to the State Demographer at no charge the parcel dataset of the county assessor as of June 30 of that year. The State Demographer may not require a county assessor to provide information pursuant to this subsection in a particular digital or electronic format or to use any specific software to provide the information. The State Demographer shall keep confidential the information provided to him or her pursuant to this subsection, except that the State Demographer shall provide such information at no charge to a state agency which satisfies the requirements of this section.

2. A state agency engaged in activities related to economic development or population estimate research may request the parcel datasets provided to the State Demographer pursuant to subsection 1 by submitting a written request to the State Demographer. The written request must include, without limitation:

(a) The name and address of the state agency;

(b) A statement of the purpose for which the state agency is seeking the parcel datasets; and

(c) A summary of the research or statistical reports which will be produced from the parcel datasets.

3. Except as otherwise provided in subsection 4, if the State Demographer finds that a written request complies with subsection 2, the State Demographer shall provide to the state agency at no charge the parcel datasets provided to the State Demographer pursuant to subsection 1.

4. The State Demographer may refuse a request submitted by a state agency pursuant to subsection 2 if the State Demographer has provided the requested information to the state agency during the calendar year in which the request is made.

5. A state agency receiving parcel datasets pursuant to this section shall provide to the county that provided the parcel datasets and the Office of Economic Development, at no charge, a summary of the research produced from that information.

6. The State Demographer or any employee or other agent of a state agency receiving parcel datasets pursuant to this section shall not knowingly:

(a) Publish or otherwise disclose any information made confidential pursuant to NRS 250.100 to 250.230, inclusive; or

(b) Use any information made confidential pursuant to NRS 250.100 to 250.230, inclusive, to contact any person.

7. A person who violates subsection 6 is guilty of a misdemeanor and, in addition, the court may order a person who



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1 violates subsection 6 to pay a civil penalty in an amount not to
2 exceed \$2,500 for each act.

3 8. A state agency receiving a parcel dataset pursuant to this
4 section shall keep the parcel dataset confidential, and, except as
5 otherwise provided in subsection 5, the State Demographer, or any
6 employee or other agent of a state agency receiving a parcel dataset
7 pursuant to this section, shall not provide the parcel dataset to any
8 person or governmental agency.

9 9. As used in this section:

10 (a) "Parcel dataset" means data or files maintained in digital or
11 electronic format by a county assessor in the course of his or her
12 duties that contain information on each parcel in the county,
13 including, without limitation, information concerning ownership,
14 parcel number, address, land designations and zoning,
15 improvements and, if applicable, the date and price of sale.

16 (b) "State agency" means:

17 (1) The State of Nevada, or any agency, instrumentality or
18 corporation thereof; ~~and~~

19 (2) Faculty of the Nevada System of Higher Education or
20 any branch or facility thereof ~~and~~; and

21 (3) *Faculty of the Nevada System of Community Colleges*
22 *or any branch or facility thereof.*

23 (c) "State Demographer" means the demographer employed
24 pursuant to NRS 360.283.

25 **Sec. 196.** NRS 268.413 is hereby amended to read as follows:

26 268.413 Subject to the limitations contained in NRS 244.368,
27 278.02315, 278.580, 278.582, 278.586, 444.340 to 444.430,
28 inclusive, and 477.030, the city council or other governing body of
29 an incorporated city may:

30 1. Regulate all matters relating to the construction,
31 maintenance and safety of buildings, structures and property within
32 the city.

33 2. Adopt any building, electrical, plumbing or safety code
34 necessary to carry out the provisions of this section and establish
35 such fees as may be necessary. Except as otherwise provided in
36 NRS 278.580, those fees do not apply to the State of Nevada, *the*
37 *Nevada System of Community Colleges* or the Nevada System of
38 Higher Education.

39 **Sec. 197.** NRS 277.067 is hereby amended to read as follows:

40 277.067 1. Except as otherwise provided in subsection 2, any
41 two or more political subdivisions of this State, agencies of the State
42 *, the Nevada System of Community Colleges* or the Nevada System
43 of Higher Education may enter into a cooperative agreement for the
44 purchase of insurance or the establishment of a self-insurance
45 reserve or fund for coverage under a plan of:



(a) Casualty insurance, as that term is defined in NRS 681A.020;

(b) Marine and transportation insurance, as that term is defined in NRS 681A.050;

(c) Property insurance, as that term is defined in NRS 681A.060;

(d) Surety insurance, as that term is defined in NRS 681A.070;

(e) Health insurance, as that term is defined in NRS 681A.030;
or

(f) Insurance for any combination of these kinds of protection.

2. Any political subdivision of the State, any agency of the State, *the Nevada System of Community Colleges* or the Nevada System of Higher Education which participates in the Public Employees' Benefits Program shall obtain the approval of the Board of the Public Employees' Benefits Program before it enters into a cooperative agreement for the purchase of health insurance pursuant to paragraph (e) of subsection 1.

3. Any such agreement may obligate the respective parties to pledge revenues or contribute money to secure the obligations or pay the expenses of the cooperative undertaking and may provide for the establishment of a separate entity to administer the undertaking.

Sec. 198. NRS 277.069 is hereby amended to read as follows:

277.069 1. Except as otherwise provided in subsections 2 and 3, any party to an agreement entered into pursuant to NRS 277.067, or any entity established by such an agreement, may:

(a) Obligate itself to contribute money for the purchase of insurance, the establishment of a reserve or fund for coverage, the payment of any debt, or for any other purpose related to the undertaking;

(b) Borrow money for any such purpose;

(c) Issue notes and bonds evidencing the borrowing; and

(d) Secure payment of the notes and bonds by a pledge of revenues.

2. Except as otherwise provided in subsection 3, any obligation to contribute money which is undertaken pursuant to a cooperative agreement:

(a) Is binding notwithstanding that it is intended to remain in force beyond the current budget year or the terms of office of the present members of the governing body of the obligor.

(b) If undertaken to pay any debt, does not remain in force more than 30 years after the date of the borrowing.

(c) If undertaken to pay claims and administrative expenses, does not remain in force more than 10 years, except with respect to claims arising from occurrences during the period it is in force.



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3. Except for a pledge of revenues or obligation to contribute money which pledges revenues or commits money derived from a source other than taxation, any pledge or obligation which is made or undertaken pursuant to a cooperative agreement by an agency of the State , *the Nevada System of Community Colleges* or the Nevada System of Higher Education does not remain in force after the end of the biennium in which it is made or undertaken.

Sec. 199. NRS 278.580 is hereby amended to read as follows:

278.580 1. Subject to the limitation set forth in NRS 244.368 and 278.586, the governing body of any city or county may adopt a building code, specifying the design, soundness and materials of structures, and may adopt rules, ordinances and regulations for the enforcement of the building code.

2. The governing body may also fix a reasonable schedule of fees for the issuance of building permits. A schedule of fees so fixed does not apply to the State of Nevada , *the Nevada System of Community Colleges* or the Nevada System of Higher Education, except that such entities may enter into a contract with the governing body to pay such fees for the issuance of building permits, the review of plans and the inspection of construction. Except as it may agree to in such a contract, a governing body is not required to provide for the review of plans or the inspection of construction with respect to a structure of the State of Nevada , *the Nevada System of Community Colleges* or the Nevada System of Higher Education.

3. Notwithstanding any other provision of law, the State and its political subdivisions shall comply with all zoning regulations adopted pursuant to this chapter, except for the expansion of any activity existing on April 23, 1971.

4. A governing body shall amend its building codes and, if necessary, its zoning ordinances and regulations to permit the use of:

(a) Straw or other materials and technologies which conserve scarce natural resources or resources that are renewable in the construction of a structure; and

(b) Systems which use solar or wind energy to reduce the costs of energy for a structure if such systems and structures are otherwise in compliance with applicable building codes and zoning ordinances, including those relating to the design, location and soundness of such systems and structures,

↳ to the extent the local climate allows for the use of such materials, technologies, resources and systems.

5. The amendments required by subsection 4 may address, without limitation:



(a) The inclusion of characteristics of land and structures that are most appropriate for the construction and use of systems using solar and wind energy.

(b) The recognition of any impediments to the development of systems using solar and wind energy.

(c) The preparation of design standards for the construction, conversion or rehabilitation of new and existing systems using solar and wind energy.

6. A governing body shall amend its building codes to include:

(a) The seismic provisions of the International Building Code published by the International Code Council; and

(b) Standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.

Sec. 200. NRS 281.060 is hereby amended to read as follows:

281.060 1. Only citizens or wards of the United States or persons who have been honorably discharged from the military service of the United States may be employed by any officer of the State of Nevada, by any political subdivision of the State, or by any person acting under or for such an officer in any office or department of the State of Nevada or political subdivision of the State.

2. In all cases where persons are so employed, preference must be given, if the qualifications of the applicants are equal:

(a) First: To honorably discharged military personnel of the United States who are citizens of the State of Nevada.

(b) Second: To other citizens of the State of Nevada.

3. Nothing in this section prevents:

(a) The working of prisoners by the State of Nevada or by any political subdivision of the State, on street or road work or other public work.

(b) The employment of aliens, who have not forfeited their right to citizenship by claiming exemption from military service, as common laborers in the construction of public roads, when it can be shown that citizens or wards of the United States or persons who have been honorably discharged from the military service of the United States are not available for such employment. Any alien so employed must be replaced by a citizen, ward or ex-service person of the United States applying for employment.

(c) The employment of any teacher, instructor or professor authorized to teach in the United States under the teacher-exchange programs as authorized by federal laws enacted by the Congress of the United States.

(d) Except as otherwise provided in this paragraph, the employment of aliens by the Nevada System of Higher Education



1 *and the Nevada System of Community Colleges* in the technical,
2 graduate assistant and student categories ~~††~~, *as applicable*. Except
3 in the foreign language departments, not more than 5 percent of the
4 total number of persons employed in the technical, graduate
5 assistant and student categories may be aliens.

6 (e) Employment of aliens in any state or political subdivision
7 hospital.

8 4. Subject to the exceptions contained in this section, money
9 must not be paid out of the State Treasury or out of the treasury of
10 any political subdivision of the State to any person employed on any
11 of the work mentioned in this section unless the person is a citizen
12 or ward or naturalized citizen of the United States.

13 5. Any officer of the State of Nevada, or of any political
14 subdivision of the State, or any person acting under or for such an
15 officer, or any other person who violates any of the provisions of
16 this section is guilty of a misdemeanor. The penalties provided for
17 in this section do not apply where the violations result from
18 misrepresentations made by the employee by the production of
19 fraudulent papers evidencing citizenship in the United States.

20 **Sec. 201.** NRS 281.123 is hereby amended to read as follows:

21 281.123 1. Except as otherwise provided in subsection 3 or
22 NRS 281.1233, or as authorized by statute referring specifically to
23 that position, the salary of a person employed by the State or any
24 agency of the State must not exceed 95 percent of the salary for the
25 office of Governor during the same period.

26 2. As used in subsection 1, the term "salary":

27 (a) Includes any:

28 (1) Payment received by an employee for being available to
29 work although the employee was not actually required to perform
30 the work;

31 (2) Increase in salary provided to compensate for a rise in the
32 cost of living; and

33 (3) Payment received as compensation for purportedly
34 performing additional duties.

35 (b) Excludes any:

36 (1) Payment received as compensation for overtime even if
37 that payment is otherwise authorized by law; and

38 (2) Rent or utilities supplied to an employee if the employee
39 is required by statute or regulation to live in a particular dwelling.

40 3. The provisions of subsection 1 do not apply to the salaries
41 of:

42 (a) Dentists and physicians employed full-time by the State; ~~†††~~

43 (b) Officers and employees of the Nevada System of Higher
44 Education ~~††~~; *or*



(c) Officers and employees of the Nevada System of Community Colleges.

Sec. 202. NRS 281.210 is hereby amended to read as follows:

281.210 1. Except as otherwise provided in this section, it is unlawful for any person acting as a school trustee, state, township, municipal or county officer, or as an employing authority of the Nevada System of Higher Education, *the Nevada System of Community Colleges*, any school district or of the State, any town, city or county, or for any state or local board, agency or commission, elected or appointed, to employ in any capacity on behalf of the State of Nevada, or any county, township, municipality or school district thereof, ~~for~~ the Nevada System of Higher Education ~~or~~ *or the Nevada System of Community Colleges*, any relative of such a person or of any member of such a board, agency or commission who is within the third degree of consanguinity or affinity.

2. This section does not apply:

(a) To school districts, when the teacher or other school employee is not related to more than one of the trustees or person who is an employing authority by consanguinity or affinity and receives a unanimous vote of all members of the board of trustees and approval by the Department of Education.

(b) To school districts, when the teacher or other school employee has been employed by an abolished school district or educational district, which constitutes a part of the employing county school district, and the county school district for 4 years or more before April 1, 1957.

(c) To the spouse of the warden of an institution or manager of a facility of the Department of Corrections.

(d) To relatives of officers and employees who are blind of the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation when those relatives are employed as automobile drivers for those officers and employees.

3. Nothing in this section:

(a) Prevents any officer in this State, employed under a flat salary, from employing any suitable person to assist in any such employment, when the payment for the service is met out of the personal money of the officer.

(b) Disqualifies any widow with a dependent as an employee of any officer or board in this State, or any of its counties, townships, municipalities or school districts.

4. A person employed contrary to the provisions of this section must not be compensated for the employment.



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5. Any person violating any provisions of this section is guilty of a gross misdemeanor.

Sec. 203. NRS 281.221 is hereby amended to read as follows:

281.221 1. Except as otherwise provided in this section and NRS 281A.430, it is unlawful for a state officer, who is not a member of the Legislature subject to the restrictions set forth in NRS 218A.970, to:

(a) Become a contractor under any contract or order for supplies or other kind of contract authorized by or for the State or any of its departments, or the Legislature or either of its houses, or to be interested, directly or indirectly, as principal, in any kind of contract so authorized.

(b) Be interested in any contract made by the officer or to be a purchaser or interested in any purchase under a sale made by the officer in the discharge of the officer's official duties.

2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by the board, commission or body may supply or contract to supply, in the ordinary course of his or her business, goods, materials or services to any state or local agency, except the board, commission or body of which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member in the Nevada System of Higher Education may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. *A full- or part-time faculty member in the Nevada System of Community Colleges may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental agency and a private entity, if the contract complies with the policies established by the State Board for Community Colleges pursuant to section 14 of this act.*

5. A state officer, other than an officer described in subsection 2, 3 or ~~3~~ 4, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, the officer has not taken part in developing the contract plans or specifications and the officer will not be personally involved in opening, considering or accepting offers.



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~~5-1~~ 6. Any contract made in violation of this section may be declared void at the instance of the State or of any other person interested in the contract except an officer prohibited from making or being interested in the contract.

~~16-1~~ 7. A person who violates this section is guilty of a gross misdemeanor and shall forfeit his or her office.

Sec. 204. NRS 281.230 is hereby amended to read as follows:

281.230 1. Except as otherwise provided in this section and NRS 218A.970, 281A.430 and 332.800, the following persons shall not, in any manner, directly or indirectly, receive any commission, personal profit or compensation of any kind resulting from any contract or other significant transaction in which the employing state, county, municipality, township, district or quasi-municipal corporation is in any way directly interested or affected:

(a) State, county, municipal, district and township officers of the State of Nevada;

(b) Deputies and employees of state, county, municipal, district and township officers; and

(c) Officers and employees of quasi-municipal corporations.

2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by the board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with any governmental agency, except the board, commission or body of which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the Nevada System of Higher Education may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. *A full- or part-time faculty member or employee of the Nevada System of Community Colleges may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental agency and a private entity, if the contract complies with the policies established by the State Board for Community Colleges pursuant to section 14 of this act.*

5. A public officer or employee, other than an officer or employee described in subsection 2, ~~for 3-1~~ 3 or 4, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the



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1 sources of supply are limited, the public officer or employee has not
2 taken part in developing the contract plans or specifications and the
3 public officer or employee will not be personally involved in
4 opening, considering or accepting offers. If a public officer who is
5 authorized to bid on or enter into a contract with a governmental
6 agency pursuant to this subsection is a member of the governing
7 body of the agency, the public officer, pursuant to the requirements
8 of NRS 281A.420, shall disclose his or her interest in the contract
9 and shall not vote on or advocate the approval of the contract.

10 ~~15.1~~ 6. A person who violates any of the provisions of this
11 section shall be punished as provided in NRS 197.230 and:

12 (a) Where the commission, personal profit or compensation is
13 \$650 or more, for a category D felony as provided in NRS 193.130.

14 (b) Where the commission, personal profit or compensation is
15 less than \$650, for a misdemeanor.

16 ~~16.1~~ 7. A person who violates the provisions of this section
17 shall pay any commission, personal profit or compensation resulting
18 from the contract or transaction to the employing state, county,
19 municipality, township, district or quasi-municipal corporation as
20 restitution.

21 **Sec. 205.** NRS 281A.182 is hereby amended to read as
22 follows:

23 281A.182 1. Any person who serves in one of the following
24 positions is designated as a public officer for the purposes of this
25 chapter:

26 (a) A president of a university ~~H~~ or state college ~~for community~~
27 ~~college~~ within the Nevada System of Higher Education.

28 (b) *A president of a community college within the Nevada*
29 *System of Community Colleges.*

30 (c) A superintendent of a county school district.

31 ~~H(e)~~ (d) A county manager or a city manager.

32 2. This section applies to such a person regardless of whether
33 the person serves in the position:

34 (a) By appointment, contract or employment;

35 (b) With or without compensation; or

36 (c) On a temporary, interim or acting basis.

37 **Sec. 206.** NRS 281A.430 is hereby amended to read as
38 follows:

39 281A.430 1. Except as otherwise provided in this section and
40 NRS 218A.970 and 332.800, a public officer or employee shall not
41 bid on or enter into a contract between an agency and any business
42 entity in which the public officer or employee has a significant
43 pecuniary interest.

44 2. A member of any board, commission or similar body who is
45 engaged in the profession, occupation or business regulated by such



board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with an agency, except the board, commission or body on which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the Nevada System of Higher Education may bid on or enter into a contract with an agency, or may benefit financially or otherwise from a contract between an agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. *A full- or part-time faculty member or employee of the Nevada System of Community Colleges may bid on or enter into a contract with an agency, or may benefit financially or otherwise from a contract between an agency and a private entity, if the contract complies with the policies established by the State Board for Community Colleges pursuant to section 14 of this act.*

5. Except as otherwise provided in subsection 2, 3, 4 or ~~5~~ 6, a public officer or employee may bid on or enter into a contract with an agency if:

(a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding are not employed as a result of the applicability of NRS 332.112 or 332.148;

(b) The sources of supply are limited;

(c) The public officer or employee has not taken part in developing the contract plans or specifications; and

(d) The public officer or employee will not be personally involved in opening, considering or accepting offers.

➤ If a public officer who is authorized to bid on or enter into a contract with an agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose the public officer's interest in the contract and shall not vote on or advocate the approval of the contract.

~~5~~ 6. A member of a local legislative body shall not, either individually or through any business entity in which the member has a significant pecuniary interest, sell goods or services to the local agency governed by his or her local legislative body unless:

(a) The member, or the business entity in which the member has a significant pecuniary interest, offers the sole source of supply of the goods or services within the territorial jurisdiction of the local agency governed by his or her local legislative body;



(b) The local legislative body includes in the public notice and agenda for the meeting at which it will consider the purchase of such goods or services a clear and conspicuous statement that it is considering purchasing such goods or services from one of its members, or from a business entity in which the member has a significant pecuniary interest;

(c) At the meeting, the member discloses his or her significant pecuniary interest in the purchase of such goods or services and does not vote upon or advocate the approval of the matter pursuant to the requirements of NRS 281A.420; and

(d) The local legislative body approves the purchase of such goods or services in accordance with all other applicable provisions of law.

~~16-1~~ 7. The Commission may relieve a public officer or employee from the strict application of the provisions of this section if:

(a) The public officer or employee requests an opinion from the Commission pursuant to subsection 1 of NRS 281A.440; and

(b) The Commission determines that such relief is not contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of each agency affected by the matter; and

(3) The provisions of this chapter.

Sec. 207. NRS 284.140 is hereby amended to read as follows:

284.140 The unclassified service of the State consists of the following state officers or employees in the Executive Department of the State Government who receive annual salaries for their services:

1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.

2. Except as otherwise provided in NRS 223.085, 223.570 and 223.600, all persons required by law to be appointed by the Governor or heads of departments or agencies appointed by the Governor or by boards.

3. All employees other than clerical in the Office of the Attorney General and the State Public Defender required by law to be appointed by the Attorney General or the State Public Defender.

4. Except as otherwise provided by the Board of Regents of the University of Nevada pursuant to NRS 396.251 ~~H~~ *and the State Board for Community Colleges pursuant to section 13 of this act, as applicable*, officers and members of the teaching staff and the staffs of the Agricultural Extension Department and Experiment Station of the Nevada System of Higher Education, or any other



1 state institution of learning, and student employees of these
2 institutions. Custodial, clerical or maintenance employees of these
3 institutions are in the classified service. The Board of Regents of the
4 University of Nevada *and the State Board for Community Colleges*
5 shall assist the Administrator in carrying out the provisions of this
6 chapter applicable to the Nevada System of Higher Education **H**
7 *and the Nevada System of Community Colleges, as applicable.*

8 5. All other officers and employees authorized by law to be
9 employed in the unclassified service.

10 **Sec. 208.** NRS 284.325 is hereby amended to read as follows:

11 284.325 1. The Commission shall adopt regulations not
12 inconsistent with this section for the certification of qualified
13 persons for temporary service.

14 2. Except as otherwise provided in subsection 3, temporary
15 positions which occur, terminate or recur periodically must be filled
16 by certification in accordance with the regulations adopted by the
17 Commission.

18 3. An agency may appoint persons temporarily for less than
19 160 cumulative hours during any calendar year without regard to the
20 regulations adopted by the Commission pursuant to subsection 1.

21 4. The limitation on hours set forth in subsection 3 does not
22 apply to temporary or part-time service by:

23 (a) A pupil attending the pupil's last 2 years of high school;

24 (b) A student employed by the college or university the student
25 attends;

26 (c) A person certified for temporary service in accordance with
27 NRS 284.327;

28 (d) An employee of an events center, museum or research center
29 of the Nevada System of Higher Education **H** *or the Nevada*
30 *System of Community Colleges;*

31 (e) A person employed by the Nevada System of Higher
32 Education *or the Nevada System of Community Colleges* in a
33 temporary position which recurs periodically for the registration of
34 students; or

35 (f) A person employed by the Nevada System of Higher
36 Education *or the Nevada System of Community Colleges* to provide
37 such assistance to a student with a disability or to a student with an
38 identified academic disadvantage as it determines is necessary for
39 the academic success of the student, including, without limitation, a
40 person employed as a tutor, note taker, reader, sign interpreter or
41 test proctor.

42 5. The acceptance or refusal by an eligible person of a
43 temporary appointment does not affect the person's standing on the
44 register for permanent employment, nor may the period of



1 temporary service be counted as part of the probationary period in
2 case of subsequent appointment to a permanent position.

3 6. Successive temporary appointments to the same position
4 must not be made under this section.

5 7. As used in this section, "student with an identified academic
6 disadvantage" includes, without limitation, a student who the
7 Nevada System of Higher Education *or the Nevada System of*
8 *Community Colleges, as applicable*, has determined requires the
9 services of a tutor for success in a course of study.

10 **Sec. 209.** NRS 284.343 is hereby amended to read as follows:

11 284.343 1. Except as otherwise provided in this subsection,
12 after consultation with appointing authorities, and in cooperation
13 with the State Board of Examiners, the Commission shall adopt
14 regulations for all training of employees in the state service.
15 Professional employees of the teaching staff, Agricultural Extension
16 Service and Nevada Agricultural Experiment Station staffs of the
17 Nevada System of Higher Education, *the Nevada System of*
18 *Community Colleges*, or any other state institution of learning and
19 student employees of such an institution are exempt from the
20 provisions of this section.

21 2. The regulations adopted pursuant to subsection 1 must set
22 forth the conditions under which educational leave stipends may be
23 paid to any officer or employee of the State. Except as otherwise
24 provided in NRS 612.230 and with the exception of intermittent
25 course work not leading to the awarding of a degree, no person may
26 be granted educational leave stipends until the person has entered
27 into a contract with the person's employing agency whereby the
28 person agrees to pursue only those courses required for a degree
29 related to the person's employment with the State and to return to
30 the employ of the person's employing agency on the basis of 1 year
31 for each 9 months of educational leave taken or to refund the total
32 amount of the stipends regardless of the balance at the time of
33 separation.

34 3. This section does not prevent the granting of sabbatical
35 leaves by the Board of Regents of the University of Nevada *H or*
36 *the board of trustees of a community college*.

37 4. Where practicable all training for state employees must be
38 presented through established educational institutions within the
39 State.

40 5. The Division shall coordinate all training activities related to
41 remedial programs and programs for career development designed
42 to correct educational and training deficiencies of state employees
43 and create employment opportunities for the disadvantaged. In
44 connection with these activities, the Division, with the approval of
45 the Governor, is designated to enter into contractual arrangements



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1 with the Federal Government and others that provide grants or other
2 money for educational and training activities.

3 **Sec. 210.** NRS 284.345 is hereby amended to read as follows:

4 284.345 1. Except as otherwise provided in ~~subsection~~
5 *subsections 2 ~~H~~ and 3*, the Commission shall adopt regulations for
6 attendance and leave with or without pay or reduced pay in the
7 various classes of positions in the public service.

8 2. The Board of Regents of the University of Nevada shall
9 adopt regulations for attendance and for leave with or without pay or
10 with reduced pay, sabbatical leave, sick leave, emergency leave,
11 annual leave, terminal leave, military leave and such other leave as
12 the Board of Regents determines to be necessary or desirable for
13 officers and members of the faculty of the Nevada System of Higher
14 Education. Sabbatical leave with pay may not be granted to more
15 than 2 percent of the teaching personnel of a branch or facility of the
16 System with the rank of instructor or higher in any 1 year. No
17 sabbatical leave with pay may be granted unless the person
18 requesting the leave agrees in writing with the branch or facility to
19 return to the branch or facility after the leave for a period not less
20 than that required by the person's most recent contract of
21 employment if the Nevada System of Higher Education desires the
22 person's continued service.

23 *3. The State Board for Community Colleges shall adopt*
24 *regulations for attendance and for leave with or without pay or*
25 *with reduced pay, sabbatical leave, sick leave, emergency leave,*
26 *annual leave, terminal leave, military leave and such other leave*
27 *as the Board determines to be necessary or desirable for officers*
28 *and members of the faculty of the Nevada System of Community*
29 *Colleges. Sabbatical leave with pay may not be granted to more*
30 *than 2 percent of the teaching personnel of a branch or facility of*
31 *the System with the rank of instructor or higher in any 1 year. No*
32 *sabbatical leave with pay may be granted unless the person*
33 *requesting the leave agrees in writing with the branch or facility to*
34 *return to the branch or facility after the leave for a period not less*
35 *than that required by the person's most recent contract of*
36 *employment if the Nevada System of Community Colleges desires*
37 *the person's continued service.*

38 **Sec. 211.** NRS 284.350 is hereby amended to read as follows:

39 284.350 1. Except as otherwise provided in subsections 2, 3
40 and 4, an employee in the public service, whether in the classified or
41 unclassified service, is entitled to annual leave with pay of 1 1/4
42 working days for each month of continuous public service. The
43 annual leave may be cumulative from year to year not to exceed 30
44 working days. The Commission may by regulation provide for



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1 additional annual leave for long-term employees and for prorated
2 annual leave for part-time employees.

3 2. Except as otherwise provided in this subsection, any annual
4 leave in excess of 30 working days must be used before January 1 of
5 the year following the year in which the annual leave in excess of 30
6 working days is accumulated or the amount of annual leave in
7 excess of 30 working days is forfeited on that date. If an employee:

8 (a) On or before October 15, requests permission to take annual
9 leave; and

10 (b) The employee's request for leave is denied in writing for any
11 reason,

12 ➔ the employee is entitled to payment for any annual leave in
13 excess of 30 working days which the employee requested to take
14 and which the employee would otherwise forfeit as the result of the
15 denial of the employee's request, unless the employee has final
16 authority to approve use of the employee's own accrued leave and
17 the employee received payment pursuant to this subsection for any
18 unused annual leave in excess of 30 working days accumulated
19 during the immediately preceding calendar year. The payment for
20 the employee's unused annual leave must be made to the employee
21 not later than January 31.

22 3. Officers and members of the faculty of the Nevada System
23 of Higher Education *and the Nevada System of Community*
24 *Colleges* are entitled to annual leave as provided by the regulations
25 adopted pursuant to subsection 2 *or 3* of NRS 284.345 ~~+~~ , *as*
26 *applicable*.

27 4. The Commission shall establish by regulation a schedule for
28 the accrual of annual leave for employees who regularly work more
29 than 40 hours per week or 80 hours biweekly. The schedule must
30 provide for the accrual of annual leave at the same rate
31 proportionately as employees who work a 40-hour week accrue
32 annual leave.

33 5. No elected state officer may be paid for accumulated annual
34 leave upon termination of the officer's service.

35 6. During the first 6 months of employment of any employee in
36 the public service, annual leave accrues as provided in subsection 1,
37 but no annual leave may be taken during that period.

38 7. No employee in the public service may be paid for
39 accumulated annual leave upon termination of employment unless
40 the employee has been employed for 6 months or more.

41 8. Upon the request of an employee, the appointing authority of
42 the employee may approve the reduction or satisfaction of an
43 overpayment of the salary of the employee that was not obtained by
44 the fraud or willful misrepresentation of the employee with a
45 corresponding amount of the accrued annual leave of the employee.



Sec. 212. NRS 284.355 is hereby amended to read as follows:

284.355 1. Except as otherwise provided in this section, all employees in the public service, whether in the classified or unclassified service, are entitled to sick and disability leave with pay of 1 1/4 working days for each month of service, which may be cumulative from year to year. After an employee has accumulated 90 working days of sick leave, the amount of additional unused sick leave which the employee is entitled to carry forward from 1 year to the next is limited to one-half of the unused sick leave accrued during that year, but the Commission may by regulation provide for subsequent use of unused sick leave accrued but not carried forward because of this limitation in cases where the employee is suffering from a long-term or chronic illness and has used all sick leave otherwise available to the employee.

2. Upon the retirement of an employee, the employee's termination through no fault of the employee or the employee's death while in public employment, the employee or the employee's beneficiaries are entitled to payment:

(a) For the employee's unused sick leave in excess of 30 days, exclusive of any unused sick leave accrued but not carried forward, according to the employee's number of years of public service, except service with a political subdivision of the State, as follows:

(1) For 10 years of service or more but less than 15 years, not more than \$2,500.

(2) For 15 years of service or more but less than 20 years, not more than \$4,000.

(3) For 20 years of service or more but less than 25 years, not more than \$6,000.

(4) For 25 years of service, not more than \$8,000.

(b) For the employee's unused sick leave accrued but not carried forward, an amount equal to one-half of the sum of:

(1) The employee's hours of unused sick leave accrued but not carried forward; and

(2) An additional 120 hours.

3. The Commission may by regulation provide for additional sick and disability leave for long-term employees and for prorated sick and disability leave for part-time employees.

4. An employee entitled to payment for unused sick leave pursuant to subsection 2 may elect to receive the payment in any one or more of the following forms:

(a) A lump-sum payment.

(b) An advanced payment of the premiums or contributions for insurance coverage for which the employee is otherwise eligible pursuant to chapter 287 of NRS. If the insurance coverage is terminated and the money advanced for premiums or contributions



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1 pursuant to this subsection exceeds the amount which is payable for
2 premiums or contributions for the period for which the former
3 employee was actually covered, the unused portion of the advanced
4 payment must be paid promptly to the former employee or, if the
5 employee is deceased, to the employee's beneficiary.

6 (c) The purchase of additional retirement credit, if the employee
7 is otherwise eligible pursuant to chapter 286 of NRS.

8 5. Officers and members of the faculty of the Nevada System
9 of Higher Education *and the Nevada System of Community*
10 *Colleges* are entitled to sick and disability leave as provided by the
11 regulations adopted pursuant to subsection 2 *or 3* of NRS 284.345
12 *†, as applicable.*

13 6. The Commission may by regulation provide policies
14 concerning employees with mental or emotional disorders which:

15 (a) Use a liberal approach to the granting of sick leave or leave
16 without pay to such an employee if it is necessary for the employee
17 to be absent for treatment or temporary hospitalization.

18 (b) Provide for the retention of the job of such an employee for a
19 reasonable period of absence, and if an extended absence
20 necessitates separation or retirement, provide for the reemployment
21 of such an employee if at all possible after recovery.

22 (c) Protect employee benefits, including, without limitation,
23 retirement, life insurance and health benefits.

24 7. The Commission shall establish by regulation a schedule for
25 the accrual of sick leave for employees who regularly work more
26 than 40 hours per week or 80 hours biweekly. The schedule must
27 provide for the accrual of sick leave at the same rate proportionately
28 as employees who work a 40-hour week accrue sick leave.

29 8. The Division may investigate any instance in which it
30 believes that an employee has taken sick or disability leave to which
31 the employee was not entitled. If, after notice to the employee and a
32 hearing, the Commission determines that the employee has taken
33 sick or disability leave to which the employee was not entitled, the
34 Commission may order the forfeiture of all or part of the employee's
35 accrued sick leave.

36 **Sec. 213.** NRS 284.360 is hereby amended to read as follows:

37 284.360 1. Any person holding a permanent position in the
38 classified service may be granted a leave of absence without pay.
39 Leave of absence may be granted to any person holding a position in
40 the classified service to permit acceptance of an appointive position
41 in the unclassified service. Leave of absence must be granted to any
42 person holding a position in the classified service to permit
43 acceptance of a position in the Legislative Branch during a regular
44 or special session of the Legislature, including a reasonable period



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1 before and after the session if the entire period of employment in the
2 Legislative Branch is continuous.

3 2. If a person is granted a leave of absence without pay to
4 permit acceptance of an appointive position in the unclassified
5 service or a position in the Legislative Branch, any benefits earned
6 while the person is in the:

7 (a) Classified service are retained and must be paid by the
8 employer in the classified service, whether or not the person returns
9 to the classified service.

10 (b) Unclassified service or employed by the Legislative Branch
11 are retained and must be paid by the appointing authority in the
12 unclassified service or by the Legislative Branch, if the person does
13 not return to the classified service, or by the employer in the
14 classified service, if the person returns to the classified service.

15 3. Any person in the unclassified service, except members of
16 the academic staff of the Nevada System of Higher Education ~~§~~
17 *and the Nevada System of Community Colleges*, may be granted by
18 the appointing authority a leave of absence without pay for a period
19 not to exceed 6 months.

20 4. Officers and members of the faculty of the Nevada System
21 of Higher Education *and the Nevada System of Community*
22 *Colleges* may be granted leaves of absence without pay as provided
23 by the regulations prescribed pursuant to subsection 2 *or 3* of NRS
24 284.345 ~~§~~, *as applicable*.

25 5. Except as otherwise provided in subsection 6, a person in the
26 classified or unclassified service who:

27 (a) Is the natural parent of a child who is less than 6 months old;
28 or

29 (b) Has recently adopted a child,
30 ➔ must be granted, upon request, a leave of absence without pay for
31 a period not to exceed 12 weeks. Such a request by natural parents
32 must be submitted at least 3 months before the date upon which the
33 requested leave will begin, unless a shorter notice is approved by the
34 employer. Such a request by adoptive parents must be submitted not
35 fewer than 2 working days after the parents receive notice of the
36 approval of the adoption. This subsection does not affect the rights
37 of an employee set forth in NRS 284.350 or 284.355.

38 6. The provisions of subsection 5 are effective only if the
39 Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,
40 or a subsequent federal law ceases to provide for a parental leave of
41 absence of at least 12 weeks.

42 **Sec. 214.** NRS 284.385 is hereby amended to read as follows:

43 284.385 1. An appointing authority may:



(a) Dismiss or demote any permanent classified employee when the appointing authority considers that the good of the public service will be served thereby.

(b) Except as otherwise provided in NRS 284.148, suspend without pay, for disciplinary purposes, a permanent employee for a period not to exceed 30 days.

2. Before a permanent classified employee is dismissed, involuntarily demoted or suspended, the appointing authority must consult with the Attorney General or, if the employee is employed by the Nevada System of Higher Education ~~H~~ *or the Nevada System of Community Colleges*, the appointing authority's general counsel, regarding the proposed discipline. After such consultation, the appointing authority may take such lawful action regarding the proposed discipline as it deems necessary under the circumstances.

3. A dismissal, involuntary demotion or suspension does not become effective until the employee is notified in writing of the dismissal, involuntary demotion or suspension and the reasons therefor. The Commission shall adopt regulations setting forth the procedures for properly notifying the employee of the dismissal, involuntary demotion or suspension and the reasons therefor.

4. No employee in the classified service may be dismissed for religious or racial reasons.

Sec. 215. NRS 286.130 is hereby amended to read as follows:

286.130 1. Three members of the Board must be persons who:

(a) Have had at least 10 years of service as employees of the State of Nevada or its political subdivisions;

(b) Are not elected officers of the State of Nevada or its political subdivisions;

(c) Are active members of the System; and

(d) Are appointed from written nominations submitted by the following groups:

(1) Employees of the State , *the Nevada System of Community Colleges* and the Nevada System of Higher Education;

(2) The academic staff of school districts;

(3) Employees of cities, excluding Carson City;

(4) Employees of counties, including Carson City and excluding employees of county hospitals;

(5) Employees of county hospitals, public utilities, power districts, sanitation districts, classified school employees and employees of other districts as determined by the Board; and

(6) Employees whose current positions entitle them to participate in the Police and Firefighters' Retirement Fund.

➔ Each nominee must be a member of the group or organization that is nominating the nominee.



- 1 2. Two members of the Board must be persons who:
- 2 (a) Have had at least 10 years of service as employees of the
- 3 State of Nevada or its political subdivisions;
- 4 (b) Are not elected officers of the State of Nevada or its political
- 5 subdivisions;
- 6 (c) Are active members of the System; and
- 7 (d) Are appointed from written nominations submitted by the
- 8 following groups:
- 9 (1) Administrators of school districts or members of boards
- 10 of trustees of school districts; and
- 11 (2) Members of boards of county commissioners or the
- 12 governing bodies of cities or administrators of counties or cities.
- 13 3. One member of the Board must be a person who:
- 14 (a) Is an employee of the State of Nevada or its political
- 15 subdivisions with at least 10 years of service;
- 16 (b) Is serving in a position at least equivalent to the manager of
- 17 a department or division;
- 18 (c) Is not an elected officer of the State of Nevada or its political
- 19 subdivisions; and
- 20 (d) Is an active member of the System.
- 21 4. One member of the board must be a person who:
- 22 (a) Has had at least 10 years of service as an employee of the
- 23 State of Nevada or its political subdivisions;
- 24 (b) Is not an elected officer of the State of Nevada or its political
- 25 subdivisions; and
- 26 (c) Is receiving an allowance for service or disability retirement
- 27 pursuant to this chapter.
- 28 5. A member of the Board shall serve for 4 years, so long as
- 29 the member has the qualifications required by this section, and until
- 30 the member's successor is appointed and takes office. A member
- 31 of the Board who no longer has the qualifications specified in the
- 32 subsection under which the member was appointed may serve the
- 33 remainder of the member's term if the member loses those
- 34 qualifications in the final 24 months of the member's term.
- 35 **Sec. 216.** NRS 286.297 is hereby amended to read as follows:
- 36 286.297 The following persons are not eligible to become
- 37 members of the System:
- 38 1. Inmates of state institutions even though they may be
- 39 receiving compensation for services performed for the institution.
- 40 2. Independent contractors or persons rendering professional
- 41 services on a fee, retainer or contract basis.
- 42 3. Except as otherwise provided in NRS 286.525, persons
- 43 retired under the provisions of this chapter who are employed by a
- 44 participating public employer.



4. Members of boards or commissions of the State of Nevada or of its political subdivisions when such boards or commissions are advisory or directive and when membership thereon is not compensated except for expenses incurred. Receipt of a fee for attendance at official sessions of a particular board or commission does not constitute compensation for the purpose of this subsection.

5. Substitute teachers and students who are employed by the institution which they attend.

6. District judges, judges of the Court of Appeals and justices of the Supreme Court first elected or appointed on or after July 1, 1977, who are not enrolled in the System at the time of election or appointment.

7. Members of the professional staff of the Nevada System of Higher Education *or Nevada System of Community Colleges* who are employed on or after July 1, 1977.

8. Persons employed on or after July 1, 1979, under the Comprehensive Employment and Training Act.

9. Except as otherwise provided in NRS 286.293, persons assigned to intermittent or temporary positions unless the assignment exceeds 6 consecutive months.

10. Persons employed on or after July 1, 1981, as part-time guards at school crossings.

11. Nurses who:

(a) Are not full-time employees;

(b) Are paid an hourly wage on a daily basis;

(c) Do not receive the employee benefits received by other employees of the same employer; and

(d) Do not work a regular schedule or are requested to work for a shift at a time.

Sec. 217. NRS 286.501 is hereby amended to read as follows:

286.501 Each member who is employed by a school district for less than 12 months per school year , *each member of the professional staff of the Nevada System of Community Colleges* and each member of the professional staff of the Nevada System of Higher Education employed for the academic year who is employed for less than 12 months per fiscal year is credited with service as follows:

1. Service is credited on the basis of a full year if the member works full-time for the full school year.

2. Employment for a part of a school year is credited on a ratio of one and one-third days for each day worked, but credit may not be given in advance or until the appropriate period has expired.

3. A full year of service is not credited until the full 12-month period has expired. If the employee begins work under a new contract before the expiration of the 12-month period for the old



1 contract, credit must be granted for the period of overlap, as
2 certified by the school district, at the first period in which there is a
3 lapse in service.

4 4. Service credit under this section must be computed
5 according to:

6 (a) The school year for school district employees.

7 (b) The fiscal year for members of the professional staff of the
8 *Nevada System of Community Colleges and the Nevada System of*
9 *Higher Education.*

10 5. A member receives full credit while on sabbatical leave if
11 the public employer certifies that the compensation and
12 contributions reported for the member are the same as if the member
13 were employed full-time. If the employer does not so certify, the
14 member receives credit in the proportion that the member's actual
15 compensation bears to the member's previous compensation.

16 ➤ No member may receive less credit under this section than was
17 provided under the law in force when the credit was earned.

18 **Sec. 218.** NRS 286.523 is hereby amended to read as follows:

19 286.523 1. It is the policy of this State to ensure that the
20 reemployment of a retired public employee pursuant to this section
21 is limited to positions of extreme need. An employer who desires to
22 employ such a retired public employee to fill a position for which
23 there is a critical labor shortage must make the determination of
24 reemployment based upon the appropriate and necessary delivery of
25 services to the public.

26 2. The provisions of subsections 1 and 2 of NRS 286.520 do
27 not apply to a retired employee who accepts employment or an
28 independent contract with a public employer under the System if:

29 (a) The retired employee fills a position for which there is a
30 critical labor shortage; and

31 (b) At the time of the retired employee's reemployment, the
32 retired employee is receiving:

33 (1) A benefit that is not actuarially reduced pursuant to
34 subsection 6 of NRS 286.510; or

35 (2) A benefit actuarially reduced pursuant to subsection 6 of
36 NRS 286.510 and has reached the required age at which the retired
37 employee could have retired with a benefit that was not actuarially
38 reduced pursuant to subsection 6 of NRS 286.510.

39 3. A retired employee who is reemployed under the
40 circumstances set forth in subsection 2 may reenroll in the System
41 as provided in NRS 286.525.

42 4. Positions for which there are critical labor shortages must be
43 determined in an open public meeting held by the designating
44 authority as follows:



* A B 3 3 1 *

(a) Except as otherwise provided in this subsection, the State Board of Examiners shall designate positions in State Government for which there are critical labor shortages.

(b) The Supreme Court shall designate positions in the Judicial Branch of State Government for which there are critical labor shortages.

(c) The Board of Regents shall designate positions in the Nevada System of Higher Education for which there are critical labor shortages.

(d) *The board of trustees of each community college within the Nevada System of Community Colleges shall designate positions within the community college for which there are critical labor shortages.*

(e) The board of trustees of each school district shall designate positions within the school district for which there are critical labor shortages.

~~(f)~~ (f) The governing body of a charter school shall designate positions within the charter school for which there are critical labor shortages.

~~(g)~~ (g) The governing body of a local government shall designate positions with the local government for which there are critical labor shortages.

~~(h)~~ (h) The Board shall designate positions within the System for which there are critical labor shortages.

5. In determining whether a position is a position for which there is a critical labor shortage, the designating authority shall make findings based upon the criteria set forth in this subsection that support the designation. Before making a designation, the designating authority shall consider all efforts made by the applicable employer to fill the position through other means. The written findings made by the designating authority must include:

(a) The history of the rate of turnover for the position;

(b) The number of openings for the position and the number of qualified candidates for those openings after all other efforts of recruitment have been exhausted;

(c) The length of time the position has been vacant;

(d) The difficulty in filling the position due to special circumstances, including, without limitation, special educational or experience requirements for the position; and

(e) The history and success of the efforts to recruit for the position, including, without limitation, advertising, recruitment outside of this State and all other efforts made.

6. A designating authority that designates a position as a critical need position shall submit to the System its written findings which support that designation made pursuant to subsection 5 on a



1 form prescribed by the System. The System shall compile the forms
2 received from each designating authority and provide a biennial
3 report on the compilation to the Interim Retirement and Benefits
4 Committee of the Legislature.

5 7. A designating authority shall not designate a position
6 pursuant to subsection 4 as a position for which there is a critical
7 labor shortage for a period longer than 2 years. To be redesignated
8 as such a position, the designating authority must consider and make
9 new findings in an open public meeting as to whether the position
10 continues to meet the criteria set forth in subsection 5.

11 **Sec. 219.** NRS 287.04054 is hereby amended to read as
12 follows:

13 287.04054 "Participating state agency" means a department,
14 commission, board, bureau or other agency of the Executive,
15 Legislative and Judicial Branches of State Government, including,
16 without limitation, the Public Employees' Retirement System, *the*
17 *Nevada System of Community Colleges* and the Nevada System of
18 Higher Education.

19 **Sec. 220.** NRS 287.041 is hereby amended to read as follows:

20 287.041 1. There is hereby created the Board of the Public
21 Employees' Benefits Program. The Board consists of ~~four~~ **11**
22 members appointed as follows:

23 (a) One member who is a professional employee of the Nevada
24 System of Higher Education, appointed by the Governor upon
25 consideration of any recommendations of organizations that
26 represent employees of the Nevada System of Higher Education.

27 (b) *One member who is a professional employee of the Nevada*
28 *System of Community Colleges appointed by the Governor upon*
29 *consideration of any recommendations of organizations that*
30 *represent employees of the Nevada System of Community*
31 *Colleges.*

32 (c) Two members who are retired from public employment,
33 appointed by the Governor upon consideration of any
34 recommendations of organizations that represent retired public
35 employees.

36 ~~(e)~~ (d) Two members who are employees of the State,
37 appointed by the Governor upon consideration of any
38 recommendations of organizations that represent state employees.

39 ~~(d)~~ (e) One member appointed by the Governor upon
40 consideration of any recommendations of organizations that
41 represent employees of local governments that participate in the
42 program.

43 ~~(e)~~ (f) One member who is employed by this State in a
44 managerial capacity and has substantial and demonstrated
45 experience in risk management, portfolio investment strategies or



1 employee benefits programs appointed by the Governor. The
2 Governor may appoint the Executive Officer of the Public
3 Employees' Retirement System to fill this position.

4 ~~((e))~~ (g) Two members who have substantial and demonstrated
5 experience in risk management, portfolio investment strategies or
6 employee benefits programs appointed by the Governor.

7 ~~((e))~~ (h) The Director of the Office of Finance or the designee
8 of the Director.

9 2. Of the seven persons appointed to the Board pursuant to
10 paragraphs (a) to ~~((e))~~ (f), inclusive, of subsection 1, at least one
11 member must have an advanced degree in business administration,
12 economics, accounting, insurance, risk management or health care
13 administration, and at least two members must have education or
14 proven experience in the management of employees' benefits,
15 insurance, risk management, health care administration or business
16 administration.

17 3. Each person appointed as a member of the Board must:

18 (a) Except for a member appointed pursuant to paragraph ~~((e))~~
19 (g) of subsection 1, have been a participant in the Program for at
20 least 1 year before the person's appointment;

21 (b) Except for a member appointed pursuant to paragraph ~~((e))~~
22 (g) of subsection 1, be a current employee of the State of Nevada or
23 another public employer that participates in the Program or a retired
24 public employee who is a participant in the Program;

25 (c) Not be an elected officer of the State of Nevada or any of its
26 political subdivisions; and

27 (d) Not participate in any business enterprise or investment:

28 (1) With any vendor or provider to the Program; or

29 (2) In real or personal property if the Program owns or has a
30 direct financial interest in that enterprise or property.

31 4. Except as otherwise provided in this subsection, after the
32 initial terms, the term of an appointed member of the Board is 4
33 years and until the member's successor is appointed and takes office
34 unless the member no longer possesses the qualifications for
35 appointment set forth in this section or is removed by the Governor.
36 If a member loses the requisite qualifications within the last 12
37 months of the member's term, the member may serve the remainder
38 of the member's term. Members are eligible for reappointment. A
39 vacancy occurring in the membership of the Board must be filled in
40 the same manner as the original appointment.

41 5. The appointed members of the Board serve at the pleasure of
42 the Governor. If the Governor wishes to remove a member from the
43 Board for any reason other than malfeasance or misdemeanor, the
44 Governor shall provide the member with written notice which states
45 the reason for and the effective date of the removal.



Sec. 221. NRS 287.045 is hereby amended to read as follows:

287.045 1. Except as otherwise provided in this section, every state officer or employee who is employed in a full-time position is eligible to participate in the Program on:

(a) The first day of full-time employment of the state officer or employee, if that date is the first day of the month; or

(b) The first day of the month immediately following the first day of full-time employment of the state officer or employee.

2. Professional employees of the *Nevada System of Community Colleges and the Nevada System of Higher Education* who have annual employment contracts are eligible to participate in the Program on:

(a) The effective dates of their respective employment contracts, if those dates are on the first day of a month; or

(b) The first day of the month immediately following the effective dates of their respective employment contracts, if those dates are not on the first day of a month.

3. Every officer or employee who is employed by a participating local governmental agency on a permanent and full-time basis on the date on which the participating local governmental agency enters into an agreement to participate in the Program pursuant to paragraph (a) of subsection 1 of NRS 287.025, and every officer or employee who commences employment with that participating local governmental agency after that date, is eligible to participate in the Program on:

(a) The first day of full-time employment of the officer or employee, if that date is the first day of the month; or

(b) The first day of the month immediately following the first day of full-time employment of the officer or employee,

➤ unless that officer or employee is excluded pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.

4. Every member of the Senate and Assembly is eligible to participate in the Program on:

(a) The first day of the initial term of office of the member, if that date is the first day of the month; or

(b) The first day of the month immediately following the first day of the initial term of office of the member.

5. For each eligible person identified in subsections 1 to 4, inclusive, the Program must receive the notice required pursuant to NRS 287.0439 before the date on which the person is eligible to enroll in the Program. If the Program does not receive the notice required pursuant to NRS 287.0439 before the date on which the person is eligible to enroll in the Program, the person will not be eligible to enroll in the Program until the first day of the month



1 immediately after the Program received the notice required pursuant
2 to NRS 287.0439 for that person.

3 6. Each person identified in subsections 1, 2 and 3 must enroll
4 or decline coverage in the Program before the end of the first month
5 in which he or she is eligible to enroll in the Program. If the person
6 fails to enroll or decline coverage in the Program before the end of
7 the first month in which he or she is eligible to enroll in the
8 Program, he or she will be automatically enrolled on an individual
9 basis, without coverage for dependents, in the base plan offered by
10 the Program. Such a person must be allowed to:

11 (a) Change the plan in which the person is enrolled during the
12 next period of open enrollment; and

13 (b) Add eligible dependents during the next period of open
14 enrollment or after meeting the applicable terms and conditions of
15 the Program.

16 7. Notwithstanding the provisions of subsections 1, 3 and 4, if
17 the Board does not, pursuant to NRS 689B.580, elect to exclude the
18 Program from compliance with NRS 689B.340 to 689B.580,
19 inclusive, and if the coverage under the Program is provided by a
20 health maintenance organization authorized to transact insurance in
21 this State pursuant to chapter 695C of NRS, any affiliation period
22 imposed by the Program may not exceed the statutory limit for an
23 affiliation period set forth in NRS 689B.500.

24 8. As used in this section, "base plan" means the plan
25 designated by the Board as the default plan for the year as described
26 in the Program documents.

27 **Sec. 222.** NRS 287.245 is hereby amended to read as follows:

28 287.245 1. The State may agree with any of its employees,
29 *the Nevada System of Community Colleges may agree with any of*
30 *its employees* and the Board of Regents of the University of Nevada
31 may agree with any of its employees, to reduce the amount of
32 taxable compensation due to an employee in accordance with a
33 program established pursuant to 26 U.S.C. § 125 by the Board of the
34 Public Employees' Benefits Program.

35 2. Political subdivisions of this State may agree with any of
36 their employees to reduce the amount of taxable compensation due
37 to an employee in accordance with a program established pursuant
38 to 26 U.S.C. § 125.

39 3. The employer shall deduct an amount from the taxable
40 compensation of an employee pursuant to the agreement between
41 the employer and the employee.

42 4. An employer shall not make any reduction in the taxable
43 compensation of an employee pursuant to this section until the
44 program established meets the requirements of 26 U.S.C. § 125 for
45 eligibility.



1 5. The Board of the Public Employees' Benefits Program may
2 establish and administer a program pursuant to 26 U.S.C. § 125. The
3 Board may:

4 (a) Create an appropriate fund for administration of money and
5 other assets resulting from the money deducted pursuant to the
6 program.

7 (b) Delegate to one or more state agencies or institutions of the
8 *Nevada System of Community Colleges and* Nevada System of
9 Higher Education the responsibility for administering the program
10 for their respective employees, including, without limitation:

11 (1) Collection of money deducted;

12 (2) Transmittal of money collected to depositories within the
13 State designated by the Board; and

14 (3) Payment for eligible uses.

15 (c) Contract with a natural person, corporation, institution or
16 other entity, directly or through a state agency or institution of the
17 Nevada System of Higher Education, for services necessary to the
18 administration of the plan, including, without limitation:

19 (1) Consolidated billing;

20 (2) The keeping of records for each participating employee
21 and the program;

22 (3) The control and safeguarding of assets;

23 (4) Programs for communication with employees; and

24 (5) The administration and coordination of the program.

25 6. Each employee who participates in a program established by
26 the Board of the Public Employees' Benefits Program pursuant to
27 this section shall pay a proportionate share of the cost to administer
28 the program as determined by the Board.

29 7. The provisions of this section do not supersede, make
30 inoperative or reduce the benefits provided by the Public
31 Employees' Retirement System or by any other retirement, pension
32 or benefit program established by law.

33 **Sec. 223.** NRS 287.270 is hereby amended to read as follows:

34 287.270 "Deferred compensation" means income which a state
35 employee or employee of the *Nevada System of Community*
36 *Colleges or* Nevada System of Higher Education may legally set
37 aside under the Program, which may consist of one or more plans
38 authorized by 26 U.S.C. § 401(a), 401(k), 403(b), 457 or 3121,
39 including, without limitation, a FICA alternative plan, or any other
40 plan authorized by any federal law to reduce taxable compensation
41 or other forms of compensation, and which income, while invested
42 under the Program, is exempt from federal income taxes on the
43 employee's contributions and interest, dividends and capital gains.



1 **Sec. 224.** NRS 287.320 is hereby amended to read as follows:

2 287.320 1. The State may agree with any of its employees,
3 *the Nevada System of Community Colleges may agree with any of*
4 *its employees* and the Board of Regents of the University of Nevada
5 may agree with any of its employees, to defer the compensation due
6 to them in accordance with a program approved by the Committee
7 which may consist of one or more plans authorized by 26 U.S.C. §
8 401(a), 401(k), 403(b), 457 or 3121, including, without limitation, a
9 FICA alternative plan, or any other plan authorized by any federal
10 law to reduce taxable compensation or other forms of compensation.
11 The *State Board for Community Colleges and the* Board of
12 Regents may agree with any of its employees to defer the
13 compensation due to them as authorized by 26 U.S.C. § 403(b)
14 without submitting the program to the Committee for its approval.
15 An employee may defer compensation under one or more plans in
16 the Program.

17 2. The employer shall withhold the amount of compensation
18 which an employee has, by such an agreement, directed the
19 employer to defer.

20 3. The employer may invest the withheld money in any
21 investment approved by the Committee or, in the case of deferred
22 compensation under 26 U.S.C. § 403(b) for employees of the :

23 (a) *Nevada System of Community Colleges, by the State Board*
24 *for Community Colleges.*

25 (b) Nevada System of Higher Education , by the Board of
26 Regents of the University of Nevada.

27 4. The investments must be underwritten and offered in
28 compliance with all applicable federal and state laws and
29 regulations, and may be offered only by persons who are authorized
30 and licensed under all applicable state and federal regulations.

31 5. All amounts of compensation deferred pursuant to the
32 Program, all property and all rights purchased with those amounts
33 and all income attributable to those amounts, property or rights
34 must, in accordance with 26 U.S.C. § 401(a), 401K, 403(b), 457(g)
35 or 3121, including, without limitation, a FICA alternative plan, or
36 any other federal law authorizing a plan to reduce taxable
37 compensation or other forms of compensation, as applicable, be held
38 in trust for the exclusive benefit of the participants in the Program
39 and their beneficiaries.

40 **Sec. 225.** NRS 287.325 is hereby amended to read as follows:

41 287.325 1. The Governor shall appoint a Committee to
42 administer the Program. The Committee must consist of:

43 (a) Three members who are employed by state agencies whose
44 payrolls are administered by the Division of Human Resource
45 Management of the Department of Administration;



(b) One member who is employed by a state agency whose payroll is administered by an entity other than the Division of Human Resource Management of the Department of Administration; and

(c) One member who has retired from employment by the State of Nevada, *the Nevada System of Community Colleges* or the Nevada System of Higher Education.

➔ Each member of the Committee must be a participant in the Program, have participated in the Program for not less than 2 years and have been nominated for membership by five or more persons who have each participated in the Program for not less than 6 months.

2. After their initial terms, members of the Committee serve terms of 4 years or until their successors have been appointed and have qualified.

3. A vacancy on the Committee occurs when a member dies, resigns or becomes ineligible for membership on the Committee. A person becomes ineligible for membership on the Committee when:

(a) The person ceases to be a participant in the Program; or

(b) Except as otherwise provided in this paragraph, the person ceases to have the qualifications for membership required by the paragraph of subsection 1 under which the person was appointed. A member of the Committee who ceases to have those qualifications may serve the remainder of the member's term if that period does not exceed 24 months.

4. The member appointed pursuant to paragraph (c) of subsection 1 must be compensated \$80 per day from money appropriated from the Program pursuant to NRS 287.365 for attending a meeting of the Committee and for acting at the direction of or on behalf of the Committee.

5. For the purposes of this section, "participant in the Program" means a person who is:

(a) Deferring compensation pursuant to the Program;

(b) Maintaining deferred compensation in the Program; or

(c) Receiving payments of deferred compensation pursuant to the Program.

Sec. 226. NRS 287.330 is hereby amended to read as follows:

287.330 1. The Committee shall:

(a) At its first meeting each year, designate one of its members to serve as Chair of the Committee for a term of 1 year or until the Chair's successor has been designated.

(b) Act in such a manner as to promote the collective best interests of the participants in the Program.

2. The Committee may:



(a) Create an appropriate account for administration of money and other assets resulting from compensation deferred pursuant to the Program.

(b) With the approval of the Governor, delegate to one or more state agencies or institutions of the *Nevada System of Community Colleges or* Nevada System of Higher Education the responsibility for administering the Program for their respective employees, including:

(1) Collection of deferred compensation;

(2) Transmittal of money collected to depositories within the State designated by the Committee; and

(3) Payment of deferred compensation to participating employees.

(c) Contract with a private person, corporation, institution or other entity, directly or through a state agency or institution of the *Nevada System of Community Colleges or the* Nevada System of Higher Education, for services necessary to the administration of the plan, including, without limitation:

(1) Consolidated billing;

(2) The keeping of records for each participating employee and the Program;

(3) The purchase, control and safeguarding of assets;

(4) Programs for communication with employees; and

(5) The administration and coordination of the Program.

3. The Committee and its individual members are not liable for any decision relating to investments if the Committee has:

(a) Obtained the advice of qualified counsel on investments.

(b) Established proper objectives and policies relating to investments.

(c) Discharged its duties regarding the decision:

(1) Solely in the interest of the participants in the Program; and

(2) With the care, skill, prudence and diligence that, under the circumstances existing at the time of the decision, a prudent person who is familiar with similar investments would use while acting in a similar capacity in conducting an enterprise of similar character and purpose.

(d) Selected at least one plan for the use of the participants in the Program, except that if the Committee has selected two or more plans from which the participants in the Program may choose, the Committee has selected the plans from separate and distinct providers.

(e) Solicited proposals from qualified providers of plans at least once every 5 years.



1 **Sec. 227.** NRS 287.360 is hereby amended to read as follows:

2 287.360 The Program must be established in addition to other
3 retirement, pension and benefit systems established by the State ,
4 *the Nevada System of Community Colleges* or the Nevada System
5 of Higher Education, and does not supersede, make inoperative, or
6 reduce benefits provided by the Public Employees' Retirement
7 System or by any other retirement, pension or benefit program
8 established by law.

9 **Sec. 228.** NRS 287.370 is hereby amended to read as follows:

10 287.370 No appropriated money of the State may be spent in
11 connection with the administration of the Program except as
12 compensation for employees who participated in the administration
13 as part of their regular duties, including without limitation:

14 1. Members and staff of the Committee; and

15 2. Employees of the state agency or the institution of the
16 *Nevada System of Community Colleges or the* Nevada System of
17 Higher Education selected to administer the Program.

18 **Sec. 229.** NRS 289.350 is hereby amended to read as follows:

19 289.350 1. A person employed and compensated as a
20 member of the police department of the Nevada System of Higher
21 Education ~~H~~ *or the Nevada System of Community Colleges*, when
22 appointed pursuant to subsection 1 of NRS 396.325 *or subsection 1*
23 *of section 26 of this act* and duly sworn, is a peace officer, but may
24 exercise the officer's power or authority only:

25 (a) Upon the campuses of the Nevada System of Higher
26 Education ~~H~~ *or Nevada System of Community Colleges, as*
27 *applicable*, including that area to the center line of public streets
28 adjacent to a campus;

29 (b) When in hot pursuit of a violator leaving such a campus or
30 area;

31 (c) In or about other grounds or properties of the Nevada System
32 of Higher Education ~~H~~ *or Nevada System of Community Colleges,*
33 *as applicable;* or

34 (d) Except as limited by subsection 2, in accordance with
35 interlocal agreements entered into with other law enforcement
36 agencies.

37 2. An interlocal agreement between the police department for
38 the Nevada System of Higher Education *or the Nevada System of*
39 *Community Colleges* and other law enforcement agencies may
40 allow a peace officer of the police department of the Nevada System
41 of Higher Education *or Nevada System of Community Colleges, as*
42 *applicable*, to exercise the officer's power or authority:

43 (a) On any public street that is adjacent to property owned by
44 the Nevada System of Higher Education ~~H~~ *or Nevada System of*
45 *Community Colleges, as applicable.*



(b) On any property that is consistently used by an organization whose recognition by the Nevada System of Higher Education *or Nevada System of Community Colleges, as applicable*, is a necessary condition for its continued operation.

(c) On any property that is rented or leased by the Nevada System of Higher Education *or Nevada System of Community Colleges, as applicable*, for an event that is approved by the Nevada System of Higher Education ~~H~~ *or Nevada System of Community Colleges, as applicable*.

(d) For mutual assistance specifically agreed upon with the other law enforcement agencies that are parties to the interlocal agreement.

Sec. 230. NRS 321.001 is hereby amended to read as follows:

321.001 1. The Division shall acquire and hold in the name of the State of Nevada all lands and interests in land owned or required by the State except:

(a) Lands or interests used or acquired for highway purposes;

(b) Lands or interests the title to which is vested in the Board of Regents of the University of Nevada;

(c) *Lands or interests the title to which is vested in the State Board for Community Colleges;*

(d) Offices outside state buildings leased by the Administrator of the State Public Works Division of the Department of Administration for the use of state officers and employees; or

~~H(d)~~ (e) Lands or interests used or acquired for the Legislature or its staff,

➔ and shall administer all lands it holds which are not assigned for administration to another state agency.

2. If additional land or an interest in land is required for the use of any state agency except the Department of Transportation, *the Nevada System of Community Colleges* or the Nevada System of Higher Education, the agency and the Division shall select land for use by the agency. The Division shall obtain the approval of the Administrator of the State Public Works Division of the Department of Administration if the land will be used for a building pursuant to NRS 341.141. The Division shall determine the value of that land and obtain the land or interest by negotiation or, if necessary, by exercising the State's power of eminent domain. Title must be taken in the name of the State of Nevada.

3. The Division may acquire and hold land and interests in land required for any public purpose, including the production of public revenue. Title must be taken in the name of the State of Nevada.



1 **Sec. 231.** NRS 321.5963 is hereby amended to read as
2 follows:

3 321.5963 As used in NRS 321.596 to 321.599, inclusive,
4 unless the context otherwise requires:

5 1. "Division" means the Division of State Lands of the State
6 Department of Conservation and Natural Resources.

7 2. "Public lands" means all lands within the exterior
8 boundaries of the State of Nevada except lands:

9 (a) To which title is held by any private person or entity;

10 (b) To which title is held by the State of Nevada, any of its local
11 governments , *the Nevada System of Community Colleges* or the
12 Nevada System of Higher Education;

13 (c) Which are located within congressionally authorized national
14 parks, monuments, national forests or wildlife refuges or which are
15 lands acquired by purchase consented to by the Legislature;

16 (d) Which are controlled by the United States Department of
17 Defense, Department of Energy or Bureau of Reclamation; or

18 (e) Which are held in trust for Indian purposes or are Indian
19 reservations.

20 **Sec. 232.** NRS 321.610 is hereby amended to read as follows:

21 321.610 1. All applications to the Bureau of Land
22 Management by the State filed on behalf of a state agency except:

23 (a) The Department of Transportation;

24 (b) The Nevada System of Higher Education; ~~for~~

25 (c) *The Nevada System of Community Colleges; or*

26 (d) The Legislature,

27 ➔ to lease or purchase lands pursuant to the provisions of the
28 Recreation and Public Purposes Act of 1926, 44 Stat. 741, as
29 amended, must be submitted to the State Land Registrar for
30 approval.

31 2. The State Land Registrar shall:

32 (a) Examine those applications and determine whether they are
33 in proper form, contain the required information and are
34 accompanied by the required fees;

35 (b) Determine from the records of the Bureau of Land
36 Management whether the lands to be leased or purchased are subject
37 to disposition pursuant to the Act; and

38 (c) File each application the State Land Registrar approves with
39 the Bureau of Land Management.

40 3. If the State Land Registrar denies an application submitted
41 pursuant to subsection 1, the State Land Registrar shall mail a
42 written notice of the denial to the state agency within 7 days after
43 the application is denied. The notice must include a statement that
44 sets forth:

45 (a) The reason the application was denied; and



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(b) Any conditions that the state agency must satisfy before the State Land Registrar will approve the application.

4. If the state agency satisfies the conditions set forth in the notice, the State Land Registrar shall approve the application and file it with the Bureau of Land Management.

5. The Department of Transportation, the Nevada System of Higher Education, *the Nevada System of Community Colleges*, the Legislature or a political subdivision of the State may request the assistance of the State Land Registrar in filing an application with the Bureau of Land Management to lease or purchase lands pursuant to the provisions of the Recreation and Public Purposes Act of 1926, 44 Stat. 741, as amended. The State Land Registrar shall provide the assistance requested, including, but not limited to, an examination of any application submitted to the State Land Registrar for his or her review. The State Land Registrar shall, upon the completion of the examination, return the application to the Department of Transportation, the Nevada System of Higher Education, *the Nevada System of Community Colleges*, the Legislature or the political subdivision for filing with the Bureau of Land Management.

Sec. 233. NRS 321.655 is hereby amended to read as follows:

321.655 As used in NRS 321.640 to 321.770, inclusive:

1. "Administrator" means the executive head of the Division.

2. "Area of critical environmental concern" means any area in this State where there is or could develop irreversible degradation of more than local significance but does not include an area of depleting water supply which is caused by the beneficial use or storage of water in other areas pursuant to legally owned and fully appropriated water rights.

3. "Planning agency" means:

(a) The planning commission for the city in which the land is entirely located; or

(b) A county or regional planning commission, if there is one, or the board of county commissioners or Nevada Tahoe Regional Planning Agency, within whose jurisdiction the land is located.

4. "Public lands" means all lands within the exterior boundaries of the State of Nevada except lands:

(a) To which title is held by any private person or entity;

(b) To which title is held by the State of Nevada, any of its local governments, *the Nevada System of Community Colleges* or the Nevada System of Higher Education;

(c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges, or which are lands acquired by purchase consented to by the Legislature;



(d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or

(e) Which are held in trust for Indian purposes or are Indian reservations.

Sec. 234. NRS 328.500 is hereby amended to read as follows:

328.500 1. The Legislature finds that more than 87 percent of the land in the State of Nevada is held by the Federal Government, of which 69 percent is public land, and the actions of federal agencies and instrumentalities involving the public lands and waters appurtenant to and public roads over those lands significantly affect the health, safety, welfare and happiness of the citizens of this State and may interfere with the traditional sovereign functions of the State of Nevada with respect to those lands, waters and roads and their uses.

2. Except as otherwise provided in subsection 3, the Attorney General may:

(a) On his or her own initiative or at the request of the Governor or any state agency, bring and maintain any action; or

(b) Intervene on behalf of or bring and maintain an action on the relation of, any person in any meritorious case,

➔ in any court or before any federal agency if any action or proposed action by a federal agency or instrumentality with respect to the public lands or waters appurtenant to or public roads over those lands impairs or tends to impair the sovereignty of the State of Nevada.

3. The Attorney General may bring an action pursuant to this section if:

(a) The Legislature has appropriated sufficient money for the operation of the Attorney General's office to permit the Attorney General to bring and maintain the action until its conclusion; or

(b) The Attorney General has obtained the permission:

(1) From the Legislature, if it is in session, expressed by a concurrent resolution; or

(2) If the Legislature is not in session, from the Interim Finance Committee.

4. As used in this section, "public lands" means all lands within the exterior boundaries of the State of Nevada except lands:

(a) To which title is held by any private person or entity;

(b) To which title is held by the State of Nevada, any of its local governments, *the Nevada System of Community Colleges* or the Nevada System of Higher Education;

(c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges or which are lands acquired by purchase consented to by the Legislature;



(d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or

(e) Which are held in trust for Indian purposes or are Indian reservations.

Sec. 235. NRS 333.020 is hereby amended to read as follows:

333.020 As used in this chapter, unless the context otherwise requires:

1. "Administrator" means the Administrator of the Purchasing Division.

2. "Best value" means the greatest possible economy consistent with grades or qualities of supplies, materials, equipment and services that are adapted to the purposes to be served.

3. "Director" means the Director of the Department of Administration.

4. "Invitation to bid" means a written statement which sets forth the requirements and specifications of a contract to be awarded by competitive selection.

5. "Proprietary information" means:

(a) Any trade secret or confidential business information that is contained in a bid or proposal submitted on a particular contract; or

(b) Any other trade secret or confidential business information submitted in a bid or proposal and designated as proprietary by the Administrator.

➤ As used in this subsection, "confidential business information" means any information relating to the amount or source of any income, profits, losses or expenditures of a person, including data relating to cost or price submitted in support of a bid or proposal. The term does not include the amount of a bid or proposal.

6. "Purchasing Division" means the Purchasing Division of the Department of Administration.

7. "Purchasing officer" means a person who is authorized by the Administrator or a using agency to participate in:

(a) The evaluation of bids or proposals for a contract;

(b) Any negotiations concerning a contract; or

(c) The development, review or approval of a contract.

8. "Request for proposals" means a written statement which sets forth the requirements and specifications of a contract to be awarded by competitive selection.

9. "Trade secret" has the meaning ascribed to it in NRS 600A.030.

10. "Using agencies" means all officers, departments, institutions, boards, commissions and other agencies in the Executive Department of the State Government which derive their support from public money in whole or in part, whether the money is provided by the State of Nevada, received from the Federal



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Government or any branch, bureau or agency thereof, or derived from private or other sources. The term does not include the Nevada Rural Housing Authority, the Housing Division of the Department of Business and Industry, local governments as defined in NRS 354.474, conservation districts, irrigation districts , *the Nevada System of Community Colleges* and the Nevada System of Higher Education.

11. "Volunteer fire department" means a volunteer fire department which pays premiums for industrial insurance pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

Sec. 236. NRS 333.470 is hereby amended to read as follows:

333.470 1. The Nevada System of Higher Education, *the Nevada System of Community Colleges*, local governments as defined in NRS 354.474, conservation districts and irrigation districts in the State of Nevada may obtain supplies, materials and equipment on a voluntary basis through the facilities of the Purchasing Division.

2. The Administrator shall issue bulletins from time to time to:

- (a) Each state agency;
- (b) Each local governmental agency;
- (c) Each irrigation district;
- (d) Each conservation district; ~~and~~
- (e) *The Nevada System of Community Colleges; and*
- (f) *The Nevada System of Higher Education,*

↪ indicating the supplies, materials and equipment available and the prices thereof.

3. The specifications for all bids for supplies, materials or equipment to be furnished pursuant to the provisions of subsection 1 must be so written that all suppliers of the market in the industry or business concerned are given an opportunity to bid pursuant to notice as provided for in this chapter.

Sec. 237. NRS 333.700 is hereby amended to read as follows:

333.700 1. Except as otherwise provided in NRS 333.705, a using agency may contract for the services of a person as an independent contractor. Except as otherwise provided by specific statute, each such contract must be awarded pursuant to this chapter.

2. An independent contractor is a natural person, firm or corporation who agrees to perform services for a fixed price according to his, her or its own methods and without subjection to the supervision or control of the other contracting party, except as to the results of the work, and not as to the means by which the services are accomplished.

3. For the purposes of this section:



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(a) Travel, subsistence and other personal expenses may be paid to an independent contractor, if provided for in the contract, in such amounts as provided for in the contract. Those expenses must not be paid pursuant to the provisions of NRS 281.160.

(b) There must be no:

(1) Withholding of income taxes by the State;

(2) Coverage for industrial insurance provided by the State;

(3) Participation in group insurance plans which may be available to employees of the State;

(4) Participation or contributions by either the independent contractor or the State to the Public Employees' Retirement System;

(5) Accumulation of vacation leave or sick leave; or

(6) Coverage for unemployment compensation provided by the State if the requirements of NRS 612.085 for independent contractors are met.

4. An independent contractor is not in the classified or unclassified service of the State and has none of the rights or privileges available to officers or employees of the State of Nevada.

5. If the contract is for services for which a license, certificate, registration, permit or other type of authorization is required by law, an independent contractor must hold the appropriate, current authorization that is required by law for the services.

6. Except as otherwise provided in this subsection, each contract for the services of an independent contractor must be in writing. The form of the contract must be first approved by the Attorney General, and except as otherwise provided in subsection 8, an executed copy of each contract must be filed with the Fiscal Analysis Division of the Legislative Counsel Bureau and the Clerk of the State Board of Examiners. The State Board of Examiners may waive the requirements of this subsection in the case of contracts which are for amounts less than \$2,000.

7. Except as otherwise provided in subsection 8, and except for contracts entered into by the *Nevada System of Community Colleges and the Nevada System of Higher Education*, each proposed contract with an independent contractor must be submitted to the State Board of Examiners. The contracts do not become effective without the prior approval of the State Board of Examiners, except that the State Board of Examiners may authorize its Clerk or a designee to approve contracts which are:

(a) For amounts less than \$50,000; or

(b) Entered into by the Nevada Gaming Control Board for the purposes of investigating an applicant for or holder of a gaming license.

8. Copies of the following types of contracts need not be filed or approved as provided in subsections 6 and 7:



(a) Contracts executed by the Department of Transportation for any work of construction or reconstruction of highways.

(b) Contracts executed by the State Public Works Division of the Department of Administration or any other state department or agency for any work of construction or major repairs of state buildings, if the contracting process was controlled by the rules of open competitive bidding.

(c) Contracts executed by the Housing Division of the Department of Business and Industry.

(d) Contracts executed with business entities for any work of maintenance or repair of office machines and equipment.

9. The State Board of Examiners shall review each contract submitted for approval pursuant to subsection 7 to consider:

(a) Whether sufficient authority exists to expend the money required by the contract; and

(b) Whether the service which is the subject of the contract could be provided by a state agency in a more cost-effective manner.

➔ If the contract submitted for approval continues an existing contractual relationship, the State Board of Examiners shall ask each agency to ensure that the State is receiving the services that the contract purports to provide.

10. If the services of an independent contractor are contracted for to represent an agency of the State in any proceeding in any court, the contract must require that the independent contractor identify in all pleadings the specific state agency which he or she is representing.

11. Except as otherwise provided in this subsection, a contract for the services of an independent contractor may be performed in parts or phases. A contract for the services of an independent contract must not be split into separate contracts for the purpose of avoiding any requirements for competitive bidding.

12. The State Board of Examiners may adopt regulations to carry out the provisions of this section.

Sec. 238. NRS 333.705 is hereby amended to read as follows:

333.705 1. Except as otherwise provided in this section, a using agency shall not enter into a contract with a person to provide services for the using agency if:

(a) The person is a current employee of an agency of this State;

(b) The person is a former employee of an agency of this State and less than 2 years have expired since the termination of the person's employment with the State; or

(c) The person is employed by the Department of Transportation for a transportation project that is entirely funded by federal money and the term of the contract is for more than 4 years,



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1 ↪ unless the using agency submits a written disclosure to the State
2 Board of Examiners indicating the services to be provided pursuant
3 to the contract and the person who will be providing those services
4 and, after reviewing the disclosure, the State Board of Examiners
5 approves entering into a contract with the person. The requirements
6 of this subsection apply to any person employed by a business or
7 other entity that enters into a contract to provide services for a using
8 agency if the person will be performing or producing the services
9 for which the business or entity is employed.

10 2. The provisions of paragraph (b) of subsection 1 apply to
11 employment through a temporary employment service. A temporary
12 employment service providing employees for a using agency shall
13 provide the using agency with the names of the employees to be
14 provided to the agency. The State Board of Examiners shall not
15 approve a contract pursuant to paragraph (b) of subsection 1 unless
16 the Board determines that one or more of the following
17 circumstances exist:

18 (a) The person provides services that are not provided by any
19 other employee of the using agency or for which a critical labor
20 shortage exists; or

21 (b) A short-term need or unusual economic circumstance exists
22 for the using agency to contract with the person.

23 3. The approval by the State Board of Examiners to contract
24 with a person pursuant to subsection 1:

25 (a) May occur at the same time and in the same manner as the
26 approval by the State Board of Examiners of a proposed contract
27 pursuant to subsection 7 of NRS 333.700; and

28 (b) Must occur before the date on which the contract becomes
29 binding on the using agency.

30 4. A using agency may contract with a person pursuant to
31 paragraph (a) or (b) of subsection 1 without obtaining the approval
32 of the State Board of Examiners if the term of the contract is for less
33 than 4 months and the head of the using agency determines that an
34 emergency exists which necessitates the contract. If a using agency
35 contracts with a person pursuant to this subsection, the using agency
36 shall submit a copy of the contract and a description of the
37 emergency to the State Board of Examiners, which shall review the
38 contract and the description of the emergency and notify the using
39 agency whether the State Board of Examiners would have approved
40 the contract if it had not been entered into pursuant to this
41 subsection.

42 5. Except as otherwise provided in subsection 9, a using
43 agency shall, not later than 10 days after the end of each fiscal
44 quarter, report to the Interim Finance Committee concerning all
45 contracts to provide services for the using agency that were entered



1 into by the using agency during the fiscal quarter with a person who
2 is a current or former employee of a department, division or other
3 agency of this State.

4 6. Except as otherwise provided in subsection 9, a using
5 agency shall not contract with a temporary employment service
6 unless the contracting process is controlled by rules of open
7 competitive bidding.

8 7. Each board or commission of this State and each institution
9 of the *Nevada System of Community Colleges and the* Nevada
10 System of Higher Education that employs a consultant shall, at least
11 once every 6 months, submit to the Interim Finance Committee a
12 report setting forth:

13 (a) The number of consultants employed by the board,
14 commission or institution;

15 (b) The purpose for which the board, commission or institution
16 employs each consultant;

17 (c) The amount of money or other remuneration received by
18 each consultant from the board, commission or institution; and

19 (d) The length of time each consultant has been employed by the
20 board, commission or institution.

21 8. A using agency, board or commission of this State and each
22 institution of the *Nevada System of Community Colleges and the*
23 Nevada System of Higher Education:

24 (a) Shall make every effort to limit the number of contracts it
25 enters into with persons to provide services which have a term of
26 more than 2 years and which are in the amount of less than
27 \$1,000,000; and

28 (b) Shall not enter into a contract with a person to provide
29 services without ensuring that the person is in active and good
30 standing with the Secretary of State.

31 9. The provisions of subsections 1 to 6, inclusive, do not apply
32 to:

33 (a) The Nevada System of Higher Education or a board or
34 commission of this State.

35 (b) The employment of professional engineers by the
36 Department of Transportation if those engineers are employed for a
37 transportation project that is entirely funded by federal money.

38 (c) Contracts in the amount of \$1,000,000 or more entered into:

39 (1) Pursuant to the State Plan for Medicaid established
40 pursuant to NRS 422.063.

41 (2) For financial services.

42 (3) Pursuant to the Public Employees' Benefits Program.

43 (d) The employment of a person by a business or entity which is
44 a provider of services under the State Plan for Medicaid and which



1 provides such services on a fee-for-service basis or through
2 managed care.

3 **Sec. 239.** NRS 333A.015 is hereby amended to read as
4 follows:

5 333A.015 "Board" means:

6 1. If the using agency that enters into a performance contract is
7 the :

8 (a) *Nevada System of Community Colleges, the State Board for*
9 *Community Colleges; and*

10 (b) Nevada System of Higher Education, the Board of Regents
11 of the University of Nevada; or

12 2. For any other using agency that enters into a performance
13 contract, the State Board of Examiners.

14 **Sec. 240.** NRS 333A.070 is hereby amended to read as
15 follows:

16 333A.070 "Using agency" means all officers, departments,
17 institutions, boards, commissions and other agencies in the
18 Executive Department of the State Government which derive their
19 support from public money in whole or in part, whether the money
20 is provided by the State of Nevada, received from the Federal
21 Government or any branch, bureau or agency thereof, or derived
22 from private or other sources. The term includes the *Nevada System*
23 *of Community Colleges and the* Nevada System of Higher
24 Education, but does not include the Nevada Rural Housing
25 Authority, local governments as defined in NRS 354.474,
26 conservation districts and irrigation districts.

27 **Sec. 241.** NRS 338.018 is hereby amended to read as follows:

28 338.018 The provisions of NRS 338.013 to 338.018, inclusive,
29 apply to any contract for construction work of the Nevada System of
30 Higher Education *or the Nevada System of Community Colleges*
31 for which the estimated cost exceeds \$250,000 even if the
32 construction work does not qualify as a public work, as defined in
33 subsection 16 of NRS 338.010.

34 **Sec. 242.** NRS 338.030 is hereby amended to read as follows:

35 338.030 1. The public body awarding any contract for public
36 work, or otherwise undertaking any public work, shall ascertain
37 from the Labor Commissioner the prevailing wage in the county in
38 which the public work is to be performed for each craft or type of
39 work.

40 2. The prevailing wage in each county, including Carson City,
41 must be established as follows:

42 (a) The Labor Commissioner shall, annually, survey contractors
43 who have performed work in the county.

44 (b) Based on the survey conducted pursuant to paragraph (a),
45 where the rate of wages is the same for more than 50 percent of the



1 total hours worked by each craft or type of work in that county on
2 construction similar to the proposed construction, that rate will be
3 determined as the prevailing wage.

4 (c) Where no such rate can be determined, the prevailing wage
5 for a craft or type of work will be determined as the average rate of
6 wages paid per hour based on the number of hours worked per rate,
7 to that craft or type of work.

8 (d) The Labor Commissioner shall determine the prevailing
9 wage to be 90 percent of the rate determined pursuant to paragraphs
10 (a), (b) and (c) for:

11 (1) Any contract for a public work or any other construction,
12 alteration, repair, remodeling or reconstruction of an improvement
13 or property to which a school district , *the Nevada System of*
14 *Community Colleges* or the Nevada System of Higher Education is
15 a party; and

16 (2) A public work of, or constructed by, a school district , *the*
17 *Nevada System of Community Colleges* or the Nevada System of
18 Higher Education, or any other construction, alteration, repair,
19 remodeling or reconstruction of an improvement or property of or
20 constructed by a school district , *the Nevada System of Community*
21 *Colleges* or the Nevada System of Higher Education.

22 3. Within 30 days after the determination is issued:

23 (a) A public body or person entitled under subsection 6 to be
24 heard may submit an objection to the Labor Commissioner with
25 evidence to substantiate that a different wage prevails; and

26 (b) Any person may submit information to the Labor
27 Commissioner that would support a change in the prevailing wage
28 of a craft or type of work by 50 cents or more per hour in any
29 county.

30 4. The Labor Commissioner shall hold a hearing in the locality
31 in which the work is to be executed if the Labor Commissioner:

32 (a) Is in doubt as to the prevailing wage; or

33 (b) Receives an objection or information pursuant to
34 subsection 3.

35 ➤ The Labor Commissioner may hold only one hearing a year on
36 the prevailing wage of any craft or type of work in any county.

37 5. Notice of the hearing must be advertised in a newspaper
38 nearest to the locality of the work once a week for 2 weeks before
39 the time of the hearing.

40 6. At the hearing, any public body, the crafts affiliated with the
41 State Federation of Labor or other recognized national labor
42 organizations, and the contractors of the locality or their
43 representatives must be heard. From the evidence presented, the
44 Labor Commissioner shall determine the prevailing wage.



7. The wages so determined must be filed by the Labor Commissioner and must be available to any public body which awards a contract for any public work.

8. Nothing contained in NRS 338.020 to 338.090, inclusive, may be construed to authorize the fixing of any wage below any rate which may now or hereafter be established as a minimum wage for any person employed upon any public work, or employed by any officer or agent of any public body.

Sec. 243. NRS 338.075 is hereby amended to read as follows:

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education *or the Nevada System of Community Colleges* for which the estimated cost exceeds \$250,000 even if the construction work does not qualify as a public work, as defined in subsection 16 of NRS 338.010.

Sec. 244. NRS 341.1407 is hereby amended to read as follows:

341.1407 1. Except as otherwise provided in subsection 2, the provisions of NRS 341.141 to 341.148, inclusive, apply to a contract for the construction of a building for the Nevada System of Higher Education *or the Nevada System of Community Colleges* only if 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

2. The provisions of subsection 2 of NRS 341.145 apply to the construction of any building for the Nevada System of Higher Education ~~H~~ *or Nevada System of Community Colleges, as applicable.*

Sec. 245. NRS 341.141 is hereby amended to read as follows:

341.141 1. The Division shall furnish engineering and architectural services to the Nevada System of Higher Education , *the Nevada System of Community Colleges* and all other state departments, boards or commissions charged with the construction of any building constructed on state property or for which the money is appropriated by the Legislature, except:

(a) Buildings used in maintaining highways;

(b) Improvements, other than nonresidential buildings with more than 1,000 square feet in floor area, made:

(1) In state parks by the State Department of Conservation and Natural Resources; or

(2) By the Department of Wildlife;

(c) Buildings of the Nevada System of Higher Education:

(1) That are exempted pursuant to subsection 1 of NRS 341.1407; or



(2) To which subsection 1 of NRS 341.1407 applies if the Administrator has delegated his or her authority in accordance with NRS 341.119; ~~and~~

(d) *Buildings of the Nevada System of Community Colleges:*

(1) That are exempted pursuant to subsection 1 of NRS 341.1407; or

(2) To which subsection 1 of NRS 341.1407 applies if the Administrator has delegated his or her authority in accordance with NRS 341.119; and

(e) Buildings on property controlled by other state agencies if the Administrator has delegated his or her authority in accordance with NRS 341.119.

↪ The Board of Regents of the University of Nevada , *the State Board for Community Colleges* and all other state departments, boards or commissions shall use those services.

2. The services must consist of:

(a) Preliminary planning;

(b) Designing;

(c) Estimating of costs; and

(d) Preparation of detailed plans and specifications.

Sec. 246. NRS 341.155 is hereby amended to read as follows:

341.155 With the concurrence of the Administrator, the Board of Regents of the University of Nevada , *the State Board for Community Colleges* and any other state department, board or commission may enter into agreements with persons, associations or corporations to provide consulting services to determine and plan the construction work that may be necessary to meet the needs of the programs of those agencies. These contracts must be for a term not exceeding 5 years and must provide for payment of a fee for those services not to exceed one-half of 1 percent of the total value of:

1. In the case of the Nevada System of Higher Education, building construction contracts relating to the construction of a branch or facility within the Nevada System of Higher Education;

~~and~~

2. *In the case of the Nevada System of Higher Education, building construction contracts relating to the construction of a branch or facility within the Nevada System of Community Colleges; and*

3. In the case of another state department, board or commission, all construction contracts relating to construction for that agency,

↪ during the term and in the area covered by the contract.



Sec. 247. NRS 345.010 is hereby amended to read as follows:

345.010 Upon publication of the Statutes of Nevada, the Director of the Legislative Counsel Bureau shall distribute them without charge as follows:

1. To each of the judges of the District Court of the United States for the District of Nevada, one copy.

2. To the Supreme Court Law Library, two copies.

3. To each justice of the Supreme Court, Clerk of the Supreme Court, judge of the Court of Appeals, district judge, county clerk, district attorney, justice of the peace and municipal judge in this State, one copy.

4. To each public library in this State, one copy.

5. To each library in the Nevada System of Higher Education, one copy.

6. *To each library in the Nevada System of Community Colleges, one copy.*

7. To the Nevada Historical Society, one copy.

~~7-1~~ 8. Upon request, to any state, county or municipal officer.

Sec. 248. NRS 345.020 is hereby amended to read as follows:

345.020 Upon receipt of copies of each volume of Nevada Reports from the State Printer, the Director of the Legislative Counsel Bureau shall distribute them without charge as follows:

1. To each of the judges of the District Court of the United States for the District of Nevada, one copy.

2. The Supreme Court Law Library, two copies.

3. To each justice of the Supreme Court, Clerk of the Supreme Court, judge of the Court of Appeals, district judge, district attorney, county clerk, justice of the peace and municipal judge in this State, one copy.

4. To each public library in this State, one copy.

5. To each library in the Nevada System of Higher Education, one copy.

6. *To each library in the Nevada System of Community Colleges, one copy.*

7. To the Nevada Historical Society, one copy.

~~7-1~~ 8. Upon request, to any state, county or municipal officer.

Sec. 249. NRS 353.007 is hereby amended to read as follows:

353.007 1. Except as otherwise provided in subsection 2, a person shall not enter into a contract with the State of Nevada unless the person is a holder of a state business registration issued pursuant to chapter 76 of NRS.

2. A person who is not a holder of a state business registration may enter into a contract with the State of Nevada if the business for which the person is responsible:

(a) Is not organized pursuant to title 7 of NRS;



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(b) Does not have an office or base of operations in this State;

(c) Does not have a registered agent in this State;

(d) Does not pay wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid, other than wages or other remuneration paid to a natural person for performing duties in connection with an activity described in paragraph (e); and

(e) Is conducting activity in this State solely to provide vehicles or equipment on a short-term basis in response to a wildland fire, a flood, an earthquake or another emergency.

3. The provisions of this section apply to all offices, departments, divisions, boards, commissions, institutions, agencies or any other units of:

(a) The Legislative, Executive and Judicial Departments of the State Government;

(b) The Nevada System of Higher Education; ~~and~~

(c) *The Nevada System of Community Colleges; and*

(d) The Public Employees' Retirement System.

Sec. 250. NRS 353.224 is hereby amended to read as follows:

353.224 1. A state agency other than the Nevada System of Higher Education, *the Nevada System of Community Colleges* and vocational licensing boards may not change a position for which money has been appropriated or authorized from one occupational group to another, as defined by the index developed pursuant to NRS 284.171, without the approval of the Legislature or of the Interim Finance Committee.

2. All proposed changes of positions from one occupational group to another must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after a proposal is submitted to its Secretary within which to consider it. Any proposed change of a position from one occupational group to another which is not considered within the 45-day period shall be deemed approved.

3. The Secretary shall place each request submitted pursuant to subsection 2 on the agenda of the next meeting of the Interim Finance Committee.

4. In acting upon a proposed change of position, the Interim Finance Committee shall consider, among other things:

(a) The need for the proposed change; and

(b) The intent of the Legislature in approving the existing classification of positions.

Sec. 251. NRS 353.228 is hereby amended to read as follows:

353.228 1. The Economic Forum impeaneled pursuant to NRS 353.226 shall:



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1 (a) Make such projections for economic indicators as it deems
2 necessary to ensure that an accurate estimate is produced pursuant to
3 paragraph (b);

4 (b) Provide an accurate estimate of the revenue that will be
5 collected by the State for general, unrestricted uses, and not for
6 special purposes, during the biennium that begins on July 1 of the
7 year following the date on which the Economic Forum was
8 empaneled;

9 (c) Request such technical assistance as the Economic Forum
10 deems necessary from the Technical Advisory Committee created
11 by NRS 353.229;

12 (d) On or before December 3 of each even-numbered year,
13 prepare a written report of its projections of economic indicators and
14 estimate of future state revenue required by paragraphs (a) and (b)
15 and present the report to the Governor and the Legislature;

16 (e) On or before May 1 of each odd-numbered year, prepare a
17 written report confirming or revising the projections of economic
18 indicators and estimate of future state revenue contained in the
19 report prepared pursuant to paragraph (d) and present the report to
20 the Governor and the Legislature; and

21 (f) Except as otherwise provided in subsection 2, on or before
22 June 10 of each even-numbered year and December 10 of each odd-
23 numbered year, hold a meeting to consider current economic
24 indicators, including, without limitation, employment,
25 unemployment, personal income and any other indicators deemed
26 appropriate by the Economic Forum. Based on current economic
27 indicators, the Economic Forum shall update the status of actual
28 State General Fund revenue compared to the most recent forecast of
29 the Economic Forum. The provisions of this paragraph are not
30 intended to authorize the Economic Forum to make additional
31 forecasts pursuant to paragraph (b). At the next appropriate meeting
32 of the Interim Finance Committee, the Chair of the Economic
33 Forum or a member of the staff of the Economic Forum shall
34 present to the Interim Finance Committee such matters considered at
35 the meeting of the Economic Forum held pursuant to this paragraph,
36 as the Economic Forum determines appropriate. Any such
37 information presented to the Interim Finance Committee must be
38 made available on the Internet website of the Legislature.

39 2. If the deadline for preparing a report or holding a meeting as
40 required in subsection 1 falls on a Saturday, Sunday or legal
41 holiday, the deadline is extended to the second business day
42 following the deadline.

43 3. The Economic Forum may make preliminary projections of
44 economic indicators and estimates of future state revenue at any



1 time. Any such projections and estimates must be made available to
2 the various agencies of the State through the Chief.

3 4. The Economic Forum may request information directly from
4 any state agency, including, without limitation, the Nevada System
5 of Higher Education ~~H~~ *and the Nevada System of Community*
6 *Colleges*. A state agency, including, without limitation, the Nevada
7 System of Higher Education ~~H~~ *and the Nevada System of*
8 *Community Colleges*, that receives a reasonable request for
9 information from the Economic Forum shall comply with the
10 request as soon as is reasonably practicable after receiving the
11 request.

12 5. The Economic Forum may request direct testimony from
13 any state agency, including, without limitation, the Nevada System
14 of Higher Education ~~H~~ *and the Nevada System of Community*
15 *Colleges*, at a meeting of the Economic Forum or the Technical
16 Advisory Committee. The head, or a designee thereof, of a state
17 agency, including, without limitation, the Nevada System of Higher
18 Education ~~H~~ *and the Nevada System of Community Colleges*, who
19 receives a reasonable request for direct testimony at a meeting of the
20 Economic Forum or the Technical Advisory Committee shall appear
21 at the meeting and shall comply with the request.

22 6. To carry out its duties pursuant to this section, the Economic
23 Forum may consider any information received from the Technical
24 Advisory Committee and any other information received from
25 independent sources.

26 7. Copies of the projections and estimates made pursuant to
27 this section must be made available to the public by the Director of
28 the Legislative Counsel Bureau for the cost of reproducing the
29 material.

30 **Sec. 252.** NRS 353.229 is hereby amended to read as follows:

31 353.229 1. The Technical Advisory Committee on Future
32 State Revenues, consisting of ~~seven~~ *eight* members, is hereby
33 created.

34 2. The members of the Committee are the persons serving in
35 the following positions or their designees:

36 (a) The Senate Fiscal Analyst;

37 (b) The Assembly Fiscal Analyst;

38 (c) The Chief of the Budget Division of the Office of Finance;

39 (d) The head of the Research Division of the Employment
40 Security Division of the Department of Employment, Training and
41 Rehabilitation or, if that position ceases to exist, the position
42 deemed by the Administrator of the Employment Security Division
43 to be the equivalent of that position;

44 (e) The Vice Chancellor for Finance of the Nevada System of
45 Higher Education or a person designated by the Vice Chancellor;



(f) *The Executive Director of the State Board for Community Colleges;*

(g) The demographer employed pursuant to NRS 360.283; and
~~(g)~~ (h) The Chair of the Committee on Local Government Finance.

3. The Committee shall:

(a) At its first meeting and annually thereafter elect a Chair and Vice Chair from among its members;

(b) Adopt such rules governing the conduct of the Committee as it deems necessary;

(c) Hold such number of meetings as may be necessary to carry out the requests made by the Economic Forum pursuant to NRS 353.228 in the most timely manner practicable; and

(d) Provide all assistance requested by the Economic Forum pursuant to NRS 353.227.

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

5. Each member of the Committee who is not an officer or employee of the State shall serve without compensation, except that while the member is engaged in the business of the Committee he or she is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. Each member of the Committee who is an officer or employee of the State must be relieved from duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Committee and perform any work necessary to accomplish the tasks assigned to the Committee in the most timely manner practicable. A state agency shall not require an officer or employee who is a member of the Committee to make up the time he or she is absent from work to fulfill his or her obligations as a member, nor shall it require the member to take annual vacation or compensatory time for the absence. Such a member shall serve on the Committee without additional compensation, except that while the member is engaged in the business of the Committee he or she is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid by the state agency which employs the member.

7. The Committee may request information from any state agency. A state agency that receives a reasonable request for information from the Committee shall comply with the request as soon as is reasonably practicable after receiving the request.

8. The Director of the Legislative Counsel Bureau and the Budget Division of the Office of Finance shall jointly provide the Committee with:



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- (a) Meeting rooms;
- (b) Staff;
- (c) Data processing services; and
- (d) Clerical assistance.

Sec. 253. NRS 353.253 is hereby amended to read as follows:

353.253 1. Every agency, department and institution of the State of Nevada shall deposit all money received from the Federal Government, the counties or other sources, in the State Treasury as provided in NRS 353.250 unless otherwise provided by law. These deposits must be made to work program accounts directly or to other budget accounts.

2. Except for the balance in any proprietary fund and appropriated or authorized reserves, any balance remaining at the end of a fiscal year in a budget account of an agency, department or institution of the State of Nevada, whether or not authorized for expenditure under a work program, reverts to the source of funding supporting the agency, department or institution. If that source of funding is federal money or a source of revenue the use of which is restricted by statute, then the balance may be authorized for expenditure under a work program for the subsequent fiscal year in accordance with the provisions of this chapter.

3. No provision of this chapter may be construed to authorize or direct the transfer, expenditure or reversion of any money received from the Federal Government contrary to the conditions upon which that money was received or to any federal law or regulation respecting the accountability therefor.

4. This section does not apply to the Board of Regents of the University of Nevada , *the State Board for Community Colleges* and the Nevada State Museum.

Sec. 254. NRS 353.335 is hereby amended to read as follows:

353.335 1. Except as otherwise provided in subsections 5 and 6, a state agency may accept any gift or grant of property or services from any source only if it is included in an act of the Legislature authorizing expenditures of nonappropriated money or, when it is not so included, if it is approved as provided in subsection 2.

2. If:

(a) Any proposed gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property, the Governor shall take reasonable and proper action to accept it and shall report the action and his or her reasons for determining that immediate action was necessary to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes acceptance of the gift or grant, and other provisions of this chapter requiring approval before acceptance do not apply.



(b) The Governor determines that any proposed gift or grant would be forfeited if the State failed to accept it before the expiration of the period prescribed in paragraph (c), the Governor may declare that the proposed acceptance requires expeditious action by the Interim Finance Committee. Whenever the Governor so declares, the Interim Finance Committee has 15 days after the proposal is submitted to its Secretary within which to approve or deny the acceptance. Any proposed acceptance which is not considered within the 15-day period shall be deemed approved.

(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the proposal is submitted to its Secretary within which to consider acceptance. Any proposed acceptance which is not considered within the 45-day period shall be deemed approved.

3. The Secretary shall place each request submitted to the Secretary pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the next meeting of the Interim Finance Committee.

4. In acting upon a proposed gift or grant, the Interim Finance Committee shall consider, among other things:

(a) The need for the facility or service to be provided or improved;

(b) Any present or future commitment required of the State;

(c) The extent of the program proposed; and

(d) The condition of the national economy, and any related fiscal or monetary policies.

5. A state agency may accept:

(a) Gifts, including grants from nongovernmental sources, not exceeding \$20,000 each in value; and

(b) Governmental grants not exceeding \$150,000 each in value, if the gifts or grants are used for purposes which do not involve the hiring of new employees and if the agency has the specific approval of the Governor or, if the Governor delegates this power of approval to the Chief of the Budget Division of the Office of Finance, the specific approval of the Chief.

6. This section does not apply to:

(a) The Nevada System of Higher Education;

(b) *The Nevada System of Community Colleges;*

(c) The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395 or 435.490; or

~~(e)~~ (d) Artifacts donated to the Department of Tourism and Cultural Affairs.



Sec. 255. NRS 353.540 is hereby amended to read as follows:

353.540 "State agency" means an agency, bureau, board, commission, department, division or any other unit of the government of this State that is required to submit information to the Chief pursuant to subsection 1 or 6 of NRS 353.210. "State agency" does not include the Nevada System of Higher Education *or the Nevada System of Community Colleges* unless it is anticipated that payments under the agreement will be made with state appropriations.

Sec. 256. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever the Director considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) *The Nevada System of Community Colleges.*

(d) The Public Employees' Retirement System.

~~(d)~~ (e) The Housing Division of the Department of Business and Industry.

~~(e)~~ (f) The Colorado River Commission of Nevada.

Sec. 257. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and



1 administrative control to determine whether it is in compliance with
2 the uniform system of internal accounting and administrative control
3 for agencies adopted pursuant to subsection 1 of NRS 353A.020.

4 2. On or before July 1 of each even-numbered year, the head of
5 each agency shall report to the Director whether the agency's
6 system of internal accounting and administrative control is in
7 compliance with the uniform system adopted pursuant to subsection
8 1 of NRS 353A.020. The reports must be made available for
9 inspection by the members of the Legislature.

10 3. For the purposes of this section, "agency" does not include:

11 (a) A board created by the provisions of NRS 590.485 and
12 chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648,
13 654 and 656 of NRS.

14 (b) The Nevada System of Higher Education.

15 (c) *The Nevada System of Community Colleges.*

16 (d) The Public Employees' Retirement System.

17 ~~(d)~~ (e) The Housing Division of the Department of Business
18 and Industry.

19 ~~(e)~~ (f) The Colorado River Commission of Nevada.

20 4. The Director shall, on or before the first Monday in
21 February of each odd-numbered year, submit a report on the status
22 of internal accounting and administrative controls in agencies to the:

23 (a) Director of the Legislative Counsel Bureau for transmittal to
24 the:

25 (1) Senate Standing Committee on Finance; and

26 (2) Assembly Standing Committee on Ways and Means;

27 (b) Governor; and

28 (c) Legislative Auditor.

29 5. The report submitted by the Director pursuant to subsection
30 4 must include, without limitation:

31 (a) The identification of each agency that has not complied with
32 the requirements of subsections 1 and 2;

33 (b) The identification of each agency that does not have an
34 effective method for reviewing its system of internal accounting and
35 administrative control; and

36 (c) The identification of each agency that has weaknesses in its
37 system of internal accounting and administrative control, and the
38 extent and types of such weaknesses.

39 **Sec. 258.** NRS 353A.045 is hereby amended to read as
40 follows:

41 353A.045 The Administrator shall:

42 1. Report to the Director.

43 2. Develop long-term and annual work plans to be based on the
44 results of periodic documented risk assessments. The annual work
45 plan must list the agencies to which the Division will provide



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1 training and assistance and be submitted to the Director for
2 approval. Such agencies must not include:

3 (a) A board created by the provisions of NRS 590.485 and
4 chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648,
5 654 and 656 of NRS.

6 (b) The Nevada System of Higher Education.

7 (c) *The Nevada System of Community Colleges.*

8 (d) The Public Employees' Retirement System.

9 ~~(d)~~ (e) The Housing Division of the Department of Business
10 and Industry.

11 ~~(e)~~ (f) The Colorado River Commission of Nevada.

12 3. Provide a copy of the approved annual work plan to the
13 Legislative Auditor.

14 4. In consultation with the Director, prepare a plan for auditing
15 executive branch agencies for each fiscal year and present the plan
16 to the Committee for its review and approval. Each plan for auditing
17 must:

18 (a) State the agencies which will be audited, the proposed scope
19 and assignment of those audits and the related resources which will
20 be used for those audits; and

21 (b) Ensure that the internal accounting, administrative controls
22 and financial management of each agency are reviewed periodically.

23 5. Perform the audits of the programs and activities of the
24 agencies in accordance with the plan approved pursuant to
25 subsection 5 of NRS 353A.038 and prepare audit reports of his or
26 her findings.

27 6. Review each agency that is audited pursuant to subsection 5
28 and advise those agencies concerning internal accounting,
29 administrative controls and financial management.

30 7. Submit to each agency that is audited pursuant to subsection
31 5 analyses, appraisals and recommendations concerning:

32 (a) The adequacy of the internal accounting and administrative
33 controls of the agency; and

34 (b) The efficiency and effectiveness of the management of the
35 agency.

36 8. Report any possible abuses, illegal actions, errors, omissions
37 and conflicts of interest of which the Division becomes aware
38 during the performance of an audit.

39 9. Adopt the standards of The Institute of Internal Auditors for
40 conducting and reporting on internal audits.

41 10. Consult with the Legislative Auditor concerning the plan
42 for auditing and the scope of audits to avoid duplication of effort
43 and undue disruption of the functions of agencies that are audited
44 pursuant to subsection 5.

45 11. Appoint a Manager of Internal Controls.



1 **Sec. 259.** NRS 353B.002 is hereby amended to read as
2 follows:

3 353B.002 *As used in this chapter*, “Board” means the Board of
4 Trustees of the College Savings Plans of Nevada created by
5 NRS 353B.005.

6 **Sec. 260.** NRS 353B.005 is hereby amended to read as
7 follows:

8 353B.005 1. There is hereby created a Board of Trustees of
9 the College Savings Plans of Nevada.

10 2. The Board consists of ~~five~~ *six* members composed of:

11 (a) The State Treasurer, who may name a designee to serve on
12 the Board on his or her behalf.

13 (b) The Director of the Office of Finance, who may name a
14 designee to serve on the Board on his or her behalf.

15 (c) The Chancellor of the *Nevada* System ~~H~~ *of Higher*
16 *Education*, who may name a designee to serve on the Board on his
17 or her behalf.

18 (d) *The Executive Director of the State Board for Community*
19 *Colleges, who may name a designee to serve on the Board on his*
20 *or her behalf.*

21 (e) Two members appointed by the Governor. A member who is
22 appointed by the Governor must possess knowledge, skill and
23 experience in the field of:

24 (1) Accounting;

25 (2) Finance;

26 (3) Investment management; or

27 (4) Marketing.

28 3. A member of the Board who is appointed by the Governor:

29 (a) Serves for a term of 4 years;

30 (b) Except as otherwise provided in paragraph (c), may be
31 reappointed by the Governor; and

32 (c) Except as otherwise provided in this paragraph, may serve
33 for only two terms. A member who is appointed to fill a vacancy in
34 an unexpired term that is not longer than 3 years may serve two
35 terms in addition to the unexpired term.

36 4. The State Treasurer or his or her designee shall serve as the
37 Chair of the Board.

38 5. Each member of the Board serves without compensation,
39 except that each member is entitled to receive:

40 (a) The per diem allowance and travel expenses provided for
41 state officers and employees generally; and

42 (b) Reimbursement for any other actual and reasonable expense
43 incurred while performing his or her duties.

44 6. As used in this section, the term “College Savings Plans of
45 Nevada” includes the Nevada Higher Education Prepaid Tuition



1 Program set forth in NRS 353B.010 to 353B.190, inclusive, and the
2 Nevada College Savings Program set forth in NRS 353B.300 to
3 353B.370, inclusive.

4 **Sec. 261.** NRS 353B.075 is hereby amended to read as
5 follows:

6 353B.075 The provisions of NRS 353B.010 to 353B.190,
7 inclusive, must not be construed as a promise or guarantee that a
8 qualified beneficiary:

9 1. Will be admitted to, allowed to continue enrollment at or
10 graduated from a community college or university; or

11 2. Will have the full cost of his or her tuition paid at a
12 community college ~~that is not a member of the Nevada System~~
13 ~~of Community Colleges or a~~ college or university that is not a
14 member of the Nevada System of Higher Education.

15 **Sec. 262.** NRS 353B.090 is hereby amended to read as
16 follows:

17 353B.090 1. The Board shall develop the Nevada Higher
18 Education Prepaid Tuition Program for the prepayment of tuition at
19 a guaranteed rate which is established based on the annual actuarial
20 study required pursuant to NRS 353B.190 for undergraduate studies
21 at a university ~~or~~ state college ~~for community college~~ that is a
22 member of the Nevada System ~~of Higher Education or a~~
23 ~~community college that is a member of the Nevada System of~~
24 ~~Community Colleges.~~

25 2. The Board shall adopt regulations for the implementation of
26 the Program, including, without limitation, regulations setting forth
27 requirements for:

28 (a) Residency;

29 (b) A limit on the number of qualified beneficiaries;

30 (c) The termination, withdrawal and transfer of money paid into
31 the Trust Fund;

32 (d) A payment received by the Trust Fund as a matching
33 contribution made as described in NRS 363A.137 or 363B.117 to be
34 credited to the qualified beneficiary on whose behalf the matching
35 contribution was made;

36 (e) The time within which the money paid into the Trust Fund
37 must be used; and

38 (f) Payment schedules.

39 **Sec. 263.** NRS 353B.100 is hereby amended to read as
40 follows:

41 353B.100 1. The Board may enter into a prepaid tuition
42 contract with a purchaser.

43 2. The Board shall create a prepaid tuition contract in
44 accordance with the provisions of this section.



3. The prepaid tuition contract must include, without limitation:

(a) The terms and conditions under which the purchaser shall remit payment, including, without limitation:

(1) The amount and number of payments that are required from the purchaser on behalf of the qualified beneficiary;

(2) The date upon which each payment is due; and

(3) A provision for a reasonable penalty for a delinquent payment or default.

(b) The name and date of birth of the qualified beneficiary on whose behalf the prepaid tuition contract is drawn.

(c) The terms and conditions under which another person may be substituted as the qualified beneficiary.

(d) The terms and conditions under which the purchaser, or another person designated by the purchaser, may terminate the prepaid tuition contract, receive a refund of money that he or she has paid into the Trust Fund or withdraw money that he or she has paid into the Trust Fund, including, without limitation, a provision allowing the Board to impose a fee that amounts to more than a de minimis penalty.

(e) A provision that the Board shall, after making a reasonable effort to contact the purchaser, report any money that has been deposited under a prepaid tuition contract that has not been terminated and has not been used within a specified period to the State Treasurer for proper disposition.

(f) The number of semesters for which the purchaser is contracting.

(g) A provision that money paid into the Trust Fund under a prepaid tuition contract may be applied toward tuition at:

(1) A university ~~or~~ state college ~~for community college~~ that is a member of the Nevada System ~~of Higher Education~~;

(2) An accredited college or university in this State that is not a member of the Nevada System ~~of Higher Education~~;

~~(3) A community college that is a member of the Nevada System of Community Colleges;~~ or

~~(3)~~ (4) An accredited community college, college or university in another state.

➔ Payments authorized pursuant to subparagraph (2) or ~~(3)~~ (4) must not exceed the projected highest payment for tuition for the current academic year at a university that is a member of the Nevada System ~~of Higher Education~~.

(h) Any other term or condition that the Board considers necessary or proper.



1 **Sec. 264.** NRS 353B.720 is hereby amended to read as
2 follows:

3 353B.720 “Eligible institution” means:

4 1. A university ~~or~~ **or** state college ~~for community college~~
5 within the Nevada System of Higher Education; ~~for~~

6 2. *A community college within the Nevada System of*
7 *Community Colleges; or*

8 3. Any other college or university that:

9 (a) Was originally established in, and is organized under the
10 laws of, this State;

11 (b) Is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3);
12 and

13 (c) Is accredited by a regional accrediting agency recognized by
14 the United States Department of Education.

15 **Sec. 265.** NRS 355.270 is hereby amended to read as follows:

16 355.270 1. The State Treasurer shall cause to be formed in
17 this State an independent corporation for public benefit, the general
18 purpose of which is to act as a limited partner of limited
19 partnerships or a shareholder or member of limited-liability
20 companies that provide private equity funding to businesses:

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

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

24 (1) Health care and life sciences.

25 (2) Cyber security.

26 (3) Homeland security and defense.

27 (4) Alternative energy.

28 (5) Advanced materials and manufacturing.

29 (6) Information technology.

30 (7) Any other industry that the board of directors of the
31 corporation for public benefit determines will likely meet the targets
32 for investment returns established by the corporation for public
33 benefit for investments authorized by NRS 355.250 to 355.285,
34 inclusive, and comply with sound fiduciary principles.

35 2. The corporation for public benefit created pursuant to
36 subsection 1 must have a board of directors consisting of:

37 (a) Five members from the private sector who have at least 10
38 years of experience in the field of investment, finance or banking
39 and who are appointed for a term of 4 years as follows:

40 (1) One member appointed by the Governor;

41 (2) One member appointed by the Senate Majority Leader;

42 (3) One member appointed by the Speaker of the Assembly;

43 (4) One member appointed by the Senate Minority Leader;

44 and



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(5) One member appointed by the Assembly Minority Leader;

(b) The Chancellor of the Nevada System of Higher Education or his or her designee;

(c) *The Executive Director of the State Board for Community Colleges or his or her designee;*

(d) The State Treasurer; and

~~(d)~~ (e) With the approval of a majority of the members of the board of directors described in subparagraphs (1), (2) and (3) of paragraph (a), up to 5 additional members who are direct investors in the corporation for public benefit.

3. Vacancies in the appointed positions on the board of directors of the corporation for public benefit created pursuant to subsection 1 must be filled by the appointing authority for the unexpired term.

4. The State Treasurer shall serve as chair of the board of directors of the corporation for public benefit created pursuant to subsection 1.

5. The members of the board of directors of the corporation for public benefit must serve without compensation but are entitled to be reimbursed for actual and necessary expenses incurred in the performance of their duties, including, without limitation, travel expenses.

6. A member of the board of directors of the corporation for public benefit created pursuant to subsection 1 must not have an equity interest in any:

(a) External asset manager or venture capital or private equity investment firm contracting with the board pursuant to NRS 355.275; or

(b) Business which receives private equity funding pursuant to NRS 355.250 to 355.285, inclusive.

7. The board of directors of the corporation for public benefit created pursuant to subsection 1 shall:

(a) Comply with the provisions of chapter 281A of NRS.

(b) Meet at least quarterly and conduct any meetings of the board of directors in accordance with chapter 241 of NRS.

(c) Review the performance of all external asset managers and venture capital and private equity investment firms contracting with the corporation for public benefit pursuant to NRS 355.275.

(d) On or before December 1 of each year, provide an annual report to the Governor and the Director of the Legislative Counsel Bureau for transmission to the next session of the Legislature, if the report is submitted in an even-numbered year or to the Legislative Commission, if the report is submitted in an odd-numbered year. The report must include, without limitation:



(1) An accounting of all money received and expended by the corporation for public benefit, including, without limitation, any matching grant funds, gifts or donations; and

(2) The name and a brief description of all businesses receiving an investment of money pursuant to the provisions of NRS 355.250 to 355.285, inclusive.

Sec. 266. NRS 360.752 is hereby amended to read as follows:

360.752 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of the tax imposed on the new or expanded business pursuant to chapter 361 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business is in one or more of the industry sectors for economic development promoted, identified or otherwise approved by the Governor's Workforce Investment Board described in NRS 232.935.

(b) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(c) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) Require the business to submit to the Department the reports required by paragraph (c) of subsection 1 of NRS 218D.355;

(3) State the agreed terms of the partial abatement, which must comply with the requirements of subsection 4;

(4) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(5) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(6) Bind the successors in interest of the business for the specified period.

(d) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all



1 other permits required by the county, city or town in which the
2 business operates.

3 (e) The business does not receive:

4 (1) Any funding from a governmental entity, other than any
5 private activity bonds as defined in 26 U.S.C. § 141; or

6 (2) Any real or personal property from a governmental entity
7 at no cost or at a reduced cost.

8 (f) The business meets the following requirements:

9 (1) The business makes a capital investment of at least
10 \$1,000,000 in a program of the University of Nevada, Reno, the
11 University of Nevada, Las Vegas, ~~for~~ the Desert Research Institute
12 *or a community college within the Nevada System of Community*
13 *Colleges* to be used in support of research, development or training
14 related to the field of endeavor of the business.

15 (2) The business will employ 15 or more full-time employees
16 for the duration of the abatement.

17 (3) The business will employ two or more graduate students
18 from the program in which the capital investment is made on a part-
19 time basis during years 2 through 5, inclusive, of the abatement.

20 (4) The average hourly wage that will be paid by the business
21 to its new employees in this State is at least 100 percent of the
22 average statewide hourly wage or the average countywide hourly
23 wage, whichever is less, as established by the Employment Security
24 Division of the Department of Employment, Training and
25 Rehabilitation on July 1 of each fiscal year and:

26 (I) The business will provide a health insurance plan for
27 all full-time employees that includes an option for health insurance
28 coverage for dependents of those employees, or will abide by all
29 applicable provisions of the Patient Protection and Affordable Care
30 Act, Public Law 111-148, or both; and

31 (II) The benefits the business provides to its employees in
32 this State will meet the minimum requirements for benefits
33 established by the Office.

34 (5) The business submits with its application for a partial
35 abatement:

36 (I) A letter of support from the institution in which the
37 capital investment is made, which is signed by the chief
38 administrative officer of the institution and the director or chair of
39 the program or the appropriate department, and which includes,
40 without limitation, a summary of the financial and other resources
41 the business will provide to the program and an agreement that the
42 institution will provide to the Office periodic reports, at such times
43 and containing such information as the Office may require,
44 regarding the use of those resources; and



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(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

(g) In lieu of meeting the requirements of paragraph (f), the business meets the following requirements:

(1) The business makes a capital investment of at least \$500,000 in the Nevada State College, ~~for~~ an institution of the Nevada System of Higher Education *or a community college within the Nevada System of Community Colleges*, other than those set forth in subparagraph (1) of paragraph (f), to be used in support of college certification or in support of research or training related to the field of endeavor of the business.

(2) The business will employ 15 or more full-time employees for the duration of the abatement.

(3) The business will employ two or more students from the college or institution in which the capital investment is made on a full-time basis during years 2 through 5, inclusive, of the abatement.

(4) The average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all full-time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both; and

(II) The benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office.

(5) The business submits with its application for a partial abatement:

(I) A letter of support from the college or institution in which the capital investment is made, which is signed by the chief administrative officer of the college or institution and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the college or institution will provide to the Office periodic reports, at such times and containing such information as the Office may require, regarding the use of those resources; and



(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the college or institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall furnish to the board of county commissioners of each affected county a copy of each application for a partial abatement pursuant to this section.

(b) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(c) Shall not approve an application for a partial abatement pursuant to this section unless the abatement is approved or deemed approved as described in this paragraph. The board of county commissioners of each affected county must approve or deny the application not later than 30 days after the board of county commissioners receives a copy of the application as described in paragraph (a). If the board of county commissioners does not approve or deny the application within 30 days after the board of county commissioners receives a copy of the application, the application shall be deemed approved.

(d) May, if the Office determines that such action is necessary add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The total amount of the abatement must not exceed;

(1) Fifty percent of the amount of the taxes imposed on the personal property of the business pursuant to chapter 361 of NRS during the period of the abatement; or

(2) Fifty percent of the amount of the capital investment by the business,

↳ whichever amount is less;

(b) The duration of the abatement must be for 5 years; and

(c) The abatement applies only to the business for which the abatement was approved pursuant to this section and the property used in connection with that business.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the



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1 Office shall immediately forward a certificate of eligibility for the
2 abatement to:

3 (a) The Department;

4 (b) The Nevada Tax Commission; and

5 (c) If the partial abatement is from the property tax imposed
6 pursuant to chapter 361 of NRS, the county treasurer of the county
7 in which the business will be located.

8 6. An applicant for a partial abatement pursuant to this section
9 or an existing business whose partial abatement is in effect shall,
10 upon the request of the Executive Director of the Office of
11 Economic Development, furnish the Executive Director with copies
12 of all records necessary to verify that the applicant meets the
13 requirements of subsection 2.

14 7. If a business whose partial abatement has been approved
15 pursuant to this section and is in effect ceases to meet the
16 requirements set forth in subsection 2 or ceases operation before the
17 time specified in the agreement described in paragraph (c) of
18 subsection 2:

19 (a) The business shall repay to the county treasurer the amount
20 of the exemption that was allowed pursuant to this section before the
21 failure of the business to comply unless the Nevada Tax
22 Commission determines that the business has substantially complied
23 with the requirements of this section. Except as otherwise provided
24 in NRS 360.232 and 360.320, the business shall, in addition to the
25 amount of the exemption required to be paid pursuant to this
26 subsection, pay interest on the amount due at the rate most recently
27 established pursuant to NRS 99.040 for each month, or portion
28 thereof, from the last day of the month following the period for
29 which the payment would have been made had the partial abatement
30 not been approved until the date of payment of the tax.

31 (b) The applicable institution of higher education is entitled to
32 keep the entire capital investment made by the business in that
33 institution.

34 8. A county treasurer:

35 (a) Shall deposit any money that he or she receives pursuant to
36 subsection 7 in one or more of the funds established by a local
37 government of the county pursuant to NRS 354.6113 or 354.6115;
38 and

39 (b) May use the money deposited pursuant to paragraph (a) only
40 for the purposes authorized by NRS 354.6113 and 354.6115.

41 9. The Office of Economic Development:

42 (a) Shall adopt regulations relating to the minimum level of
43 benefits that a business must provide to its employees to qualify for
44 a partial abatement pursuant to this section; and



(b) May adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

10. The Nevada Tax Commission:

(a) Shall adopt regulations regarding any security that a business is required to post to qualify for a partial abatement pursuant to this section; and

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

11. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

12. Except as otherwise provided in this subsection, as used in this section, "capital investment" includes, without limitation, an investment of real or personal property, money or other assets by a business in an institution of the Nevada System of Higher Education ~~+~~ *or the Nevada System of Community Colleges*. The Office of Economic Development may, by regulation, specify the types of real or personal property or assets that are included within the definition of "capital investment."

Sec. 267. NRS 361.098 is hereby amended to read as follows:

361.098 All real and personal property owned by a charitable foundation established by the Board of Regents of the University of Nevada *or the State Board for Community Colleges* is exempt from taxation, but the property must be taxed when it is used for any purpose other than carrying out the legitimate functions of the foundation.

Sec. 268. NRS 361.099 is hereby amended to read as follows:

361.099 All real and personal property which is leased or rented to the Nevada System of Higher Education *or the Nevada System of Community Colleges* for total consideration which is less than 10 percent of the fair market rental or lease value of the property is hereby deemed to be used for an educational purpose and is exempt from taxation.

Sec. 269. NRS 361.603 is hereby amended to read as follows:

361.603 1. Any local government , *the Nevada System of Community Colleges* or the Nevada System of Higher Education may, in the manner provided in this section, acquire property held in trust by the treasurer of the county in which the local government or any part of ~~the~~ *such a* System is located by virtue of any deed made pursuant to the provisions of this chapter.

2. Whenever any local government , *the Nevada System of Community Colleges* or the Nevada System of Higher Education determines that a public purpose may be served by the acquisition of



1 the property, it may make application to the board of county
2 commissioners for permission to acquire the property. If the board
3 of county commissioners approves the application, it shall direct the
4 county treasurer to give notice of intent to sell to the last known
5 owner or heirs or devisees of the last known owner of the property
6 in the manner provided by law.

7 3. The last known owner may, within 90 days after the notice,
8 redeem the property by paying to the treasurer the amount of the
9 delinquent taxes, plus penalties, interest and costs.

10 4. If the owner fails to redeem the property within the time
11 allowed, the county treasurer shall transfer the property to the local
12 government, *the State Board for Community Colleges* or the Board
13 of Regents of the University of Nevada upon receiving from it the
14 amount of the delinquent taxes, except as otherwise provided in
15 subsection 5.

16 5. If property is so transferred to a local government for street,
17 sewer or drainage uses, for use in a program for the rehabilitation of
18 abandoned residential properties established by the local
19 government pursuant to chapter 279B of NRS, or for use as open-
20 space real property as designated in a city, county or regional
21 comprehensive plan, the delinquent taxes need not be paid.

22 6. As used in this section, "open-space real property" has the
23 meaning ascribed to it in NRS 361A.040.

24 **Sec. 270.** NRS 361A.286 is hereby amended to read as
25 follows:

26 361A.286 1. The deferred tax and penalty assessed pursuant
27 to NRS 361A.280 and 361A.283 are a perpetual lien until paid as
28 provided in NRS 361.450. If the property continues to be used
29 exclusively for agricultural use or approved open-space use for 7
30 fiscal years after the date of attachment, the lien for that earliest year
31 expires. The lien is for an undetermined amount until the property is
32 converted and the amount is determined pursuant to NRS 361A.280.
33 Any liens calculated and recorded before July 1, 1989, for property
34 that had not been converted shall be deemed to have expired on that
35 date.

36 2. If agricultural or open-space real property receiving
37 agricultural or open-space use assessment is sold or transferred to an
38 ownership making it exempt from taxation ad valorem, any such
39 liens for deferred taxes must, unless the property is sold or
40 transferred to the *Nevada System of Community Colleges, the*
41 Nevada System of Higher Education, a school district or another
42 local governmental entity, be paid in full before the transfer of
43 ownership if the property is converted to another use.



3. The provisions of this section do not apply to any portion of agricultural or open-space real property if the deferred tax and any penalty have been paid pursuant to NRS 361A.265.

4. Each year, the county assessor must record a list of parcel numbers and owner's names for all parcels on which a lien exists pursuant to subsection 1.

Sec. 271. NRS 368A.200 is hereby amended to read as follows:

368A.200 1. Except as otherwise provided in this section, there is hereby imposed an excise tax on admission to any facility in this State where live entertainment is provided and on the charge for live entertainment provided by an escort at one or more locations in this State. The rate of the tax is:

(a) Except as otherwise provided in paragraph (b), for admission to a facility in this State where live entertainment is provided, 9 percent of the admission charge to the facility.

(b) For live entertainment provided by an escort who is escorting one or more persons at a location or locations in this State, 9 percent of the total amount, expressed in terms of money, of consideration paid for the live entertainment provided by the escort.

2. Amounts paid for:

(a) Admission charges collected and retained by a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or by a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS, are not taxable pursuant to this section, only if the number of tickets to the live entertainment which are offered for sale or other distribution to patrons, either directly or indirectly through a partner, subsidiary, client, affiliate or other collaborator, is less than 7,500.

(b) Gratuities directly or indirectly remitted to persons employed at a facility where live entertainment is provided are not taxable pursuant to this section.

(c) Fees imposed, collected and retained by an independent financial institution in connection with the use of credit cards or debit cards to pay the admission charge to a facility where live entertainment is provided are not taxable pursuant to this section. As used in this paragraph, "independent financial institution" means a financial institution that is not the taxpayer or an owner or operator of the facility where the live entertainment is provided or an affiliate of any of those persons.

3. The tax imposed by this section must be added to and collected from the purchaser at the time of purchase, whether or not the admission for live entertainment is purchased for resale. Each ticket for admission to a facility where live entertainment is



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1 provided must show on its face the admission charge or the seller of
2 the admission shall prominently display a notice disclosing the
3 admission charge at the box office or other place where the charge is
4 made.

5 4. The tax imposed by subsection 1 does not apply to:

6 (a) Live entertainment that this State is prohibited from taxing
7 under the Constitution, laws or treaties of the United States or the
8 Nevada Constitution.

9 (b) Live entertainment that is governed by the Nevada
10 Interscholastic Activities Association pursuant to chapter 385B of
11 NRS or is provided or sponsored by an elementary school, junior
12 high school, middle school or high school, if only pupils or faculty
13 provide the live entertainment.

14 (c) An athletic contest, event, tournament or exhibition provided
15 by an institution of the *Nevada System of Community Colleges or*
16 *the* Nevada System of Higher Education, if students of such an
17 institution are contestants in the contest, event, tournament or
18 exhibition.

19 (d) Live entertainment that is provided by or entirely for the
20 benefit of a nonprofit religious, charitable, fraternal or other
21 organization that qualifies as a tax-exempt organization pursuant to
22 26 U.S.C. § 501(c), or a nonprofit corporation organized or existing
23 under the provisions of chapter 82 of NRS, only if the number of
24 tickets to the live entertainment which are offered for sale or other
25 distribution to patrons, either directly or indirectly through a partner,
26 subsidiary, client, affiliate or other collaborator, is less than 7,500.

27 (e) Any boxing contest or exhibition governed by the provisions
28 of chapter 467 of NRS.

29 (f) Live entertainment that is not provided at a licensed gaming
30 establishment if the facility in which the live entertainment is
31 provided has a maximum occupancy of less than 200 persons.

32 (g) Live entertainment that is provided at a licensed gaming
33 establishment that is licensed for less than 51 slot machines, less
34 than 6 games, or any combination of slot machines and games
35 within those respective limits, if the facility in which the live
36 entertainment is provided has a maximum occupancy of less than
37 200 persons.

38 (h) Live entertainment that is provided at a trade show.

39 (i) Music performed by musicians who move constantly through
40 the audience if no other form of live entertainment is afforded to the
41 patrons.

42 (j) Live entertainment that is provided at a licensed gaming
43 establishment at private meetings or dinners attended by members of
44 a particular organization or by a casual assemblage if the purpose of
45 the event is not primarily for entertainment.



(k) Live entertainment that is provided in the common area of a shopping mall, unless the entertainment is provided in a facility located within the mall.

(l) Food and product demonstrations provided at a shopping mall, a craft show or an establishment that sells grocery products, housewares, hardware or other supplies for the home.

(m) Live entertainment that is incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction. For the purposes of this paragraph, live entertainment shall be deemed to be incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction if the live entertainment is:

(1) Not the predominant element of the attraction; and

(2) Not the primary purpose for which the public rides, attends or otherwise participates in the attraction.

(n) A race scheduled at a race track in this State and sanctioned by the National Association for Stock Car Auto Racing, if two or more such races are held at that race track during the same calendar year.

(o) An athletic contest, event or exhibition conducted by a professional team based in this State if the professional team based in this State is a participant in the contest, event or exhibition.

5. As used in this section:

(a) "Affiliate" has the meaning ascribed to it in NRS 463.0133.

(b) "Maximum occupancy" means, in the following order of priority:

(1) The maximum occupancy of the facility in which live entertainment is provided, as determined by the State Fire Marshal or the local governmental agency that has the authority to determine the maximum occupancy of the facility;

(2) If such a maximum occupancy has not been determined, the maximum occupancy of the facility designated in any permit required to be obtained in order to provide the live entertainment; or

(3) If such a permit does not designate the maximum occupancy of the facility, the actual seating capacity of the facility in which the live entertainment is provided.

(c) "Operator" includes, without limitation, a person who operates a facility where live entertainment is provided or who presents, produces or otherwise provides live entertainment.

Sec. 272. NRS 372.287 is hereby amended to read as follows:

372.287 There are exempted from the taxes imposed by this chapter the gross receipts from the sale of textbooks sold within the ~~University of~~ *Nevada System of Community Colleges and the Nevada System of Higher Education.*



Sec. 273. NRS 374.292 is hereby amended to read as follows:

374.292 There are exempted from the taxes imposed by this chapter the gross receipts from the sale of textbooks sold within the Nevada System of Higher Education ~~+~~ and the Nevada System of Community Colleges.

Sec. 274. NRS 375.090 is hereby amended to read as follows:

375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 do not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a business entity and its parent, its subsidiary or an affiliated business entity if the affiliated business entity has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property, including, without limitation, a transfer by an instrument in writing pursuant to the terms of a land sale installment contract previously recorded and upon which the taxes imposed by this chapter have been paid.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.

6. A transfer of title between former spouses in compliance with a decree of divorce.

7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

8. Transfers, assignments or conveyances of unpatented mines or mining claims.

9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.655 to 111.699, inclusive.

11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or



(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,
➔ if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

12. A transfer to an educational foundation. As used in this subsection, "educational foundation" has the meaning ascribed to it in subsection 3 of NRS 388.750.

13. A transfer to a university foundation. As used in this subsection, "university foundation" has the meaning ascribed to it in subsection 3 of NRS 396.405.

14. A transfer to a community college foundation. As used in this subsection, "community college foundation" has the meaning ascribed to it in subsection 3 of section 39 of this act.

Sec. 275. NRS 375B.410 is hereby amended to read as follows:

375B.410 The money collected pursuant to the provisions of this chapter must be used only for the purpose of education, to be divided between the common schools , *the Nevada System of Community Colleges* and the Nevada System of Higher Education for their support and maintenance.

Sec. 276. NRS 378.087 is hereby amended to read as follows:

378.087 1. The State Library, Archives and Public Records Administrator shall establish a program to provide grants of money to the public libraries of this State for the purchase or acquisition of books, library materials and computer databases. The money must be provided by legislative appropriation, accounted for separately and administered by the State Library, Archives and Public Records Administrator.

2. The State Library, Archives and Public Records Administrator shall, within the limits of legislative appropriation, provide such grants based on the following:

(a) If the requesting library has a budget for materials which is \$10,000 or less, the requesting library is eligible to receive a base grant of \$1,000, plus a matching grant in an amount that is not more than 75 percent of its budget for materials.

(b) If the requesting library has a budget for materials which is more than \$10,000 but less than \$75,000, the requesting library is eligible to receive a base grant of \$5,000, plus a matching grant in an amount that is not more than 50 percent of its budget for materials.

(c) If the requesting library has a budget for materials which is \$75,000 or more but less than \$150,000, the requesting library is eligible to receive a base grant of \$10,000, plus a matching grant in



1 an amount that is not more than 33 1/3 percent of its budget for
2 materials.

3 (d) If the requesting library has a budget for materials which is
4 \$150,000 or more but less than \$500,000, the requesting library is
5 eligible to receive a base grant of \$15,000, plus a matching grant in
6 an amount that is not more than 25 percent of its budget for
7 materials.

8 (e) If the requesting library has a budget for materials which is
9 \$500,000 or more, the requesting library is eligible to receive a base
10 grant of \$25,000, plus a matching grant in the first year it receives a
11 grant pursuant to this paragraph in an amount that is not more than
12 10 percent of its budget for materials. The amount of the matching
13 grant provided in any year may be increased by 10 percent in each
14 succeeding year, except that in no event may the matching grant
15 provided in any year exceed 25 percent of the library's budget for
16 materials in that year.

17 3. The State Library, Archives and Public Records
18 Administrator shall adopt such regulations as are necessary to:

19 (a) Establish a procedure pursuant to which a public library may
20 apply to receive a grant pursuant to this section;

21 (b) Determine the eligibility of a public library to receive such a
22 grant; and

23 (c) Determine the exact amount of a grant to be awarded to a
24 public library.

25 4. Money granted pursuant to this section must not supplant or
26 cause to be reduced any other source of funding for a public library
27 and must be used exclusively by the public library to purchase or
28 acquire books, library materials and computer databases.

29 5. For the purposes of this section, "public library" does not
30 include a library operated within the Nevada System of Higher
31 Education **or the Nevada System of Community Colleges.**

32 **Sec. 277.** NRS 378.160 is hereby amended to read as follows:

33 378.160 As used in NRS 378.150 to 378.210, inclusive:

34 1. "Center" means the State Publications Distribution Center
35 created by NRS 378.170.

36 2. "Depository library" means a library with which the Center
37 has entered into an agreement pursuant to NRS 378.190.

38 3. "Local government" means every political subdivision or
39 other entity which has the right to levy or receive money from ad
40 valorem or other taxes or any mandatory assessments, and includes,
41 without limitation, counties, cities, towns, boards, school districts
42 and other districts organized pursuant to chapters 244A, 309, 318,
43 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750,
44 inclusive, and any agency or department of a county or city which
45 prepares a budget separate from that of the parent political



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subdivision. The term includes the Nevada Rural Housing Authority.

4. "Publication" includes any information in any format or medium that is produced pursuant to the authority of or at the total or partial expense of a state agency or local government, is required by law to be distributed by a state agency or local government, or is distributed publicly by a state agency or local government outside that state agency or local government. The term does not include:

- (a) Nevada Revised Statutes with annotations;
- (b) Nevada Reports;
- (c) Bound volumes of the Statutes of Nevada;
- (d) Items published by the University of Nevada Press and other information disseminated by the Nevada System of Higher Education *or the Nevada System of Community Colleges* which is not designed for public distribution;
- (e) Official state records scheduled for retention and disposition pursuant to NRS 239.080; or
- (f) Records of a local government which have been scheduled for disposition pursuant to NRS 239.124 or retention pursuant to NRS 239.125.

5. "State agency" includes the Legislature, constitutional officers or any department, division, bureau, board, commission or agency of the State of Nevada.

Sec. 278. NRS 378.250 is hereby amended to read as follows:

378.250 The State Library, Archives and Public Records Administrator may:

1. Receive into the archives material from a state agency if the State Library, Archives and Public Records Administrator finds that it is of historical value.

2. With the approval of the Committee to Approve Schedules for the Retention and Disposition of Official State Records created pursuant to NRS 239.073, return to the state agency from which it was received, material in the archives which the State Library, Archives and Public Records Administrator finds is not of historical value.

3. Receive into the archives material which has been directed to be deposited in the archives by an order or resolution of the governing body of a local governmental entity, if the State Library, Archives and Public Records Administrator finds that it is of historical value.

4. With the approval of the Committee to Approve Schedules for the Retention and Disposition of Official State Records, turn over to:

- (a) Any agency in the Department; ~~for~~
- (b) The Nevada System of Higher Education ~~H~~ ; or



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1 **(c) *The Nevada System of Community Colleges,***

2 ➔ material in the archives which the State Library, Archives and
3 Public Records Administrator finds to be surplus, not properly in the
4 archives or appropriate to be kept elsewhere.

5 5. Expend a gift of money the State Library, Archives and
6 Public Records Administrator is authorized to accept for the purpose
7 specified by the donor or, if no purpose is specified, in a manner
8 which will further the purposes of the Division.

9 **Sec. 279.** NRS 408.078 is hereby amended to read as follows:

10 408.078 “Public lands” means all lands within the exterior
11 boundaries of the State of Nevada except lands:

12 1. To which title is held by any private person or entity;

13 2. To which title is held by the State of Nevada, any of its local
14 governments , ***the Nevada System of Community Colleges*** or the
15 Nevada System of Higher Education;

16 3. Which are located within congressionally authorized
17 national parks, monuments, national forests or wildlife refuges, or
18 which are lands acquired by purchase consented to by the
19 Legislature;

20 4. Which are controlled by the United States Department of
21 Defense, Department of Energy or Bureau of Reclamation; or

22 5. Which are held in trust for Indian purposes or are Indian
23 reservations.

24 **Sec. 280.** NRS 412.143 is hereby amended to read as follows:

25 412.143 1. The Adjutant General may authorize the payment
26 of not more than 100 percent of the consolidated fee each semester
27 for each member of the active Nevada National Guard who attends
28 one of the universities or state colleges within the Nevada System of
29 Higher Education as a full-time or part-time student from money
30 appropriated for this purpose.

31 2. The Adjutant General may authorize the payment of not
32 more than 100 percent of the credit-hour cost each semester for each
33 member of the active Nevada National Guard who attends one of the
34 community colleges within the Nevada System of ~~Higher~~
35 ~~Education~~ ***Community Colleges*** as a full-time or part-time student
36 from money appropriated for this purpose.

37 3. To be eligible to receive benefits, a person must be a
38 member in good standing of the active Nevada National Guard at
39 the beginning of and throughout the entire semester for which
40 benefits are received.

41 **Sec. 281.** NRS 412.1435 is hereby amended to read as
42 follows:

43 412.1435 1. The Patriot Relief Account is hereby created as a
44 special account in the State General Fund.



2. The money in the Patriot Relief Account does not lapse to the State General Fund at the end of any fiscal year. The interest and income earned on the sum of:

(a) The money in the Patriot Relief Account, after deducting any applicable charges; and

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

must be credited to the Account. All claims against the Patriot Relief Account must be paid as other claims against the State are paid.

3. The Office may accept gifts, grants and donations from any source for deposit in the Patriot Relief Account.

4. The money in the Patriot Relief Account may only be used to provide:

(a) Reimbursement to a member of the Nevada National Guard for the cost of:

(1) Premiums on a policy of group life insurance purchased pursuant to the provisions of 38 U.S.C. §§ 1965 et seq.; or

(2) Textbooks required for a course of study in which the member is enrolled at an institution within the *Nevada System of Community Colleges or the Nevada System of Higher Education*; and

(b) Monetary relief from economic hardships experienced by a member of the Nevada National Guard who has been called into active service.

5. The Adjutant General shall adopt any regulations necessary to determine eligibility for reimbursement or monetary relief from the Patriot Relief Account and to carry out a program to provide such reimbursement and monetary relief.

Sec. 282. NRS 417.0191 is hereby amended to read as follows:

417.0191 1. The Interagency Council on Veterans Affairs is hereby created. The Council consists of:

(a) The Director of the Department of Business and Industry;

(b) The Director of the Department of Corrections;

(c) The Director of the Department of Employment, Training and Rehabilitation;

(d) The Director of the Department of Health and Human Services;

(e) The Director of the Department of Public Safety;

(f) The Director of the Department of Veterans Services;

(g) The Adjutant General;

(h) The Chancellor of the Nevada System of Higher Education;

(i) *The Executive Director of the State Board for Community Colleges;*



(j) The Executive Director of the Office of Economic Development;

~~(k)~~ (k) The Executive Director of the Nevada Indian Commission; and

~~(l)~~ (l) Any other persons appointed by the Governor, including, without limitation, representatives of federal and local governmental agencies and private entities that provide services to veterans. Members appointed pursuant to this paragraph serve at the pleasure of the Governor.

2. A member of the Council may designate a person to represent him or her at any meeting of the Council. The person designated may exercise all the duties, rights and privileges of the member that he or she represents.

Sec. 283. NRS 426.630 is hereby amended to read as follows:

426.630 As used in NRS 426.630 to 426.720, inclusive, unless the context otherwise requires:

1. "Operator" means the individual person who is blind who is responsible for the day-to-day operation of the vending stand.

2. "Public building" or "property" means any building, land or other real property, owned, leased or occupied by any department or agency of the State or any of its political subdivisions except public elementary and secondary schools, the Nevada System of Higher Education, *the Nevada System of Community Colleges*, the Nevada State Park System and the Department of Corrections.

3. "Vending stand" means:

(a) Such buildings, shelters, counters, shelving, display and wall cases, refrigerating apparatus and other appropriate auxiliary equipment as are necessary or customarily used for the vending of such articles or the provision of such services as may be approved by the Bureau and the department or agency having care, custody and control of the building or property in or on which the vending stand is located;

(b) Manual or coin-operated vending machines or similar devices for vending such articles, operated in a particular building, even though no person is physically present on the premises except to service the machines;

(c) A cafeteria or snack bar for the dispensing of foodstuffs and beverages; or

(d) Portable shelters which can be disassembled and reassembled, and the equipment therein, used for the vending of approved articles, foodstuffs or beverages or the provision of approved services.



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1 **Sec. 284.** NRS 432A.076 is hereby amended to read as
2 follows:

3 432A.076 1. The Nevada Early Childhood Advisory Council
4 is hereby established as the state advisory council on early
5 childhood education and care required to be established pursuant to
6 42 U.S.C. § 9837b(b)(1)(A)(i). The membership of the Council
7 must be appointed by the Governor and include, without limitation:

8 (a) One member who is a representative of the Division of
9 Public and Behavioral Health of the Department whose duties
10 include responsibility for child care;

11 (b) One member who is a representative of the Department of
12 Education;

13 (c) One member who is a representative of the Department of
14 Education whose duties include responsibilities for programs under
15 section 619 or part C of the Individuals with Disabilities Education
16 Act, 20 U.S.C. §§ 1400 et seq.;

17 (d) One member who is a representative of the boards of trustees
18 of the school districts in this State;

19 (e) One member who is a representative of the Nevada System
20 of Higher Education;

21 (f) *One member who is a representative of the Nevada System*
22 *of Community Colleges;*

23 (g) One member who is a representative of local providers of
24 early childhood education and developmental services;

25 ~~(e)~~ (h) One member who is a representative of Head Start
26 agencies in this State, including, without limitation, migrant and
27 seasonal Head Start programs and Indian Head Start programs;

28 ~~(b)~~ (i) One member who is appointed or designated pursuant
29 to 42 U.S.C. § 9837b(a)(3)(A);

30 ~~(c)~~ (j) One member who is a representative of the Aging and
31 Disability Services Division of the Department;

32 ~~(d)~~ (k) One member who is a representative of a nonprofit
33 organization located in southern Nevada that provides early
34 childhood education programs;

35 ~~(e)~~ (l) One member who is a representative of a nonprofit
36 organization located in northern Nevada that provides early
37 childhood education programs; and

38 ~~(f)~~ (m) Such other members as the Governor determines are
39 appropriate.

40 2. The Council shall:

41 (a) Work to strengthen state-level coordination and collaboration
42 among the various sectors and settings of early childhood education
43 programs.



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(b) Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood education programs.

(c) Identify opportunities for and barriers to coordination and collaboration among early childhood education programs funded in whole or in part by the Federal Government, the State or a local government.

(d) Develop recommendations for:

(1) Increasing the participation of children in early childhood education programs funded in whole or in part by the Federal Government, the State or a local government, including, without limitation, providing information on such programs to underrepresented and special populations;

(2) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood education programs;

(3) A statewide professional development system for teachers engaged in early childhood education; and

(4) The establishment of statewide standards for early childhood education programs in this State.

(e) Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.

(f) Establish, in cooperation with the State Board of Education, guidelines for evaluating the school readiness of children. The guidelines must:

(1) Be based on national school readiness indicators;

(2) Address the following components of school readiness:

(I) Physical and developmental health;

(II) Social and emotional development;

(III) Approaches to learning;

(IV) Language and early literacy development; and

(V) Cognition and general knowledge.

(g) Develop recommendations for increasing parental involvement and family engagement in early childhood education programs.

(h) Perform such other duties relating to early childhood education programs as designated by the Governor.

3. The Council may accept gifts, grants and donations from any source for the support of the Council in carrying out the provisions of this section.



1 **Sec. 285.** NRS 432B.610 is hereby amended to read as
2 follows:

3 432B.610 1. The Peace Officers' Standards and Training
4 Commission shall:

5 (a) Require each category I peace officer to complete a program
6 of training for the detection and investigation of and response to
7 cases of sexual abuse or sexual exploitation of children under the
8 age of 18 years.

9 (b) Not certify any person as a category I peace officer unless
10 the person has completed the program of training required pursuant
11 to paragraph (a).

12 (c) Establish a program to provide the training required pursuant
13 to paragraph (a).

14 (d) Adopt regulations necessary to carry out the provisions of
15 this section.

16 2. As used in this section, "category I peace officer" means:

17 (a) Sheriffs of counties and of metropolitan police departments,
18 their deputies and correctional officers;

19 (b) Personnel of the Nevada Highway Patrol whose principal
20 duty is to enforce one or more laws of this State, and any person
21 promoted from such a duty to a supervisory position related to such
22 a duty;

23 (c) Marshals, police officers and correctional officers of cities
24 and towns;

25 (d) Members of the Police Department of the Nevada System of
26 Higher Education;

27 (e) *Members of the Police Department of the Nevada System of*
28 *Community Colleges;*

29 (f) Employees of the Division of State Parks of the State
30 Department of Conservation and Natural Resources designated by
31 the Administrator of the Division who exercise police powers
32 specified in NRS 289.260;

33 ~~(f)~~ (g) The Chief, investigators and agents of the Investigation
34 Division of the Department of Public Safety; and

35 ~~(g)~~ (h) The personnel of the Department of Wildlife who
36 exercise those powers of enforcement conferred by title 45 and
37 chapter 488 of NRS.

38 **Sec. 286.** NRS 433.279 is hereby amended to read as follows:

39 433.279 1. The Division shall carry out a vocational and
40 educational program for the certification of mental health
41 technicians, including forensic technicians:

42 (a) Employed by the Division, or other employees of the
43 Division who perform similar duties, but are classified differently.

44 (b) Employed by the Division of Child and Family Services of
45 the Department.



1 ➤ The program must be carried out in cooperation with the Nevada
2 System of Higher Education **H** *and the Nevada System of*
3 *Community Colleges.*

4 2. A mental health technician is responsible to the director of
5 the service in which his or her duties are performed. The director of
6 a service may be a licensed physician, dentist, podiatric physician,
7 psychiatrist, psychologist, rehabilitation therapist, social worker,
8 registered nurse or other professionally qualified person. This
9 section does not authorize a mental health technician to perform
10 duties which require the specialized knowledge and skill of a
11 professionally qualified person.

12 3. The Division shall adopt regulations to carry out the
13 provisions of this section.

14 4. As used in this section, "mental health technician" means an
15 employee of the Division of Public and Behavioral Services or the
16 Division of Child and Family Services who, for compensation or
17 personal profit, carries out procedures and techniques which involve
18 cause and effect and which are used in the care, treatment and
19 rehabilitation of persons with mental illness and persons who are
20 emotionally disturbed, and who has direct responsibility for:

21 (a) Administering or carrying out specific therapeutic
22 procedures, techniques or treatments, excluding medical
23 interventions, to enable consumers to make optimal use of their
24 therapeutic regime, their social and personal resources, and their
25 residential care; or

26 (b) The application of interpersonal and technical skills in the
27 observation and recognition of symptoms and reactions of
28 consumers, for the accurate recording of such symptoms and
29 reactions, and for carrying out treatments authorized by members of
30 the interdisciplinary team that determines the treatment of the
31 consumers.

32 **Sec. 287.** NRS 435.425 is hereby amended to read as follows:

33 435.425 1. The Division shall carry out a vocational and
34 educational program for the certification of intellectual disability
35 technicians, including forensic technicians employed by the
36 Division, or other employees of the Division who perform similar
37 duties, but are classified differently. The program must be carried
38 out in cooperation with the Nevada System of Higher Education **H**
39 *and the Nevada System of Community Colleges.*

40 2. An intellectual disability technician is responsible to the
41 director of the service in which his or her duties are performed. The
42 director of a service may be a licensed physician, dentist, podiatric
43 physician, psychiatrist, psychologist, rehabilitation therapist, social
44 worker, registered nurse or other professionally qualified person.
45 This section does not authorize an intellectual disability technician



1 to perform duties which require the specialized knowledge and skill
2 of a professionally qualified person.

3 3. The Administrator shall adopt regulations to carry out the
4 provisions of this section.

5 4. As used in this section, "intellectual disability technician"
6 means an employee of the Division who, for compensation or
7 personal profit, carries out procedures and techniques which involve
8 cause and effect and which are used in the care, treatment and
9 rehabilitation of persons with intellectual disabilities and persons
10 with related conditions, and who has direct responsibility for:

11 (a) Administering or carrying out specific therapeutic
12 procedures, techniques or treatments, excluding medical
13 interventions, to enable consumers to make optimal use of their
14 therapeutic regime, their social and personal resources, and their
15 residential care; or

16 (b) The application of interpersonal and technical skills in the
17 observation and recognition of symptoms and reactions of
18 consumers, for the accurate recording of such symptoms and
19 reactions, and for carrying out treatments authorized by members of
20 the interdisciplinary team that determines the treatment of the
21 consumers.

22 **Sec. 288.** NRS 439.110 is hereby amended to read as follows:

23 439.110 1. Except as otherwise provided in subsection 2 and
24 NRS 284.143, the Chief Medical Officer shall devote his or her full
25 time to the official duties of the Chief Medical Officer and shall not
26 engage in any other business or occupation.

27 2. Notwithstanding the provisions of NRS 281.127, the Chief
28 Medical Officer may cooperate with the Nevada System of Higher
29 Education *and the Nevada System of Community Colleges* in the
30 preparation and teaching of preservice professional workers in
31 public health and in a program providing additional professional
32 preparation for behavioral health workers and public health workers
33 employed by the State of Nevada.

34 **Sec. 289.** NRS 439.518 is hereby amended to read as follows:

35 439.518 1. Within the limits of available money, the Division
36 shall establish the Advisory Council on the State Program for
37 Wellness and the Prevention of Chronic Disease to advise and make
38 recommendations to the Division concerning the Program.

39 2. The Administrator shall appoint to the Advisory Council the
40 following ~~13~~ 14 voting members:

41 (a) The Chief Medical Officer or the designee of the Chief
42 Medical Officer;

43 (b) The Superintendent of Public Instruction or the designee of
44 the Superintendent;

45 (c) One representative of the health insurance industry;



- 1 (d) One provider of health care;
- 2 (e) One representative of the Nevada Association for Health,
- 3 Physical Education, Recreation and Dance or its successor
- 4 organization;
- 5 (f) Three representatives of organizations committed to the
- 6 prevention and treatment of chronic diseases;
- 7 (g) One registered dietitian;
- 8 (h) One representative who is a member of a racial or ethnic
- 9 minority group appointed from a list of persons submitted to the
- 10 Administrator by the Advisory Committee of the Office of Minority
- 11 Health within the Office for Consumer Health Assistance of the
- 12 Department;
- 13 (i) One representative of private employers in this State who has
- 14 experience in matters relating to employment and human resources;
- 15 (j) One representative of a local health authority; ~~and~~
- 16 (k) One representative of the Nevada System of Higher
- 17 Education from a list of persons submitted to the Administrator by
- 18 the Board of Regents of the University of Nevada ~~and~~; and
- 19 *(l) One representative of the Nevada System of Community*
- 20 *Colleges from a list of persons submitted to the Administrator by*
- 21 *the State Board for Community Colleges.*

22 3. The Legislative Commission shall appoint to the Advisory

23 Council the following two voting members:

- 24 (a) One member of the Senate; and
- 25 (b) One member of the Assembly.

26 4. A majority of the voting members of the Advisory Council

27 may appoint nonvoting members to the Advisory Council.

28 **Sec. 290.** NRS 439.521 is hereby amended to read as follows:

29 439.521 To carry out the provisions of NRS 439.514 to

30 439.525, inclusive, the Division shall, within the limits of available

31 money, and with the advice and recommendations of the Advisory

32 Council:

33 1. Periodically prepare burden reports concerning health

34 problems and diseases, including, without limitation, a lack of

35 physical fitness, poor nutrition, tobacco use and exposure to tobacco

36 smoke, obesity, chronic diseases and other diseases, as determined

37 by the Division, using the most recent information obtained through

38 surveillance, epidemiology and research. As used in this subsection,

39 "burden report" means a calculation of the impact of a particular

40 health problem or chronic disease on this State, as measured by

41 financial cost, mortality, morbidity or other indicators specified by

42 the Division.

43 2. Identify, review and encourage, in coordination with the

44 Department of Education, the Nevada System of Higher Education ,

45 *the Nevada System of Community Colleges* and other appropriate



1 state agencies, existing evidence-based programs related to
2 nutrition, physical fitness and tobacco prevention and cessation,
3 including, without limitation, programs of state and local
4 governments, educational institutions, businesses and the general
5 public.

6 3. Develop, promote and coordinate recommendations for
7 model and evidence-based programs that contribute to reductions in
8 the incidence of chronic disease in this State. The programs should
9 encourage:

10 (a) Proper nutrition, physical fitness and health among the
11 residents of this State, including, without limitation, parents and
12 children, senior citizens, high-risk populations and persons with
13 special needs; and

14 (b) Work-site wellness policies that include, without limitation,
15 tobacco-free and breast feeding-friendly environments, healthy food
16 and beverage choices and physical activity opportunities in schools,
17 businesses and public buildings.

18 4. Assist on projects within this State as requested by, and in
19 coordination with, the President's Council on Fitness, Sports and
20 Nutrition.

21 5. Identify and review methods for reducing health care costs
22 associated with tobacco use and exposure to tobacco smoke, obesity,
23 chronic diseases and other diseases, as determined by the Division.

24 6. Maintain a website to provide information and resources on
25 nutrition, physical fitness, health, wellness and the prevention of
26 obesity and chronic diseases.

27 7. Solicit information from and, to the extent feasible,
28 coordinate its efforts with:

29 (a) Other governmental agencies;

30 (b) National health organizations and their local and state
31 chapters;

32 (c) Community and business leaders;

33 (d) Community organizations;

34 (e) Providers of health care;

35 (f) Private schools; and

36 (g) Other persons who provide services relating to tobacco use
37 and exposure, physical fitness and wellness and the prevention of
38 obesity, chronic diseases and other diseases.

39 8. Establish, maintain and enhance statewide chronic disease
40 surveillance systems.

41 9. Translate surveillance, evaluation and research information
42 into press releases, briefs, community education and advocacy
43 materials and other publications that highlight chronic diseases and
44 the key risk factors of those diseases.



10. Identify, assist and encourage the growth of, through funding, training, resources and other support, the community's capacity to assist persons who have a chronic disease.

11. Encourage relevant community organizations to effectively recruit key population groups to receive clinical preventative services, including, without limitation:

(a) Screening and early detection of breast, cervical and colorectal cancer, diabetes, high blood pressure and obesity;

(b) Oral screenings; and

(c) Tobacco cessation counseling.

12. Promote positive policy, system and environmental changes within communities and the health care system based on, without limitation, the Chronic Care Model developed by the MacColl Center for Health Care Innovation and the Patient-Centered Medical Home Recognition Program of the National Committee for Quality Assurance.

13. Review and revise the Program as needed.

Sec. 291. NRS 442.007 is hereby amended to read as follows:

442.007 1. The State Board of Health shall adopt regulations establishing standards for perinatal care provided by any provider of health care, based on recommendations submitted to the Board by the School of Medicine and ~~{School of Nursing}~~ *a school of nursing* of the Nevada System of Higher Education ~~{ }~~ *and the Nevada System of Community Colleges.*

2. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 292. NRS 444.330 is hereby amended to read as follows:

444.330 1. The Division has supervision over the sanitation, healthfulness, cleanliness and safety, as it pertains to the foregoing matters, of the following state institutions:

(a) Institutions and facilities of the Department of Corrections.

(b) Northern Nevada Adult Mental Health Services.

(c) Nevada Youth Training Center, Caliente Youth Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

(d) Nevada System of Higher Education.

(e) Nevada System of Community Colleges.

2. The State Board of Health may adopt regulations pertaining thereto as are necessary to promote properly the sanitation, healthfulness, cleanliness and, as it pertains to the foregoing matters, the safety of those institutions.

3. The Chief Medical Officer or an authorized agent of the Officer shall inspect those institutions at least once each calendar year and whenever he or she deems an inspection necessary to carry out the provisions of this section. The inspection of any state facility



1 for the detention of children that is operated pursuant to title 5 of
2 NRS must include, without limitation, an inspection of all areas
3 where food is prepared and served, bathrooms, areas used for
4 sleeping, common areas and areas located outdoors that are used by
5 children at the facility.

6 4. The Chief Medical Officer shall publish reports of the
7 inspections of any state facility for the detention of children that is
8 operated pursuant to title 5 of NRS and may publish reports of the
9 inspections of other state institutions.

10 5. All persons charged with the duty of maintenance and
11 operation of the institutions named in this section shall operate the
12 institutions in conformity with the regulations adopted by the State
13 Board of Health pursuant to subsection 2.

14 6. The Chief Medical Officer or an authorized agent of the
15 Officer may, in carrying out the provisions of this section, enter
16 upon any part of the premises of any of the institutions named in
17 this section over which he or she has jurisdiction, to determine the
18 sanitary conditions of the institutions and to determine whether the
19 provisions of this section and the regulations of the State Board of
20 Health pertaining thereto are being violated.

21 **Sec. 293.** NRS 445B.200 is hereby amended to read as
22 follows:

23 445B.200 1. The State Environmental Commission is hereby
24 created within the Department. The Commission consists of:

25 (a) The Director of the Department of Wildlife;

26 (b) The State Forester Firewarden;

27 (c) The State Engineer;

28 (d) The Director of the State Department of Agriculture;

29 (e) The Administrator of the Division of Minerals of the
30 Commission on Mineral Resources;

31 (f) A member of the State Board of Health to be designated by
32 that Board; and

33 (g) Five members appointed by the Governor:

34 (1) One of whom is a general engineering contractor or a
35 general building contractor licensed pursuant to chapter 624 of
36 NRS;

37 (2) One of whom possesses expertise in performing mining
38 reclamation; and

39 (3) One of whom possesses experience and expertise in
40 advocating issues relating to conservation.

41 2. The Governor shall appoint the Chair of the Commission
42 from among the members of the Commission.

43 3. A majority of the members constitutes a quorum, and a
44 majority of those present must concur in any decision.



1 4. Each member who is appointed by the Governor is entitled
2 to receive a salary of not more than \$80, as fixed by the
3 Commission, for each day's attendance at a meeting of the
4 Commission.

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

9 6. Any person who receives or has received during the
10 previous 2 years a significant portion of his or her income, as
11 defined by any applicable state or federal law, directly or indirectly
12 from one or more holders of or applicants for a permit required by
13 NRS 445A.300 to 445A.730, inclusive, is disqualified from serving
14 as a member of the Commission. The provisions of this subsection
15 do not apply to any person who receives, or has received during the
16 previous 2 years, a significant portion of his or her income from any
17 department or agency of State Government which is a holder of or
18 an applicant for a permit required by NRS 445A.300 to 445A.730,
19 inclusive.

20 7. The Department shall provide technical advice, support and
21 assistance to the Commission. All state officers, departments,
22 commissions and agencies, including the Department of
23 Transportation, the Department of Health and Human Services, the
24 Nevada System of Higher Education, *the Nevada System of*
25 *Community Colleges*, the State Public Works Board, the
26 Department of Motor Vehicles, the Department of Public Safety, the
27 Public Utilities Commission of Nevada, the Nevada Transportation
28 Authority and the State Department of Agriculture may also provide
29 technical advice, support and assistance to the Commission.

30 **Sec. 294.** NRS 451.450 is hereby amended to read as follows:

31 451.450 1. The Committee or its duly authorized agent shall
32 take and receive the bodies delivered to it pursuant to the provisions
33 of NRS 451.350 to 451.470, inclusive, and shall distribute such
34 bodies proportionately and equitably, among schools, teaching
35 hospitals in which there is a resident training program that requires
36 cadaveric material for study, and such other person or entity as the
37 Committee may determine to be eligible to receive such bodies.

38 2. The Committee shall charge and collect:

39 (a) From a university, state college ~~[-community college]~~ or
40 medical school within the Nevada System of Higher Education, *a*
41 *community college within the Nevada System of Community*
42 *Colleges* and any other medical school in this State to which the
43 Committee distributes a dead human body in accordance with
44 subsection 1, a fee in an amount not to exceed the expenses of the
45 Committee to obtain, handle and distribute the body delivered to it



1 pursuant to the provisions of NRS 451.350 to 451.470, inclusive;
2 and

3 (b) From any other person or entity to which the Committee
4 distributes a dead human body in accordance with subsection 1:

5 (1) A fee in an amount not to exceed the expenses of the
6 Committee to obtain, handle and distribute the body delivered to it
7 pursuant to the provisions of NRS 451.350 to 451.470, inclusive;
8 and

9 (2) An additional fee of \$200 for each body distributed to the
10 person or entity which must be used by the Committee to carry out
11 the provisions of NRS 451.350 to 451.470, inclusive.

12 3. A person or entity may not receive a dead body for the
13 promotion of medical science unless the Committee has determined
14 that the person or entity is eligible to receive the dead body. A
15 person or entity who receives a dead body in violation of this
16 subsection is guilty of a gross misdemeanor.

17 **Sec. 295.** NRS 453.3345 is hereby amended to read as
18 follows:

19 453.3345 1. Unless a greater penalty is provided in NRS
20 453.333 or 453.334, and except as otherwise provided in NRS
21 193.169, any person who violates NRS 453.321 or 453.322:

22 (a) On the grounds of a public or private school, a playground,
23 public park, public swimming pool, recreational center for youths or
24 a video arcade;

25 (b) On a campus of the Nevada System of Higher Education;

26 (c) *On a campus of the Nevada System of Community*
27 *Colleges;*

28 (d) Within 1,000 feet of the perimeter of such a school ground
29 or campus, playground, park, pool, recreational center or arcade; or

30 ~~(d)~~ (e) Within 1,000 feet of a school bus stop from 1 hour
31 before school begins until 1 hour after school ends during scheduled
32 school days,

33 ➤ must be punished by imprisonment in the state prison for a term
34 equal to and in addition to the term of imprisonment prescribed by
35 statute for the crime. The sentence prescribed by this section runs
36 consecutively with the sentence prescribed by statute for the crime.

37 2. This section does not create a separate offense but provides
38 an additional penalty for the primary offense, whose imposition is
39 contingent upon the finding of the prescribed fact.

40 3. For the purposes of this section:

41 (a) "Playground" means any outdoor facility, intended for
42 recreation, open to the public and in any portion thereof containing
43 one or more apparatus intended for the recreation of children, such
44 as a sliding board, teeterboard, sandbox or swingset.



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(b) "Recreational center for youths" means a recreational facility or gymnasium which regularly provides athletic, civic or cultural activities for persons under 18 years of age.

(c) "School bus" has the meaning ascribed to it in NRS 483.160.

(d) "Video arcade" means a facility legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement and which contains a minimum of 10 such machines.

Sec. 296. NRS 453.3351 is hereby amended to read as follows:

453.3351 1. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, any person who violates NRS 453.322, 453.3385 or 453.3395 where the violation included the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine:

(a) Within 500 feet of a residence, business, church, synagogue or other place of religious worship, public or private school, campus of the Nevada System of Higher Education, *campus of the Nevada System of Community Colleges*, playground, public park, public swimming pool or recreational center for youths; or

(b) In a manner which creates a great risk of death or substantial bodily harm to another person,

➤ shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime.

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. For the purposes of this section:

(a) "Playground" has the meaning ascribed to it in NRS 453.3345.

(b) "Recreational center for youths" has the meaning ascribed to it in NRS 453.3345.

(c) "Residence" means any house, room, apartment, tenement, manufactured home as defined in NRS 489.113, or mobile home as defined in NRS 489.120, that is designed or intended for occupancy.

Sec. 297. NRS 459.0095 is hereby amended to read as follows:

459.0095 The Executive Director may:

1. Provide information relating to radioactive waste to the Legislature, local governments and state agencies that may be affected by the disposal of radioactive waste in this State.

2. Consult branches and facilities of the Nevada System of Higher Education, *the Nevada System of Community Colleges* or



1 other institutions of higher education on matters relating to
2 radioactive waste.

3 3. Employ, within the limitations of legislative authorization,
4 technical consultants, specialists, investigators and other
5 professional and clerical employees as are necessary to the
6 performance of the duties of the Executive Director.

7 4. Make and execute contracts and all other instruments
8 necessary for the exercise of the duties of the office.

9 5. Obtain equipment and supplies necessary to carry out the
10 provisions of NRS 459.009 to 459.0098, inclusive.

11 **Sec. 298.** NRS 463.385 is hereby amended to read as follows:

12 463.385 1. In addition to any other license fees and taxes
13 imposed by this chapter, there is hereby imposed upon each slot
14 machine operated in this State an annual excise tax of \$250. If a slot
15 machine is replaced by another, the replacement is not considered a
16 different slot machine for the purpose of imposing this tax.

17 2. The Commission shall:

18 (a) Collect the tax annually on or before June 30, as a condition
19 precedent to the issuance of a state gaming license to operate any
20 slot machine for the ensuing fiscal year beginning July 1, from a
21 licensee whose operation is continuing.

22 (b) Collect the tax in advance from a licensee who begins
23 operation or puts additional slot machines into play during the fiscal
24 year, prorated monthly after July 31.

25 (c) Include the proceeds of the tax in its reports of state gaming
26 taxes collected.

27 3. Any other person, including, without limitation, an operator
28 of an inter-casino linked system, who is authorized to receive a
29 share of the revenue from any slot machine that is operated on the
30 premises of a licensee is liable to the licensee for that person's
31 proportionate share of the license fees paid by the licensee pursuant
32 to this section and shall remit or credit the full proportionate share to
33 the licensee on or before the dates set forth in subsection 2. A
34 licensee is not liable to any other person authorized to receive a
35 share of the licensee's revenue from any slot machine that is
36 operated on the premises of a licensee for that person's
37 proportionate share of the license fees to be remitted or credited to
38 the licensee by that person pursuant to this section.

39 4. The Commission shall pay over the tax as collected to the
40 State Treasurer to be deposited to the credit of the State Distributive
41 School Account in the State General Fund, and the Capital
42 Construction Fund for Higher Education and the Special Capital
43 Construction Fund for Higher Education, which are hereby created
44 in the State Treasury as special revenue funds, in the amounts and to
45 be expended only for the purposes specified in this section, or for



1 any other purpose authorized by the Legislature if sufficient money
2 is available in the Capital Construction Fund for Higher Education
3 and the Special Capital Construction Fund for Higher Education on
4 July 31 of each year to pay the principal and interest due in that
5 fiscal year on the bonds described in subsection 6.

6 5. During each fiscal year, the State Treasurer shall deposit the
7 tax paid over to him or her by the Commission as follows:

8 (a) The first \$5,000,000 of the tax in the Capital Construction
9 Fund for Higher Education;

10 (b) Twenty percent of the tax in the Special Capital Construction
11 Fund for Higher Education; and

12 (c) The remainder of the tax in the State Distributive School
13 Account in the State General Fund.

14 6. There is hereby appropriated from the balance in the Special
15 Capital Construction Fund for Higher Education on July 31 of each
16 year the amount necessary to pay the principal and interest due in
17 that fiscal year on the bonds issued pursuant to section 5 of chapter
18 679, Statutes of Nevada 1979, as amended by chapter 585, Statutes
19 of Nevada 1981, at page 1251, the bonds authorized to be issued by
20 section 2 of chapter 643, Statutes of Nevada 1987, at page 1503, the
21 bonds authorized to be issued by section 2 of chapter 614, Statutes
22 of Nevada 1989, at page 1377, the bonds authorized to be issued by
23 section 2 of chapter 718, Statutes of Nevada 1991, at page 2382, the
24 bonds authorized to be issued by section 2 of chapter 629, Statutes
25 of Nevada 1997, at page 3106, and the bonds authorized to be issued
26 by section 2 of chapter 514, Statutes of Nevada 2013, at page 3391.
27 If in any year the balance in that Fund is not sufficient for this
28 purpose, the remainder necessary is hereby appropriated on July 31
29 from the Capital Construction Fund for Higher Education. The
30 balance remaining unappropriated in the Capital Construction Fund
31 for Higher Education on August 1 of each year and all amounts
32 received thereafter during the fiscal year must be transferred to the
33 State General Fund for the support of higher education. If bonds
34 described in this subsection are refunded and if the amount required
35 to pay the principal of and interest on the refunding bonds in any
36 fiscal year during the term of the bonds is less than the amount that
37 would have been required in the same fiscal year to pay the
38 principal of and the interest on the original bonds if they had not
39 been refunded, there is appropriated to the Nevada System of Higher
40 Education an amount sufficient to pay the principal of and interest
41 on the original bonds, as if they had not been refunded. The amount
42 required to pay the principal of and interest on the refunding bonds
43 must be used for that purpose from the amount appropriated. The
44 amount equal to the saving realized in that fiscal year from the
45 refunding must be used by the Nevada System of Higher Education



1 to defray, in whole or in part, the expenses of operation and
2 maintenance of the facilities acquired in part with the proceeds of
3 the original bonds.

4 7. After the requirements of subsection 6 have been met for
5 each fiscal year, when specific projects are authorized by the
6 Legislature, money in the Capital Construction Fund for Higher
7 Education and the Special Capital Construction Fund for Higher
8 Education must be transferred by the State Controller and the State
9 Treasurer to the State Public Works Board for the construction of
10 capital improvement projects for the ~~[Nevada System of Higher~~
11 ~~Education, including, but not limited to, capital improvement~~
12 ~~projects for the community colleges of the]~~ Nevada System of
13 Higher Education. As used in this subsection, "construction"
14 includes, but is not limited to, planning, designing, acquiring and
15 developing a site, construction, reconstruction, furnishing,
16 equipping, replacing, repairing, rehabilitating, expanding and
17 remodeling. Any money remaining in either Fund at the end of a
18 fiscal year does not revert to the State General Fund but remains in
19 those Funds for authorized expenditure.

20 8. The money deposited in the State Distributive School
21 Account in the State General Fund under this section must be
22 apportioned as provided in NRS 387.030 among the several school
23 districts and charter schools of the State at the times and in the
24 manner provided by law.

25 9. The Board of Regents of the University of Nevada may use
26 any money in the Capital Construction Fund for Higher Education
27 and the Special Capital Construction Fund for Higher Education for
28 the payment of interest and amortization of principal on bonds and
29 other securities, whether issued before, on or after July 1, 1979, to
30 defray in whole or in part the costs of any capital project authorized
31 by the Legislature.

32 **Sec. 299.** NRS 482.330 is hereby amended to read as follows:

33 482.330 1. Upon issuance of a dealer's, distributor's,
34 manufacturer's or rebuilder's license certificate pursuant to NRS
35 482.322, the Department shall furnish to the manufacturer,
36 distributor, dealer or rebuilder one or more registration certificates
37 and special plates for use on the vehicles described in the provisions
38 of NRS 482.320. Each plate must have displayed upon it the
39 identification number which is assigned to the dealer, distributor,
40 manufacturer or rebuilder, and may at the discretion of the
41 Department have a different letter or symbol on each plate or pair of
42 plates. The manufacturer's, distributor's, dealer's or rebuilder's
43 license plates may be used interchangeably on that vehicle.

44 2. The Department shall issue to each dealer a reasonable
45 number of registration certificates and license plates.



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3. The Department shall provide by regulation for the issuance of special license plates to dealers or rebuilders and for the number of those plates for use on vehicles loaned by those dealers or rebuilders to:

- (a) Customers in the course of business.
- (b) The State of Nevada.
- (c) The Nevada System of Higher Education.
- (d) *The Nevada System of Community Colleges.*
- (e) A school district.

~~(e)~~ (f) A county, city or town.

~~(f)~~ (g) An organization that is exempt from taxation pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code.

→ The regulations must prescribe what use may be made of the plates and the persons who may operate a motor vehicle with those plates.

4. Notwithstanding the provisions of subsection 3, a dealer may use not more than six special plates from the total number of plates issued pursuant to this section for personal use by the dealer or a member of the dealer's immediate family.

Sec. 300. NRS 482.3749 is hereby amended to read as follows:

482.3749 1. The Department shall, using any colors and designs that the Department deems appropriate, design, prepare and issue license plates which indicate status as a hall of fame athlete. The design of the license plates must include the words "hall of fame."

2. The Department shall issue license plates that indicate status as a hall of fame athlete for a passenger car or a light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate status as a hall of fame athlete if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate status as a hall of fame athlete.

3. An application for the issuance or renewal of license plates that indicate status as a hall of fame athlete is void unless it is accompanied by documentation which, in the determination of the Department, provides reasonable proof of identity and status as a hall of fame athlete.

4. In addition to all other applicable registration and license fees and governmental services taxes:



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(a) A person who requests license plates that indicate status as a hall of fame athlete shall pay a fee to the Department of \$35.

(b) License plates that indicate status as a hall of fame athlete are renewable upon the payment to the Department of \$10.

5. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. As used in this section, "hall of fame athlete" means a current or former athlete who has been inducted into a hall of fame pertaining to the sport in which the athlete participates or participated, including, but not limited to:

(a) The National Baseball Hall of Fame, located in Cooperstown, New York.

(b) The Basketball Hall of Fame, located in Springfield, Massachusetts.

(c) The Pro Football Hall of Fame, located in Canton, Ohio.

(d) The Hockey Hall of Fame, located in Toronto, Ontario, Canada.

(e) The National Soccer Hall of Fame, located in Oneonta, New York.

(f) The International Tennis Hall of Fame, located in Newport, Rhode Island.

(g) The Pro Rodeo Hall of Fame, located in Colorado Springs, Colorado.

(h) Any hall of fame which has been established at a university ~~or~~ state college ~~for community college~~ within the Nevada System of Higher Education ~~or at a community college within the Nevada System of Community Colleges.~~

Sec. 301. NRS 482.3823 is hereby amended to read as follows:

482.3823 1. An educational institution may operate on the highways of this State an unregistered motor vehicle otherwise required to be registered pursuant to this chapter if there is displayed on the vehicle a special license plate assigned to the educational institution pursuant to subsection 2. Such operation is strictly limited to movement of the vehicle:

(a) From one educational institution to another educational institution;



(b) From the educational institution to an established place of business which specializes in particular automotive repairs; and

(c) Which is necessary to test the vehicle under practical operating conditions on the road.

2. Upon application by an educational institution, submission of such evidence of qualification as is determined necessary by the Director and payment of the applicable fee, the Department shall assign to the educational institution one or more sets of special license plates for use on educational vehicles. The Department shall charge and collect a fee of \$5 for each set of special license plates issued pursuant to this section. The plates are valid for 1 year. The fee for renewal is \$5.

3. Any unauthorized use of special license plates issued pursuant to this section is cause for the Department to revoke all sets of those plates issued to the educational institution. Unauthorized use of the plates includes:

(a) Display on a vehicle which is not an educational vehicle; and

(b) Movement of an educational vehicle in any manner not authorized in subsection 1.

4. Each special plate issued pursuant to this section must have displayed upon it suitable characters, as determined by the Department, to identify the vehicle as an educational vehicle. The special plates may be used interchangeably on educational vehicles by the educational institution to which the plates were issued.

5. As used in this section:

(a) "Educational institution" means:

(1) A public school as that term is defined in NRS 385.007;

~~for~~

(2) *One of the branches or facilities within the Nevada System of Community Colleges; or*

(3) One of the branches or facilities within the Nevada System of Higher Education,

↳ which offers a course of instruction in automotive repair and owns or controls an educational vehicle.

(b) "Educational vehicle" means any motor vehicle which is owned or controlled by an educational institution and used exclusively for the purposes of a course of instruction in automotive repair. The term does not include any motor vehicle:

(1) Used by the educational institution for any purpose not directly related to a course of instruction in automotive repair.

(2) Owned by a pupil, student or employee of the educational institution.

Sec. 302. NRS 490.068 is hereby amended to read as follows:

490.068 1. The Commission shall:



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(a) Elect a Chair, Vice Chair, Secretary and Treasurer from among its members.

(b) Meet at the call of the Chair.

(c) Meet at least four times each year.

(d) Solicit nine nonvoting advisers to the Commission to serve for terms of 2 years as follows:

(1) One adviser from the Bureau of Land Management.

(2) One adviser from the United States Forest Service.

(3) One adviser who is:

(I) From the Natural Resources Conservation Service of the United States Department of Agriculture; or

(II) A teacher, instructor or professor at an institution of the *Nevada System of Community Colleges or the Nevada System of Higher Education* and who provides instruction in environmental science or a related field.

(4) One adviser from the State Department of Conservation and Natural Resources.

(5) One adviser from the Department of Wildlife.

(6) One adviser from the Department of Motor Vehicles.

(7) One adviser from the Commission on Tourism, other than the Chair of the Nevada Indian Commission.

(8) One adviser from the Nevada Indian Commission.

(9) One adviser from the United States Fish and Wildlife Service.

2. The Commission may award a grant of money from the Account for Off-Highway Vehicles created by NRS 490.069. Any such grant must comply with the requirements set forth in NRS 490.069. The Commission shall:

(a) Adopt regulations setting forth who may apply for a grant of money from the Account for Off-Highway Vehicles and the manner in which such a person may submit the application to the Commission. The regulations adopted pursuant to this paragraph must include, without limitation, requirements that:

(1) Any person requesting a grant provide proof satisfactory to the Commission that the appropriate federal, state or local governmental agency has been consulted regarding the nature of the project to be funded by the grant and regarding the area affected by the project;

(2) The application for the grant address all applicable laws and regulations, including, without limitation, those concerning:

(I) Threatened and endangered species in the area affected by the project;

(II) Ecological, cultural and archaeological sites in the area affected by the project; and



(III) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area affected by the project; and

(3) Any compliance information provided by an appropriate federal, state or local governmental agency, and any information or advice provided by any agency, group or individual be submitted with the application for the grant.

(b) Adopt regulations for awarding grants from the Account.

(c) Adopt regulations for determining the acceptable performance of work on a project for which a grant is awarded.

(d) Approve the completion of, and payment of money for, work performed on a project for which a grant is awarded, if the Commission determines the work is acceptable.

(e) Monitor the accounting activities of the Account.

3. The nonvoting advisers solicited by the Commission pursuant to paragraph (d) of subsection 1 shall assist the Commission in carrying out the duties set forth in this section and shall review for completeness and for compliance with the requirements of paragraph (a) of subsection 2 all applications for grants.

4. For each regular session of the Legislature, the Commission shall prepare a comprehensive report, including, without limitation, a summary of any grants that the Commission awarded and of the accounting activities of the Account, and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 303. NRS 503.452 is hereby amended to read as follows:

503.452 1. Except as otherwise provided in subsection 2, each trap, snare or similar device used by a person in the taking of wild mammals may be registered with the Department before it is used. Each registered trap, snare or similar device must bear a number which is assigned by the Department and is affixed to or marked on the trap, snare or similar device in the manner specified by regulations adopted by the Commission. The registration of a trap, snare or similar device is valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred.

2. The provisions of subsection 1 do not apply to a trap, snare or similar device used:

(a) Exclusively on private property which is posted or fenced in accordance with the provisions of NRS 207.200 by the owner or occupant of the property or with the permission of the owner or occupant;



(b) For the control of rodents by an institution of the *Nevada System of Community Colleges or the Nevada System of Higher Education*;

(c) By any federal, state or local governmental agency; or

(d) For the taking of wild mammals for scientific or educational purposes under a permit issued by the Department pursuant to NRS 503.650.

3. A registration fee of \$10 for each registrant is payable only once by each person who registers a trap, snare or similar device. The fee must be paid at the time the first trap, snare or similar device is registered.

4. It is unlawful:

(a) For a person to whom a trap, snare or similar device is registered to allow another person to possess or use the trap, snare or similar device without providing to that person written authorization to possess or use the trap, snare or similar device.

(b) For a person to possess or use a trap, snare or similar device registered to another person without obtaining the written authorization required pursuant to paragraph (a). If a person obtains written authorization to possess or use a trap, snare or similar device pursuant to paragraph (a), the person shall ensure that the written authorization, together with his or her trapping license, is in his or her possession during any period in which he or she uses the trap, snare or similar device to take fur-bearing mammals.

5. A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.

6. Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential and the Department shall not disclose that information unless required to do so by law or court order.

Sec. 304. NRS 504.165 is hereby amended to read as follows:

504.165 1. The Commission shall adopt regulations governing the disbursement of money to:

(a) Prevent or mitigate damage to private property and privately maintained improvements, including, without limitation, fences;

(b) Prevent or mitigate damage to fences on public lands;

(c) Construct fences around sources of water on private lands or public lands where there has been damage to the area near such sources of water; and

(d) Compensate persons for grazing reductions and the loss of stored and standing crops,

caused by elk or game mammals not native to this State.

2. The regulations must contain:



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(a) Requirements for the eligibility of those persons claiming damage to private property, privately maintained improvements, fences on public lands or areas near sources of water on public lands to receive money or materials from the Department, including:

(1) A requirement that such a person enter into a cooperative agreement with the Director for purposes related to this title; and

(2) A requirement that if the claim is for money or materials from the Department for the construction of a fence around a source of water on private land or public land, such a person must:

(I) Conduct a physical inspection of the private land or public land upon which the fence is proposed to be constructed to determine the most effective manner in which to protect the source of water and to determine the most effective manner in which to provide access to a source of water for livestock and wildlife that is located outside the fence and within a reasonable distance from the fence;

(II) Conduct the inspection described in sub-subparagraph (I) in consultation with the persons or entities which will be directly affected by the construction of the fence, including, without limitation, an owner of the private land on which the fence is proposed to be constructed, a governmental entity that manages the public land on which the fence is proposed to be constructed, a holder of a permit to graze livestock on the public land, if applicable, and a person who holds a water right which will be directly affected by the construction of the fence; and

(III) Enter into a cooperative agreement with the persons and entities described in sub-subparagraph (II) for purposes related to the construction of the fence in accordance with the results of the inspection conducted pursuant to this subparagraph.

(b) Procedures for the formation of local panels to assess damage caused by elk or game mammals not native to this State and to determine the value of a loss claimed if the person claiming the loss and the Department do not agree on the value of the loss.

(c) Procedures for the use on private property or public lands of materials purchased by the State to prevent damage caused by elk or game mammals not native to this State.

(d) Any other regulations necessary to carry out the provisions of this section and NRS 504.155.

3. The regulations must:

(a) Provide for the payment of money or other compensation to cover the costs of labor and materials necessary to:

(1) Prevent or mitigate damage to private property, privately maintained improvements and fences on public lands caused by elk or game mammals not native to this State; and



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(2) Construct fences around sources of water on private or public lands if:

(I) Elk or game mammals not native to this State have caused damage to the area near such sources of water; and

(II) A source of water for livestock and wildlife is available outside such a fence and within a reasonable distance from such a fence or will be made available at such a location.

(b) Prohibit a person who has, within a particular calendar year, applied for or received a special incentive elk tag pursuant to NRS 502.142 from applying, within the same calendar year, for compensation pursuant to this section for the same private land.

4. Money may not be disbursed to a claimant pursuant to this section unless the claimant shows by a preponderance of the evidence that the damage for which the claimant is seeking compensation was caused solely by elk or game mammals not native to this State.

5. As used in this section, "public lands" means all lands within the exterior boundaries of the State of Nevada except lands:

(a) To which title is held by any private person or entity;

(b) To which title is held by the State of Nevada, any of its local governments, *the Nevada System of Community Colleges* or the Nevada System of Higher Education;

(c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges, or which are lands acquired by purchase consented to by the Legislature;

(d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or

(e) Which are held in trust for Indian purposes or are Indian reservations.

Sec. 305. NRS 543.550 is hereby amended to read as follows:

543.550 1. There is hereby granted to a district the right-of-way for the construction and maintenance of floodways, ditches, waterways, conduits, canals, dikes, embankments, basins for retention or detention of water and protective works in, over and across public lands of the State of Nevada not otherwise disposed of or in use, but not in any case exceeding the length or width necessary for the construction of those works and adjuncts or for the protection thereof.

2. Whenever any selection of right-of-way for those works or adjuncts is made by the district, the board shall transmit to the Division of State Lands of the State Department of Conservation and Natural Resources and any other agency or entity of the state owning land in the area, including the Nevada System of Higher Education, *the Nevada System of Community Colleges* and the Colorado River Commission of Nevada, and to the county recorder



1 of the county in which the selected lands are situated a plat of the
2 lands so selected, giving the extent thereof and the uses for which
3 they are claimed or desired, verified to be correct.

4 3. If the Division of State Lands of the State Department of
5 Conservation and Natural Resources approves the selection so
6 made, it must be endorsed upon the plat and a permit must be issued
7 to use the rights-of-way and land.

8 **Sec. 306.** NRS 557.050 is hereby amended to read as follows:

9 557.050 "Institution of higher education" means:

10 1. A university ~~H or college for community college~~ which is
11 privately owned or which is part of the Nevada System of Higher
12 Education; and

13 2. A postsecondary educational institution, as defined in NRS
14 394.099, or any other institution of higher education.

15 **Sec. 307.** NRS 563.100 is hereby amended to read as follows:

16 563.100 1. The Nevada Junior Livestock Show Board shall
17 each year conduct the Nevada Junior Livestock Show and the
18 Nevada Youth Livestock and Dairy Show at places to be determined
19 by the Board.

20 2. To enter any exhibition named in subsection 1, a person
21 must:

22 (a) Be certified by the State 4-H Club Leader or the agriculture
23 education program professional at the Department of Education; and

24 (b) Be under 19 years of age except that the Board, upon
25 considering the requirements of a specific event involved may allow
26 entry by a person 19 years of age or older who is registered as a
27 regular student in an animal science course under the Nevada
28 System of Higher Education ~~H or the Nevada System of~~
29 *Community Colleges.*

30 3. Entries of animals in any exhibition named in subsection 1
31 are limited to those owned or controlled according to the
32 requirements of the exhibition.

33 **Sec. 308.** NRS 597.245 is hereby amended to read as follows:

34 597.245 1. A person may operate an instructional wine-
35 making facility if the person:

36 (a) Obtains a license for the facility pursuant to chapter 369 of
37 NRS;

38 (b) Complies with the requirements of this section; and

39 (c) Complies with any other applicable governmental
40 requirements for the operation of such a facility, including, without
41 limitation, compliance with all applicable federal bonding,
42 permitting and other requirements for the production, blending,
43 treatment, storage and bottling of wine.

44 2. A person who is licensed to operate an instructional wine-
45 making facility may:



(a) Engage in the process of wine making on the premises of the facility;

(b) Charge a fee to other persons of legal age for the purpose of providing those persons with instruction and the opportunity to participate directly in the process of wine making on the premises of the facility; and

(c) Serve wine produced on the premises of the facility by the glass for consumption on the premises of the facility.

3. Wine produced on the premises of an instructional wine-making facility must be:

(a) Used, consumed or disposed of on the premises of the facility; or

(b) Distributed from the facility to a person of legal age who has participated directly in the process of wine making on the premises of the facility for the person's own household or personal use. That person:

(1) May distribute the wine to any other person of legal age as a gift.

(2) Shall not remove from the facility:

(I) Any wine other than that which the person participated directly in the process of making on the premises of the facility.

(II) More than 60 gallons of wine during any period of 12 months.

4. Except as otherwise permitted by this section, if a person knows or reasonably should know that wine was produced on the premises of an instructional wine-making facility, the person shall not:

(a) Directly or indirectly or through any other person, sell, offer to sell or solicit the purchase or sale of such wine at wholesale or retail; or

(b) Use such wine for any purpose other than for the person's own household or personal use.

5. A person who violates any provision of this section is guilty of a misdemeanor.

6. As used in this section:

(a) "Instructional wine-making facility" means any facility that, for a fee, provides a person of legal age with instruction and the opportunity to participate directly in the process of wine making on the premises of the facility. The term does not include:

(1) A wine maker or winery that is licensed pursuant to chapter 369 of NRS.

(2) A *community college within the Nevada System of Community Colleges, a university* ~~or~~ *or state college* ~~for~~ ~~community college that is part of~~ *within* the Nevada System of Higher Education or any other postsecondary educational institution



1 that is licensed by a federal or state agency and is accredited by a
2 nationally recognized educational accrediting association.

3 (b) "Process of wine making" means the usual and customary
4 steps taken to produce wine. Such steps may include, without
5 limitation:

6 (1) Growing, buying and importing agricultural products and
7 ingredients.

8 (2) Selecting, preparing and processing agricultural products
9 and ingredients.

10 (3) Barreling, fermenting, aging, filtering, bottling, labeling,
11 racking, warehousing and storing.

12 (4) Importing bulk wine or juice from a bonded winery in
13 another state, to be fermented into wine or, if already fermented, to
14 be blended with other wine and aged in a suitable cellar.

15 **Sec. 309.** NRS 612.265 is hereby amended to read as follows:

16 612.265 1. Except as otherwise provided in this section and
17 NRS 239.0115 and 612.642, information obtained from any
18 employing unit or person pursuant to the administration of this
19 chapter and any determination as to the benefit rights of any person
20 is confidential and may not be disclosed or be open to public
21 inspection in any manner which would reveal the person's or
22 employing unit's identity.

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

29 3. The Administrator may, in accordance with a cooperative
30 agreement among all participants in the statewide longitudinal data
31 system developed pursuant to NRS 400.040, make the information
32 obtained by the Division available to:

33 (a) The Board of Regents of the University of Nevada for the
34 purpose of complying with the provisions of subsection 4 of NRS
35 396.531; ~~and~~

36 (b) *The State Board for Community Colleges for the purpose*
37 *of complying with the provisions of subsection 4 of section 57 of*
38 *this act; and*

39 (c) The Director of the Department of Employment, Training
40 and Rehabilitation for the purpose of complying with the provisions
41 of paragraph (d) of subsection 1 of NRS 232.920.

42 4. Subject to such restrictions as the Administrator may by
43 regulation prescribe, the information obtained by the Division may
44 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;

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

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

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

5. Upon written request made by the State Controller or 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 may be made electronically and 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 State Controller or local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation assigned to the State Controller for collection or owed to the local government, as applicable. Except as otherwise provided in NRS 239.0115, the information obtained by the State Controller or local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation assigned to the State Controller for collection or owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

6. 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



1 interests of this State. Upon request by a state agency which is able
2 to demonstrate that its intended use of the information will benefit
3 the residents of this State, the Administrator may, in addition to the
4 information listed in this subsection, disclose the number of
5 employees employed by each employer and the total wages paid by
6 each employer. The Administrator may charge a fee to cover the
7 actual costs of any administrative expenses relating to the disclosure
8 of this information to a state agency. The Administrator may require
9 the state agency to certify in writing that the agency will take all
10 actions necessary to maintain the confidentiality of the information
11 and prevent its unauthorized disclosure.

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

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

32 9. In addition to the provisions of subsection 6, the
33 Administrator shall provide lists containing the names and addresses
34 of employers, and information regarding the wages paid by each
35 employer to the Department of Taxation, upon request, for use in
36 verifying returns for the taxes imposed pursuant to chapters 363A,
37 363B and 363C of NRS. The Administrator may charge a fee to
38 cover the actual costs of any related administrative expenses.

39 10. The Division of Industrial Relations of the Department of
40 Business and Industry shall periodically submit to the
41 Administrator, from information in the index of claims established
42 pursuant to NRS 616B.018, a list containing the name of each
43 person who received benefits pursuant to chapters 616A to 616D,
44 inclusive, or chapter 617 of NRS. Upon receipt of that information,
45 the Administrator shall compare the information so provided with



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1 the records of the Employment Security Division regarding persons
2 claiming benefits pursuant to this chapter for the same period. The
3 information submitted by the Division of Industrial Relations must
4 be in a form determined by the Administrator and must contain the
5 social security number of each such person. If it appears from the
6 information submitted that a person is simultaneously claiming
7 benefits under this chapter and under chapters 616A to 616D,
8 inclusive, or chapter 617 of NRS, the Administrator shall notify the
9 Attorney General or any other appropriate law enforcement agency.

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

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

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

31 **Sec. 310.** NRS 616A.190 is hereby amended to read as
32 follows:

33 616A.190 Members of state, county and local departments,
34 boards, commissions, agencies or bureaus, whether elected or
35 appointed, who serve without compensation or who receive less
36 than \$250 per month compensation, the members of the State Board
37 of Education, adjunct professors of the Nevada System of Higher
38 Education , ~~and~~ the members of the Board of Regents of the
39 University of Nevada, *the members of the State Board for*
40 *Community Colleges and the members of the boards of trustees of*
41 *the community colleges within the Nevada System of Community*
42 *Colleges* while engaged in their designated duties as members and
43 adjunct professors, shall be deemed, for the purpose of chapters
44 616A to 616D, inclusive, of NRS, employees receiving a wage of



\$250 per month and, in the event of injury while performing their designated duties, are entitled to the benefits of those chapters.

Sec. 311. NRS 617.135 is hereby amended to read as follows:

617.135 "Police officer" includes:

1. A sheriff, deputy sheriff, officer of a metropolitan police department or city police officer;

2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

3. A chief, investigator or agent of the Investigation Division of the Department of Public Safety;

4. A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;

5. A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;

6. A chief or investigator of the Department of Public Safety whose duties include, without limitation:

(a) The execution, administration or enforcement of the provisions of chapter 179A of NRS; and

(b) The provision of technology support services to the Director and the divisions of the Department of Public Safety;

7. An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;

8. An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;

9. A member of the police department of the Nevada System of Higher Education;

10. *A member of the police department of the Nevada System of Community Colleges;*

11. A:

(a) Uniformed employee of; or

(b) Forensic specialist employed by,

the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;

~~H11~~ 12. A parole and probation officer of the Division of Parole and Probation of the Department of Public Safety;

~~H21~~ 13. A forensic specialist or correctional officer employed by the Division of Public and Behavioral Health of the Department of Health and Human Services at facilities for mentally disordered offenders;



~~13.1~~ 14. The State Fire Marshal and his or her assistant and deputies;

~~14.1~~ 15. A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280;

~~15.1~~ 16. A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260; and

~~16.1~~ 17. A bailiff or a deputy marshal of the district court or justice court whose duties require him or her to carry a weapon and to make arrests.

Sec. 312. NRS 632.2856 is hereby amended to read as follows:

632.2856 1. The training program required for certification as a nursing assistant must consist of 75 hours of instruction. The program must include no less than 60 hours of theory and learning skills in a laboratory setting.

2. Except as otherwise provided in this subsection, the instructor of the program must be a registered nurse with:

(a) Three years of nursing experience which includes direct care of patients and supervision and education of members of the staff; and

(b) Proof of successful completion of training for instructors which has been approved by the Board.

➔ The Board may approve a licensed practical nurse as an instructor if the Board determines that requiring instruction by a registered nurse would create a hardship.

3. Except as otherwise provided in NRS 622.090, upon completion of the program, a nursing assistant trainee must pass a test in theory with an overall score of 80 percent and a test of skills on a pass or fail basis. The test of skills must be given by a registered nurse. If the nursing assistant trainee fails either of the tests, the nursing assistant trainee must repeat the training in the areas in which he or she was deficient before taking the certification examination.

4. In a program which is based in a facility, a nursing assistant trainee may only perform those tasks he or she has successfully completed in the training program, and must perform those tasks under the direct supervision of a registered nurse or a licensed practical nurse.

5. The Board shall adopt regulations not inconsistent with law:

(a) Specifying the scope of the training program and the required components of the program;

(b) Establishing standards for the approval of programs and instructors; and



(c) Designating the basic nursing services which a nursing assistant may provide upon certification.

6. Any medical facility, educational institution or other organization may provide a training program if the program meets the requirements set forth in this chapter and in the regulations of the Board, and is approved by the Board. Such a program must be administered through:

(a) The Nevada System of Higher Education;

(b) *The Nevada System of Community Colleges*;

(c) A program for career and technical education approved by the State Board for Career and Technical Education;

~~(c)~~ (d) A public school in this State; or

~~(d)~~ (e) Any other nationally recognized body or agency authorized by law to accredit or approve such programs.

7. An educational institution or agency that administers a training program shall:

(a) Develop or approve the curriculum for training provided in its service district;

(b) Manage the training program; and

(c) Work with medical and other facilities to carry out the requirements of paragraphs (a) and (b).

Sec. 313. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 439.538 and 639.2357, a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

(a) The patient for whom the original prescription was issued;

(b) The practitioner who originally issued the prescription;

(c) A practitioner who is then treating the patient;

(d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;

(e) An agency of state government charged with the responsibility of providing medical care for the patient;

(f) An insurance carrier, on receipt of written authorization signed by the patient or his or her legal guardian, authorizing the release of such information;

(g) Any person authorized by an order of a district court;

(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;

(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:



(1) Misusing prescriptions to obtain excessive amounts of drugs; or

(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person;

(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:

(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or

(2) To carry out a search warrant or subpoena issued pursuant to a court order; or

(k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:

(1) Identifying a deceased person;

(2) Determining a cause of death; or

(3) Performing other duties authorized by law.

2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by an office of a county coroner must be limited to a copy of the prescription filled or on file for:

(a) The person whose name is on the container of the controlled substance or dangerous drug that is found on or near the body of a deceased person; or

(b) The deceased person whose cause of death is being determined.

3. Except as otherwise provided in NRS 639.2357, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face "Copy, Not Refillable—For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.

4. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

5. As used in this section, "peace officer" does not include:

(a) A member of the Police Department of the Nevada System of Higher Education.

(b) *A member of the Police Department of the Nevada System of Community Colleges.*



(c) A school police officer who is appointed or employed pursuant to NRS 391.281.

Sec. 314. NRS 645.343 is hereby amended to read as follows:

645.343 1. In addition to the other requirements contained in this chapter, an applicant for an original real estate salesperson's license must furnish proof satisfactory to the Real Estate Division that the applicant has successfully completed a course of instruction in the principles, practices, procedures, law and ethics of real estate, which course may be an extension or correspondence course offered by the Nevada System of Higher Education, *by the Nevada System of Community Colleges*, by any other accredited college or university or by any other college or school approved by the Commission. The course of instruction must include the subject of disclosure of required information in real estate transactions, including instruction on methods a seller may use to obtain the required information.

2. An applicant for an original real estate broker's or broker-salesperson's license must furnish proof satisfactory to the Real Estate Division that the applicant has successfully completed 45 semester units or the equivalent in quarter units of college level courses which include:

(a) Three semester units or an equivalent number of quarter units in real estate law, including at least 18 classroom hours of the real estate law of Nevada and another course of equal length in the principles of real estate;

(b) Nine semester units or the equivalent in quarter units of college level courses in real estate appraisal and business or economics;

(c) Nine semester units or the equivalent in quarter units of college level courses in real estate, business or economics; and

(d) Three semester units or an equivalent number of quarter units in broker management.

3. On and after January 1, 1986, in addition to other requirements contained in this chapter, an applicant for an original real estate broker's or broker-salesperson's license must furnish proof satisfactory to the Real Estate Division that the applicant has completed 64 semester units or the equivalent in quarter units of college level courses. This educational requirement includes and is not in addition to the requirements listed in subsection 2.

4. For the purposes of this section, each person who holds a license as a real estate broker, broker-salesperson or salesperson, or an equivalent license, issued by a state or territory of the United States, or the District of Columbia, is entitled to receive credit for the equivalent of 16 semester units of college level courses for each 2 years of active experience that, during the immediately preceding



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1 10 years, the person has obtained while he or she has held such a
2 license, not to exceed 8 years of active experience. This credit may
3 not be applied against the requirement in subsection 2 for three
4 semester units or an equivalent number of quarter units in broker
5 management or 18 classroom hours of the real estate law of Nevada.

6 5. An applicant for a broker's license pursuant to NRS 645.350
7 must meet the educational prerequisites applicable on the date his or
8 her application is received by the Real Estate Division.

9 6. As used in this section, "college level courses" are courses
10 offered by any accredited college or university or by any other
11 institution which meet the standards of education established by the
12 Commission. The Commission may adopt regulations setting forth
13 standards of education which are equivalent to the college level
14 courses outlined in this subsection. The regulations may take into
15 account the standard of instructors, the scope and content of the
16 instruction, hours of instruction and such other criteria as the
17 Commission requires.

18 **Sec. 315.** NRS 645.830 is hereby amended to read as follows:

19 645.830 1. The following fees must be charged by and paid
20 to the Division:

21	
22	For each original real estate broker's, broker-
23	salesperson's or corporate broker's license..... \$105
24	For each original real estate salesperson's license 85
25	For each original branch office license 120
26	For real estate education, research and recovery to be
27	paid at the time an application for an original
28	license is filed..... 40
29	For real estate education, research and recovery to be
30	paid at the time an application for renewal of a
31	license is filed..... 40
32	For each renewal of a real estate broker's, broker-
33	salesperson's or corporate broker's license..... 180
34	For each renewal of a real estate salesperson's license 140
35	For each renewal of a real estate branch office license 110
36	For each penalty for late filing of a renewal for a
37	broker's, broker-salesperson's or corporate
38	broker's license 95
39	For each penalty for late filing of a renewal for a
40	salesperson's license 75
41	For each change of name or address..... 20
42	For each transfer of a real estate salesperson's or
43	broker-salesperson's license and change of
44	association or employment..... 20



1	For each duplicate license where the original license	
2	is lost or destroyed, and an affidavit is made	
3	thereof	\$20
4	For each change of broker status from broker to	
5	broker-salesperson.....	20
6	For each change of broker status from broker-	
7	salesperson to broker	40
8	For each reinstatement to active status of an inactive	
9	real estate broker's, broker-salesperson's or	
10	salesperson's license	20
11	For each reinstatement of a real estate broker's	
12	license when the licensee fails to give immediate	
13	written notice to the Division of a change of name	
14	or business location	30
15	For each reinstatement of a real estate salesperson's	
16	or broker-salesperson's license when he or she	
17	fails to notify the Division of a change of broker	
18	within 30 days of termination by previous broker	30
19	For each original registration of an owner-developer	125
20	For each annual renewal of a registration of an	
21	owner-developer.....	125
22	For each enlargement of the area of an owner-	
23	developer's registration.....	50
24	For each cooperative certificate issued to an out-of-	
25	state broker licensee for 1 year or fraction thereof.....	150
26	For each original accreditation of a course of	
27	continuing education	100
28	For each renewal of accreditation of a course of	
29	continuing education	50
30	For each annual approval of a course of instruction	
31	offered in preparation for an original license or	
32	permit	100

2. The fees prescribed by this section for courses of instruction offered in preparation for an original license or permit or for courses of continuing education do not apply to:

(a) Any university ~~or~~ **or** state college ~~for community college of~~ **within** the Nevada System of Higher Education.

(b) **Any community college within the Nevada System of Community Colleges.**

(c) Any agency of the State.

~~(e)~~ (d) Any regulatory agency of the Federal Government.

3. The Commission shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of any investigation of a person's background.



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1 **Sec. 316.** NRS 645A.021 is hereby amended to read as
2 follows:

3 645A.021 1. In addition to any other requirement, an
4 applicant for an original license as an escrow agent or agency must
5 furnish proof satisfactory to the Commissioner of the successful
6 completion of a course of instruction in the principles, practices,
7 procedures, law and ethics of escrows, which course may be an
8 extension or correspondence course offered by the Nevada System
9 of Higher Education, *by the Nevada System of Community*
10 *Colleges*, by any other accredited college or university or by any
11 other college or school approved by the Commissioner.

12 2. An applicant for a license as an escrow agent or agency
13 pursuant to NRS 645A.020 must meet the educational prerequisites
14 required pursuant to this section not later than the date on which his
15 or her application is received by the Office of the Commissioner.

16 3. The Commissioner shall adopt regulations setting forth
17 standards for the educational prerequisites required pursuant to this
18 section. The regulations must address standards for instructors, the
19 scope and content of the instruction, required hours of instruction
20 and such other criteria as the Commissioner considers necessary.

21 **Sec. 317.** NRS 701B.312 is hereby amended to read as
22 follows:

23 701B.312 “Institution of higher education” means:

24 1. A university ~~{-}~~ *or* college ~~{-or community college}~~ which is
25 privately owned or which is part of the Nevada System of Higher
26 Education;

27 2. *A community college which is privately owned or which is*
28 *part of the Nevada System of Community Colleges;* or

29 ~~{-}~~ 3. A postsecondary educational institution, as defined in
30 NRS 394.099, or any other institution of higher education.

31 **Sec. 318.** NRS 701B.460 is hereby amended to read as
32 follows:

33 701B.460 “Institution of higher education” means:

34 1. A university ~~{-}~~ *or* college ~~{-or community college}~~ which is
35 privately owned or which is part of the Nevada System of Higher
36 Education;

37 2. *A community college which is privately owned or which is*
38 *part of the Nevada System of Community Colleges;* or

39 ~~{-}~~ 3. A postsecondary educational institution, as defined in
40 NRS 394.099, or any other institution of higher education.

41 **Sec. 319.** The provisions of subsection 1 of NRS 218D.380 do
42 not apply to any provision of this act which adds or revises a
43 requirement to submit a report to the Legislature.

44 **Sec. 320.** As soon as practicable on or after July 1, 2018, the
45 Governor shall:



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1 1. Appoint the members of the State Board for Community
2 Colleges created by section 7 of this act. In appointing such
3 members, the Governor shall, by lot, select:

4 (a) Four members to serve an initial term of 2 years; and

5 (b) Five members to serve an initial term of 3 years.

6 2. Appoint the voting members of the board of trustees for the
7 College of Southern Nevada created pursuant to section 69 of this
8 act. In appointing the members, the Governor shall, by lot, select:

9 (a) Three members to serve an initial term of 2 years; and

10 (b) Four members to serve an initial term of 3 years.

11 3. Appoint the voting members of the board of trustees for
12 Great Basin College created pursuant to section 69 of this act. In
13 appointing the members, the Governor shall, by lot, select:

14 (a) Three members to serve an initial term of 2 years; and

15 (b) Four members to serve an initial term of 3 years.

16 4. Appoint the voting members of the board of trustees for
17 Truckee Meadows Community College created pursuant to section
18 69 of this act. In appointing the members, the Governor shall, by lot,
19 select:

20 (a) Three members to serve an initial term of 2 years; and

21 (b) Four members to serve an initial term of 3 years.

22 5. Appoint the voting members of the board of trustees for
23 Western Nevada College created pursuant to section 69 of this act.
24 In appointing the members, the Governor shall, by lot, select:

25 (a) Three members to serve an initial term of 2 years; and

26 (b) Four members to serve an initial term of 3 years.

27 **Sec. 321.** As soon as practicable on or after July 1, 2018:

28 1. The Governor shall appoint:

29 (a) To the State Board of Education, the member required to be
30 appointed by NRS 385.021, as amended by section 76 of this act.

31 (b) To the English Mastery Council, the member required to be
32 appointed by NRS 388.409, as amended by section 92 of this act.

33 (c) To the Commission on Educational Technology, the member
34 required to be appointed by NRS 388.790, as amended by section 94
35 of this act.

36 (d) To the Commission on Professional Standards in Education,
37 the member required to be appointed by NRS 391.011, as amended
38 by section 115 of this act.

39 (e) To the P-20W Advisory Council, the member required to be
40 appointed by NRS 400.030, as amended by section 151 of this act.

41 (f) To the Board of the Public Employees' Benefits Program, the
42 member required to be appointed by NRS 287.041, as amended by
43 section 220 of this act.



(g) To the Committee to administer the Public Employees' Deferred Compensation Program, the member required to be appointed by NRS 287.325, as amended by section 225 of this act.

(h) To the Nevada Early Childhood Advisory Council, the member required to be appointed by NRS 432A.076, as amended by section 284 of this act.

2. The Chief Justice of the Supreme Court shall appoint to the committee created pursuant to NRS 1.530, the member required to be appointed pursuant to that section, as amended by section 155 of this act.

3. The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall appoint to the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease, the member required to be appointed by NRS 439.518, as amended by section 289 of this act.

Sec. 322. As soon as practicable on or after July 1, 2018, the Governor shall appoint the members of the Articulation and Transfer Board created by section 146 of this act. In appointing such members, the Governor shall, by lot, select:

1. Eight members to serve an initial term of 2 years; and

2. Seven members to serve an initial term of 3 years.

Sec. 323. Any contract, lease or other agreement entered into before July 1, 2018, and in effect on or after July 1, 2018, by the Nevada System of Higher Education or the Board of Regents of the Nevada System of Higher Education relating to the operation of or provision of services by or to the College of Southern Nevada, Great Basin College, Truckee Meadows Community College or Western Nevada College shall be deemed to be a contract, lease or other agreement entered into by the board of trustees of the respective community college created pursuant to section 69 of this act.

Sec. 324. NRS 353B.001, 353B.004, 396.311, 396.315, 396.517, 400.010 and 400.020 are hereby repealed.

Sec. 325. 1. This act becomes effective:

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

(b) On July 1, 2018, for all other purposes.

2. Section 54 of this act expires by limitation on June 30, 2020.

3. Section 266 of this act expires by limitation on June 30, 2023.

4. Section 318 of this act expires by limitation on December 31, 2025.



LEADLINES OF REPEALED SECTIONS

353B.001 “System” defined.

353B.004 “System” defined.

396.311 Community College: System of probation for professional employees.

396.315 Community College: System for dismissal of professional employees.

396.517 Program to educate and train persons for work in nursing home.

400.010 Definitions.

400.020 “System” defined.

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