

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 26, 2017

Assembly called to order at 8:37 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hansen, who was excused.

Prayer by the Chaplain, Reverend Richard Snyder.

Loving God, Your work in the world is done by many people in many ways using the many gifts and talents You give. Bless all the members of this Assembly and all who work for this House. Guide them by Your Spirit as they deal with the issues facing this state.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 25, 501, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 296, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 17 of the 78th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 512, 514, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 283, 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Senate Bill No. 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Senate Bill No. 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 512, 514, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 122, 124, 159, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 280, 362, 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 495, 496.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 286, Amendments Nos. 939, 872, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 485, Amendment No. 812, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 66, 132, 229, 394, 458, 490, 517.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 793 to Senate Bill No. 125; Assembly Amendment No. 727 to Senate Bill No. 185; Assembly Amendment No. 887 to Senate Bill No. 196; Assembly Amendment No. 791 to Senate Bill No. 239; Assembly Amendment No. 800 to Senate Bill No. 253; Assembly Amendment No. 837 to Senate Bill No. 370; Assembly Amendment No. 838 to Senate Bill No. 371; Assembly Amendment No. 813 to Senate Bill No. 383;

Assembly Amendment No. 839 to Senate Bill No. 413; Assembly Amendment No. 747 to Senate Bill No. 420; Assembly Amendment No. 732 to Senate Bill No. 437.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 832 to Senate Bill No. 47; Assembly Amendment No. 682 to Senate Bill No. 376.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 26, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 276, 471.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 25, Amendment No. 954; Assembly Bill No. 36, Amendment No. 960; Assembly Bill No. 45, Amendment No. 953; Assembly Bill No. 123, Amendment No. 870; Assembly Bill No. 150, Amendment No. 703; Assembly Bill No. 234, Amendment No. 674; Assembly Bill No. 249, Amendments Nos. 751, 966; Assembly Bill No. 320, Amendment No. 851; Assembly Bill No. 321, Amendment No. 695; Assembly Bill No. 359, Amendment No. 858; Assembly Bill No. 375, Amendment No. 771; Assembly Bill No. 376, Amendment No. 874; Assembly Bill No. 384, Amendment No. 952; Assembly Bill No. 415, Amendment No. 740; Assembly Bill No. 431, Amendment No. 783; Assembly Bill No. 461, Amendment No. 739; Assembly Bill No. 470, Amendment No. 788, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 268, Amendment No. 981, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 288, Amendments Nos. 969, 873; Assembly Bill No. 408, Amendments Nos. 967, 869, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 74.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 541.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 864 to Senate Bill No. 12; Assembly Amendment No. 821 to Senate Bill No. 56; Assembly Amendment No. 716 to Senate Bill No. 71; Assembly Amendment No. 789 to Senate Bill No. 164; Assembly Amendment No. 909 to Senate Bill No. 183; Assembly Amendment No. 801 to Senate Bill No. 274; Assembly Amendment No. 784 to Senate Bill No. 281; Assembly Amendment No. 766 to Senate Bill No. 287; Assembly Amendments Nos. 836, 933 to Senate Bill No. 364; Assembly Amendment No. 927 to Senate Bill No. 384; Assembly Amendment No. 868 to Senate Bill No. 397; Assembly Amendment No. 824 to Senate Bill No. 471; Assembly Amendment No. 777 to Senate Bill No. 477.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 724 to Senate Bill No. 81; Assembly Amendment No. 726 to Senate Bill No. 171; Assembly Amendments Nos. 913, 957 to Senate Bill No. 233.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 866 to Senate Bill No. 250; Assembly Amendment No. 886 to Senate Bill No. 432.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 26, 2017

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, Assembly Bill No. 403 is not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

RICHARD S. COMBS
Director

WAIVER OF JOINT STANDING RULES

A Waiver requested by Speaker Frierson.

For: Senate Bill No. 464.

To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Thursday, May 25, 2017.

SENATOR AARON D. FORD

Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON

Speaker of the Assembly

A Waiver requested by Senator Goicoechea.

For: Senate Bill No. 439.

To Waive:

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 26, 2017.

SENATOR AARON D. FORD

Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON

Speaker of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 116, 151, 292, and 400 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 66.

Assemblyman Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 74.

Assemblywoman Swank moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 132.

Assemblyman Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 229.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 394.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 458.

Assemblywoman Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 490.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 517.

Assemblyman Flores moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 541.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Bill read third time.

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

Amendment No. 917.

AN ACT relating to education; revising certain references and terms in conformance with revisions to federal law; revising requirements for a plan to improve the achievement of pupils enrolled in a public school; repealing provisions requiring certain schools to carry out a process for peer review of a plan to improve the achievement of pupils enrolled in a school in accordance with federal law; requiring the State Board of Education to establish criteria for assessments that may be used to determine pupil

achievement; revising provisions governing the count of pupils for purposes of calculating basic support; requiring the State Board to adopt regulations regarding end-of-course finals; revising the requirements for receipt of a standard high school diploma; providing for the creation of a ~~[pathway]~~ **college and career ready** high school diploma; requiring a public awareness campaign concerning high school diplomas and endorsements to be conducted to the extent that money is available; revising provisions governing the annual reports of accountability prepared by the State Board and each school district; revising provisions governing evaluations of the overall performance of teachers and paraprofessionals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2015, Congress passed the Every Student Succeeds Act of 2015, which replaced the No Child Left Behind Act of 2001 and was a significant reauthorization of the Elementary and Secondary Education Act of 1965. (20 U.S.C. §§ 6301 et seq.) **Sections 6, 7, 56, 58, 75 and 76** of this bill replace references to the No Child Left Behind Act of 2001 with references to the Every Student Succeeds Act of 2015. **Sections 2, 32, 38, 43, 71 and 72** revise references to federal law to conform to changes made in the Every Student Succeeds Act of 2015. **Sections 1, 2, 4, 5, 11, 15, 16, 19-21, 23, 24, 26-29, 31, 33, 35, 39, 55, 56, 71, 73, 74 and 77-82** of this bill revise terminology to conform with the revisions to the federal law.

Existing law requires the principal of each school, in consultation with the employees of the school, to prepare a plan to improve the achievement of pupils enrolled in the school and prescribes the requirements for such a plan. (NRS 385A.650) **Section 19** of this bill removes the statutory requirements concerning the contents of the plan and instead requires the State Board of Education to prescribe the contents of the plan by regulation. **Section 83** of this bill repeals a provision requiring certain schools to carry out a process for peer review of a plan to improve the achievement of pupils enrolled in the school in accordance with federal law.

Existing law requires the State Board to adopt regulations for counting enrollment of pupils for apportionment purposes. (NRS 387.123) **Section 23.5** of this bill prohibits such regulations from counting a pupil enrolled in grade 12 who is not prepared for college and career success as a full-time pupil for apportionment purposes unless the pupil is enrolled in a certain number of courses or periods per day.

Section 41.3 of this bill requires the State Board to adopt regulations regarding end-of-course finals and the courses for which such finals may be administered.

Existing law requires the State Board to adopt regulations that prescribe the criteria for receipt of a standard high school diploma. (NRS 390.600) **Section 52** of this bill removes the requirement that the regulations require a pupil to pass certain end-of-course examinations to receive a standard high school diploma. **Section 41.5** of this bill requires the State Board to adopt

regulations that prescribe the criteria for a pupil to receive a ~~pathway~~ **college and career ready** high school diploma, which must include requirements that the pupil: (1) satisfy the criteria for receipt of a standard high school diploma; and (2) obtain a college-ready endorsement or a career-ready endorsement. **Section 41.5** also requires the State Board to: (1) adopt regulations prescribing the criteria for a pupil to obtain each endorsement; (2) annually review and, if necessary, revise the regulations adopted relating to the ~~pathway~~ **college and career ready** high school diploma; and (3) provide incentive grants and certain reimbursements relating to the ~~pathway~~ **college and career ready** high school diploma, to the extent that money is available for this purpose. Finally, **section 41.5** provides that a ~~pathway~~ **college and career ready** high school diploma confers all the same rights, privileges and benefits as a standard high school diploma.

Section 41.7 of this bill requires the Department of Education, to the extent that money is available, to conduct a public awareness campaign to inform certain persons of the types of diplomas and endorsements on a diploma a pupil may receive upon graduation from high school and the criteria for obtaining such diplomas or endorsements.

Existing law requires the statewide performance evaluation system used to evaluate a public school employee's overall performance to include a process for peer evaluations of teachers by qualified educational personnel. (NRS 391.465) **Section 66** of this bill requires the statewide performance evaluation system to include a process for peer observations, instead of peer evaluations. **Sections 65.5 and 66.5** of this bill make conforming changes.

Existing law requires the State Board to designate the assessments that may be used by a school district to determine pupil achievement. (NRS 391.465) **Section 66** of this bill instead requires: (1) the State Board to establish the criteria for the assessments that may be used by a school district; and (2) the board of trustees of a school district to select assessments that meet the criteria established by the State Board to determine pupil achievement. Existing law requires the State Board to select a college and career readiness assessment for administration to pupils enrolled in grade 11 in public schools. (NRS 390.610) **Section 53** of this bill provides that the results of a pupil on this assessment may be used in determining whether the pupil satisfies the requirements for receipt of a ~~pathway~~ **college and career ready** high school diploma. **Section 53** also requires the State Board to adopt regulations prescribing the manner in which a school district or charter school that enrolls pupils at a high school grade level is required to use the results of this assessment to inform the instruction provided to pupils enrolled in grade 12.

Existing law requires teachers and administrators to receive certain evaluations that are based in part upon a certain number of observations of the teacher or administrator. (NRS 391.685, 391.690, 391.705, 391.710) **Sections 67-68.5** of this bill require such evaluations to be based on a certain number of observation cycles of each teacher and administrator. **Section 69**

of this bill makes a technical correction to provisions relating to the written evaluation of a probationary teacher or administrator. **Sections 36, 37 and 59-64** of this bill revise additional provisions governing the qualifications of certain teachers and paraprofessionals and evaluations of the performance of teachers and paraprofessionals.

Existing law requires the board of trustees of each school district to prepare an annual report of accountability concerning the educational goals and objectives of the school district. (385A.070) Existing law also requires the State Board to prepare a single annual report of accountability for all public schools in the State that includes certain information. (NRS 385A.400) **Sections 9 and 13** of this bill revise the contents of such annual reports of accountability and require the reports to include certain information concerning educational personnel.

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

Section 1. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.

2. "Department" means the Department of Education.

3. *"English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).*

4. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.

~~[4. "Limited English proficient" has the meaning ascribed to it in 20 U.S.C. § 7801(25).]~~

5. "Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.

6. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

7. "State Board" means the State Board of Education.

8. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 2. NRS 385.112 is hereby amended to read as follows:

385.112 A plan to improve the achievement of pupils enrolled in public schools in this State prepared pursuant to NRS 385.111 must include:

1. A review and analysis of the data upon which the report required pursuant to NRS 385A.400 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

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

3. Strategies based upon ~~[scientifically based]~~ **evidence-based** research, as defined in 20 U.S.C. § ~~[7801(37)]~~ **7801(21)**, that will strengthen the core academic subjects, as set forth in NRS 389.018.

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

(a) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(1) The curriculum appropriate to improve achievement;

(2) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment administered pursuant to NRS 390.610, including, without limitation, the manner in which remediation will be provided to pupils who require remediation based on the results of an examination administered pursuant to NRS ~~[390.600 and]~~ 390.610; and

(3) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in the statewide system of accountability for public schools;

(b) Improve the literacy skills of pupils;

(c) Improve the development of English language skills and academic achievement of pupils who are ~~[limited]~~ English ~~[proficient]~~ **learners**;

(d) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(e) Integrate technology into the instructional and administrative programs of the school districts;

(f) Manage effectively the discipline of pupils; and

(g) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § ~~[7801(34)]~~ **7801(42)** and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

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

(a) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(b) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and

(c) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

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

7. A timeline for carrying out the plan, including, without limitation:

(a) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to NRS 385.113; and

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

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

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

10. Based upon the reallocation of resources set forth in subsection 9, the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

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

12. A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(a) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to NRS 385.111; and

(b) Designed to track the progress made in achieving the strategic goals established by the Department.

13. Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

Sec. 3. NRS 385.113 is hereby amended to read as follows:

385.113 The State Board shall:

1. In developing the plan to improve the achievement of pupils enrolled in public schools pursuant to NRS 385.111, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

- (a) Improving proficiency results in core academic subjects;
- (b) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;
- (c) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;
- (d) Improving the performance of pupils on standardized college entrance examinations;
- (e) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and
- (f) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

2. Review the plan annually to evaluate the effectiveness of the plan;

3. Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained;

4. Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(a) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(b) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State; and

5. Review the plans submitted pursuant to subsection ~~[5]~~ 4 of NRS 385A.650 to:

(a) Determine common problems identified by the principal of each school; ~~[pursuant to paragraph (b) of subsection 2 of NRS 385A.650;]~~ and

(b) Make recommendations to the Department concerning how the Department can best support the needs of schools.

Sec. 4. NRS 385.230 is hereby amended to read as follows:

385.230 1. The Department shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385A.400;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.111;

(e) A description of any significant changes made to the collection, maintenance or transfer of data concerning pupils by the Department, a school district, a sponsor of a charter school or a university school for profoundly gifted pupils;

(f) Any new data elements, including, without limitation, data about individual pupils and aggregated data about pupils within a defined group, proposed for inclusion in the automated system of accountability information for Nevada established pursuant to NRS 385A.800;

(g) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

(h) An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

(i) An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

(j) An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 385A.800 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

(k) An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

(l) A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are ~~limited~~ English ~~proficient~~ **learners**; and

(5) Pupils who are migratory children, as defined by the State Board;
and

(m) A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report prepared pursuant to subsection 1 in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report prepared pursuant to subsection 1 to the Governor and to the Legislative Committee on Education.

Sec. 5. 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 college or university within the Nevada System of Higher Education 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~~ **learners**;

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

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

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. 6. NRS 385A.040 is hereby amended to read as follows:

385A.040 "Title I school" means a public school that receives money pursuant to the ~~[No Child Left Behind Act of 2001,]~~ ***Every Student Succeeds Act of 2015***, 20 U.S.C. §§ 6301 et seq., and is obligated to comply with the provisions of that federal law.

Sec. 7. NRS 385A.050 is hereby amended to read as follows:

385A.050 "Title I school district" means a school district that receives money pursuant to the ~~[No Child Left Behind Act of 2001,]~~ ***Every Student Succeeds Act of 2015***, 20 U.S.C. §§ 6301 et seq., and is obligated to comply with the provisions of that federal law.

Sec. 8. NRS 385A.200 is hereby amended to read as follows:

385A.200 The annual report of accountability prepared pursuant to NRS 385A.070 must include information on pupil achievement and school performance, including, without limitation, pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment administered pursuant to NRS 390.610 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations and assessments were administered:

1. The number of pupils who took the examinations and a record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

2. Except as otherwise provided in subsection 2 of NRS 385A.070, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

3. A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

4. The percentage of pupils who were not tested.

5. Except as otherwise provided in subsection 2 of NRS 385A.070, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

6. The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 390.105 ~~and 390.600~~ and the college and career readiness assessment administered pursuant to NRS 390.610, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

7. The rating of each public school in the district, including, without limitation, each charter school sponsored by the district, pursuant to the statewide system of accountability for public schools.

8. Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 390.125.

9. Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subsection must be provided in consultation with the Department to ensure the accuracy of the comparison.

10. For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subsection must be provided in consultation with the Department to ensure the accuracy of the comparison.

Sec. 9. NRS 385A.230 is hereby amended to read as follows:

385A.230 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on teachers , ***other licensed educational personnel*** and paraprofessionals, including, without limitation:

(a) Information on the professional qualifications of teachers ***and other licensed educational personnel*** employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) ***The total number of:***

(I) ***Teachers and other licensed educational personnel employed at each school;***

(II) ***Vacancies at each school which are not filled by a teacher who has a contract to teach at the school on a full-time basis, as determined by the Commission on Professional Standards in Education;***

(III) ***Teachers and other licensed educational personnel employed at each school who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement;***

(IV) Teachers and other licensed educational personnel employed at each school who are inexperienced, as defined by the Commission on Professional Standards in Education; and

(V) Employees at each school whose overall performance was determined to be highly effective, effective, minimally effective or ineffective under the statewide performance evaluation system.

(2) The percentage of ~~teachers~~ :

(I) Teachers and other licensed educational personnel employed by the school district who are ~~[-~~

~~—(I) Providing instruction pursuant to NRS 391.125;]~~ *employed at each school;*

~~—(II) [Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or~~

~~—(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;~~

~~—(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;~~

~~—(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high poverty compared to low poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;~~

~~—(4)] Vacancies at each school which are not filled by a teacher who has a contract to teach at the school on a full-time basis, as determined by the Commission on Professional Standards in Education;~~

(III) Teachers and other licensed educational personnel employed at each school who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement;

(IV) Teachers and other licensed educational personnel employed at each school who are inexperienced, as defined by the Commission on Professional Standards in Education; and

(V) Employees at each school whose overall performance was determined to be highly effective, effective, minimally effective or ineffective under the statewide performance evaluation system.

(3) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers,

including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area . ~~[- and~~

~~—(5)]~~ (4) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(b) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The records of attendance maintained by a school for purposes of this paragraph must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(1) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(2) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

(c) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; ~~and]~~

(2) The number ~~and percentage of all]~~ of paraprofessionals ***employed at the school*** who do not satisfy the ~~qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.]~~ ***requirements prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M);***

(3) ***The percentage of paraprofessionals employed by the school district who do not satisfy the requirements prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M) who are employed at the school; and***

(4) ***Any other information required by regulation of the State Board.***

2. As used in this section ~~[-~~

~~(a) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23). (b) “Paraprofessional”~~ , ***“paraprofessional”*** has the meaning ascribed to it in NRS 391.008.

Sec. 10. NRS 385A.270 is hereby amended to read as follows:

385A.270 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

(a) The number and percentage of pupils who are eligible for free or reduced-price breakfasts;

(b) The percentage of pupils who receive free and reduced-price breakfasts;

(c) The number and percentage of pupils who are eligible for free or reduced-price lunches;

(d) The percentage of pupils who receive free and reduced-price lunches;

(e) A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

(f) A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

(1) Retention rates;

(2) Graduation rates;

(3) Dropout rates;

(4) Grade point averages; and

(5) Scores on the examinations administered pursuant to NRS 390.105 ~~and 390.600~~ and the college and career readiness assessment administered pursuant to NRS 390.610.

2. The State Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 11. NRS 385A.280 is hereby amended to read as follows:

385A.280 The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information regarding the progression of pupils who are ~~limited~~ English ~~proficient~~ **learners** in attaining proficiency in the English language, including, without limitation:

1. The number and percentage of pupils who were identified as ~~limited~~ English ~~proficient~~ **learners** at the beginning of the school year, were

continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

2. The achievement and proficiency of pupils who are ~~Limited~~ English ~~proficient~~ *learners* in comparison to the pupils who are proficient in English;

3. A comparison of pupils who are ~~Limited~~ English ~~proficient~~ *learners* and pupils who are proficient in the English language in the following areas:

- (a) Retention rates;
- (b) Graduation rates;
- (c) Dropout rates;
- (d) Grade point averages; and

(e) Scores on the examinations administered pursuant to NRS 390.105 ~~and 390.600~~ and the college and career readiness assessment administered pursuant to NRS 390.610; and

4. Results of the assessments and reassessments of pupils who are ~~Limited~~ English ~~proficient~~ *learners*, reported separately by the primary language of the pupils, pursuant to the policy developed by the board of trustees of the school district pursuant to NRS 388.407.

Sec. 12. NRS 385A.410 is hereby amended to read as follows:

385A.410 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on pupil achievement and school performance, including, without limitation:

1. Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 390.105 ~~and 390.600~~ and the college and career readiness assessment administered pursuant to NRS 390.610, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. Except as otherwise provided in subsection 2 of NRS 385A.400, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

3. A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

4. The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

5. Except as otherwise provided in subsection 2 of NRS 385A.400, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

6. The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 390.105 ~~and 390.600~~ and the college and career readiness assessment administered pursuant to NRS 390.610, reported for each school district, including,

without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

7. The rating of each public school, including, without limitation, each charter school, pursuant to the statewide system of accountability for public schools.

8. Information on whether each public school, including, without limitation, each charter school, has made progress based upon the model adopted by the Department pursuant to NRS 390.125, if applicable for the grade level of pupils enrolled at the school.

9. Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 390.830.

Sec. 13. NRS 385A.440 is hereby amended to read as follows:

385A.440 1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on teachers , *other licensed personnel* and paraprofessionals, including, without limitation:

(a) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers *and other licensed educational personnel* employed by the school districts and charter schools, including, without limitation:

(1) *The total number of:*

(I) *Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, and for this State as a whole;*

(II) *Vacancies at each school district, including, without limitation, each charter school in the district, which are not filled by a teacher who has a contract to teach on a full-time basis, as determined by the Commission on Professional Standards in Education and for this State as a whole;*

(III) *Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement, and for this State as a whole;*

(IV) *Teachers or other licensed educational personnel who are inexperienced, as defined by the Commission on Professional Standards in Education, employed by each school district, including, without limitation, each charter school in the district, and for this State as a whole; and*

(V) *Employees at each school district, including, without limitation, each charter school in the district, whose overall performance was determined to be highly effective, effective, minimally effective or*

ineffective under the statewide performance evaluation system, and for this State as a whole.

(2) The percentage of ~~teachers~~ :

(I) Teachers and other licensed educational personnel employed in this State who are ~~[-~~

~~— (I) Providing instruction pursuant to NRS 391.125;]~~ *employed by each school district, including, without limitation, each charter school in the district, and for this State as a whole;*

~~(II) [Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or~~

~~— (III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;~~

~~— (2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;~~

~~— (3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high poverty compared to low poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;~~

~~— (4)] Vacancies at each school district including, without limitation, each charter school in the district, which are not filled by a teacher who has a contract to teach on a full-time basis, as determined by the Commission on Professional Standards in Education, and for this State as a whole;~~

(III) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, who provide instruction in a grade level or subject area in which they do not meet the requirements for licensure or do not hold a required endorsement, and for this State as a whole;

(IV) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, who are inexperienced, as defined by the Commission on Professional Standards in Education, and for this State as a whole; and

(V) Employees at each school district, including, without limitation, each charter school in the district, whose overall performance was determined to be highly effective, effective minimally effective or ineffective under the statewide performance evaluation system, and for this State as a whole.

(3) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area . ~~[- and~~

~~—(5)]~~ (4) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(b) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(c) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; ~~[- and]~~

(2) ~~[For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.]~~ ***The number of paraprofessional employed by each school district, including, without limitation, each charter school in the district, who do not satisfy the requirements prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M), and for this State as a whole;***

(3) The percentage of paraprofessionals employed by each school district, including, without limitation, each charter school in the district, who do not satisfy the requirements prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M), and for this State as a whole; and

(4) Any other information required by regulation of the State Board.

2. As used in this section ~~[-~~

~~—(a) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).~~

~~—(b) “Paraprofessional”], “paraprofessional” has the meaning ascribed to it in NRS 391.008.~~

Sec. 14. NRS 385A.480 is hereby amended to read as follows:

385A.480 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

1. The number and percentage of pupils who are eligible for free or reduced-price breakfasts;

2. The number and percentage of pupils who receive free and reduced-price breakfasts;

3. The number and percentage of pupils who are eligible for free or reduced-price lunches;

4. The number and percentage of pupils who receive free and reduced-price lunches;

5. A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

6. A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

(a) Retention rates;

(b) Graduation rates;

(c) Dropout rates;

(d) Grade point averages; and

(e) Scores on the examinations administered pursuant to NRS 390.105 ~~and 390.600~~ and the college and career readiness assessment administered pursuant to NRS 390.610.

Sec. 15. NRS 385A.490 is hereby amended to read as follows:

385A.490 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information regarding the progression of pupils who are ~~limited~~ English ~~proficient~~ **learners** in attaining proficiency in the English language, including, without limitation:

1. The number and percentage of pupils who were identified as ~~limited~~ English ~~proficient~~ **learners** at the beginning of the school year, were continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

2. The achievement and proficiency of pupils who are ~~limited~~ English ~~proficient~~ **learners** in comparison to the pupils who are proficient in English;

3. A comparison of pupils who are ~~limited~~ English ~~proficient~~ **learners** and pupils who are proficient in the English language in the following areas:

- (a) Retention rates;
- (b) Graduation rates;
- (c) Dropout rates;
- (d) Grade point averages; and
- (e) Scores on the examinations administered pursuant to NRS 390.105 ~~and 390.600~~ and the college and career readiness assessment administered pursuant to NRS 390.610; and

4. Results of the assessments and reassessments of pupils who are ~~limited~~ English ~~proficient~~ **learners**, reported separately by the primary language of the pupils, pursuant to the policies developed by the boards of trustees of school districts pursuant to NRS 388.407.

Sec. 16. NRS 385A.600 is hereby amended to read as follows:

385A.600 1. The Department shall make every effort to obtain the approval necessary from the United States Department of Education to ensure that the statewide system of accountability for public schools complies with all requirements for the receipt of federal money under the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301 et seq., as amended.

2. The statewide system of accountability applies to all public schools, regardless of Title I status, and must:

(a) Include a method to, on an annual basis, rate each public school based upon the performance of the school and based upon whether each public school meets the ~~annual measurable objectives~~ **school achievement targets** and performance targets established pursuant to the statewide system of accountability;

(b) Include a method to implement consequences, rewards and supports for public schools based upon the ratings;

(c) Include a method to provide grants and other financial support, to the extent that money is available from legislative appropriation, to public schools receiving one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

(d) Establish ~~annual measurable objectives~~ **school achievement targets** and performance targets for public schools and performance targets for specific groups of pupils, including, without limitation, pupils who are economically disadvantaged, pupils from major racial and ethnic groups, pupils with disabilities and pupils who are ~~limited~~ English ~~proficient~~ **learners**. The ~~annual measurable objectives~~ **school achievement targets** and performance targets must:

(1) Be based primarily upon the measurement of the progress and proficiency of pupils on the examinations administered pursuant to NRS 390.105 ; ~~for 390.600, as applicable;~~ and

(2) For high schools, include the rate of graduation and the rate of attendance.

3. The statewide system of accountability for public schools may include a method to:

(a) On an annual basis, rate school districts based upon the performance of the public schools within the school district and whether those public schools meet the ~~annual measurable objectives~~ *school achievement targets* and performance targets established pursuant to the statewide system of accountability; and

(b) Implement consequences, rewards and supports for school districts based upon the ratings.

Sec. 17. NRS 385A.610 is hereby amended to read as follows:

385A.610 1. The Department shall establish a monitoring system for the statewide system of accountability. The monitoring system must identify significant levels of achievement of pupils on the examinations that are administered pursuant to NRS 390.105 ~~and 390.600~~ and the college and career readiness assessment administered pursuant to NRS 390.610, identified by school and by school district.

2. On or before October 1 of each year, the Department shall prepare a written summary of the findings made pursuant to subsection 1. The written summary must be provided to:

(a) The Committee; and

(b) If the findings show inconsistencies applicable to a particular school district or school within a school district, the board of trustees of that school district.

3. The Committee shall review the report submitted pursuant to subsection 2 and take such action as it deems appropriate.

Sec. 18. NRS 385A.620 is hereby amended to read as follows:

385A.620 1. The State Board shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, the manner in which pupils enrolled in:

(a) A program of distance education pursuant to NRS 388.820 to 388.874, inclusive;

(b) An alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537; or

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Local, regional or state facility for the detention of children;

(II) Juvenile forestry camp;

(III) Child welfare agency; or

(IV) Correctional institution,

↪ will be included within the statewide system of accountability set forth in this chapter.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and

(b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the pupils enrolled, the ~~examinations administered pursuant to NRS 390.600 and the~~ college and career readiness assessment administered pursuant to NRS 390.610 will be reported.

Sec. 19. NRS 385A.650 is hereby amended to read as follows:

385A.650 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

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

~~—(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 or 3 of NRS 385A.070, as applicable, is based and a review and analysis of any data that is more recent than the data upon which the report is based.~~

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

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

~~—(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils enrolled in the school and identified in the statewide system of accountability for public schools will meet the performance targets established for that group.~~

~~—(e) Annual measurable objectives and performance targets, consistent with the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools, for the continuous and substantial progress by each group of pupils identified in the statewide system of accountability for public schools who are enrolled in the school to ensure that each group will meet the performance targets established for that group.~~

~~—(f) Strategies and practices which:~~

~~—(1) Are consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children; and~~

~~—(2) Are designed to improve and promote effective involvement and engagement by parents and families of pupils enrolled in the school which are consistent with the policies and recommendations of the Office of Parental Involvement and Family Engagement made pursuant to NRS 385.635.~~

~~—(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.~~

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

~~—(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:~~

~~—(I) The curriculum appropriate to improve achievement;~~

~~—(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 390.105 and 390.600 and the college and career readiness assessment administered pursuant to NRS 390.610; and~~

~~—(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in the statewide system of accountability for public schools;~~

~~—(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;~~

~~—(3) Integrate technology into the instructional and administrative programs of the school;~~

~~—(4) Manage effectively the discipline of pupils; and~~

~~—(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.~~

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

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

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

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

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

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

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

~~—(p) A budget of the overall cost for carrying out the plan.]:~~

(a) Include any information prescribed by regulation of the State Board; and

(b) Comply with the provisions of 20 U.S.C. § 6311(d).

3. The principal of each school shall, in consultation with the employees of the school:

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

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

4. ~~[On or before December 15 of each year, the principal of each school shall submit the plan or the revised plan, as applicable, to:~~

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

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

~~—5.] On or before [January 31 of each year,] *the date prescribed by the Department*, the principal of each school shall submit the [final] plan or the [final] revised plan, as applicable, to the:~~

(a) Department;

(b) Committee;

(c) Bureau; and

(d) Board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

~~[6. A plan for the improvement of a school must be carried out expeditiously, but not later than February 15 after approval of the plan pursuant to subsection 1 or 2 of NRS 385A.660, as applicable.]~~

Sec. 20. NRS 385A.670 is hereby amended to read as follows:

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

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

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

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

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

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

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. 21. NRS 385A.680 is hereby amended to read as follows:

385A.680 If the Department determines that a public school has failed to meet the ~~annual measurable objectives~~ *school achievement targets* and performance targets established pursuant to the statewide system of accountability for public schools, the Department or its designee shall, to the extent money is available, monitor at the school the administration of the examinations that are required pursuant to NRS 390.105 and ensure that all eligible pupils who are in attendance on the day of the administration of the examinations are given an opportunity to take the examinations.

Sec. 22. NRS 385A.730 is hereby amended to read as follows:

385A.730 1. The State Board shall adopt regulations that prescribe an alternative performance framework to evaluate public schools that are approved pursuant to NRS 385A.740. Such regulations must include, without limitation, an alternative manner in which to evaluate such a school and the manner in which the school will be included within the statewide system of accountability set forth in this chapter.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a public school for which an alternative performance framework has been approved pursuant to NRS 385A.740 will be accounted for within the statewide system of accountability; and

(b) To report the results of pupils enrolled in such a public school on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the pupils enrolled, the ~~examinations administered pursuant to NRS 390.600 and the~~ college and career readiness assessment administered pursuant to NRS 390.610.

Sec. 23. NRS 387.121 is hereby amended to read as follows:

387.121 1. The Legislature declares that the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity. Recognizing wide local variations in wealth and costs per pupil, this State should supplement local financial ability to whatever extent necessary in each school district to provide programs of instruction in both compulsory and elective subjects that offer full opportunity for every Nevada child to receive the benefit of the purposes for which public schools are maintained. Therefore, the quintessence of the State's financial obligation for such programs can be expressed in a formula

partially on a per pupil basis and partially on a per program basis as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school or a university school for profoundly gifted pupils. This formula is designated the Nevada Plan.

2. It is the intent of the Legislature, commencing with Fiscal Year 2016-2017, to provide additional resources to the Nevada Plan expressed as a multiplier of the basic support guarantee to meet the unique needs of certain categories of pupils, including, without limitation, pupils with disabilities, pupils who are ~~limited~~ English ~~proficient~~, **learners**, pupils who are at risk and gifted and talented pupils. As used in this subsection, “pupils who are at risk” means pupils who are eligible for free or reduced-price lunch pursuant to 42 U.S.C. §§ 1751 et seq., or an alternative measure prescribed by the State Board of Education.

Sec. 23.5. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.471, pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474 and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school.

(g) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 392.074.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. ~~It shall~~ ***Except as otherwise provided in this subsection, in*** establishing such regulations for the public schools, the State Board:

(a) ~~Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.~~

~~(b)~~ May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

~~(c)~~ **(b)** Shall prohibit the counting of any pupil specified in subsection 1 more than once.

~~(d)~~ **(c)** *Except as otherwise provided in this paragraph, shall prohibit the counting of a pupil enrolled in grade 12 as a full-time pupil if the pupil is not prepared for college and career success, as defined by the Department. Such a pupil may be counted as a full-time pupil if he or she is enrolled in a minimum of six courses or the equivalent of six periods per day or the superintendent of the school district has approved enrollment in fewer courses for good cause.*

Sec. 24. NRS 388.157 is hereby amended to read as follows:

388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3. Such a plan must include, without limitation:

(a) A program to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in that subject area. Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction on phonological and phonemic awareness, decoding skills and reading fluency;

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable assessments that have been approved by the State Board by regulation:

(1) Within the first 30 days of school after the pupil enters kindergarten or upon enrollment in kindergarten if the pupil enrolls after that period; and

(2) During grades 1, 2 and 3;

(c) A program to improve the proficiency in reading of pupils who are ~~limited~~ English ~~proficient~~ ***learners***; and

(d) Procedures for facilitating collaboration between learning strategists and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

Sec. 25. NRS 388.283 is hereby amended to read as follows:

388.283 1. “School service” means an Internet website, online service or mobile application that:

(a) Collects or maintains personally identifiable information concerning a pupil;

(b) Is used primarily for educational purposes; and

(c) Is designed and marketed for use in public schools and is used at the direction of teachers and other educational personnel.

2. The term does not include:

(a) An Internet website, online service or mobile application that is designed or marketed for use by a general audience, even if the school service is also marketed to public schools;

(b) An internal database, system or program maintained or operated by a school district, charter school or university school for profoundly gifted pupils;

(c) A school service for which a school service provider has:

(1) Been designated by a school district, the sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or the Department as a school official pursuant to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g;

(2) Entered into a contract with the school district, the sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or the Department; and

(3) Agreed to comply with and be subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, relating to personally identifiable information;

(d) Any examinations administered pursuant to NRS 390.105 ~~and 390.600~~ or the college and career readiness assessment administered pursuant to NRS 390.610; or

(e) Any instructional programs purchased by a school district, a charter school, the governing body of a university school for profoundly gifted pupils or the Department.

Sec. 26. NRS 388.405 is hereby amended to read as follows:

388.405 1. The Legislature finds and declares that:

(a) It is the public policy of this State to provide every child enrolled in a public school with high-quality instruction.

(b) Children who are ~~limited~~ English ~~proficient~~ *learners* benefit from instruction that is designed to address the academic and linguistic needs of those children.

(c) It is the intent of the Legislature that children who are ~~limited~~ English ~~proficient~~ *learners* be provided with services and instruction which

is designed to address the academic needs of such children so that those children attain proficiency in the English language and improve their overall academic and linguistic achievement and proficiency.

2. The State Board shall:

(a) Adopt regulations prescribing criteria for a policy for the instruction to teach English to pupils who are ~~limited~~ English ~~proficient~~ **learners** which is developed by the board of trustees of each school district pursuant to NRS 388.407. The Superintendent of Public Instruction shall monitor each school district's compliance with the criteria prescribed by the State Board pursuant to this paragraph.

(b) Submit all evaluations required pursuant to 20 U.S.C. §§ 6801 et seq. and the regulations adopted pursuant thereto regarding the programs for pupils who are ~~limited~~ English ~~proficient~~ **learners** carried out pursuant to that provision of federal law to the:

(1) Governor;

(2) Legislative Committee on Education;

(3) Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education; and

(4) Board of trustees of each school district.

Sec. 27. NRS 388.407 is hereby amended to read as follows:

388.407 1. The board of trustees of each school district shall develop a policy for the instruction to teach English to pupils who are ~~limited~~ English ~~proficient~~ **learners**. The policy must be designed to provide pupils enrolled in each public school located in the school district who are ~~limited~~ English ~~proficient~~ **learners** with instruction that enables those pupils to attain proficiency in the English language and improve their overall academic achievement and proficiency.

2. The policy developed pursuant to subsection 1 must:

(a) Provide for the identification of pupils who are ~~limited~~ English ~~proficient~~ **learners** through the use of an appropriate assessment;

(b) Provide for the periodic reassessment of each pupil who is classified as ~~limited~~ **an** English ~~proficient~~ **learner**;

(c) Be designed to eliminate any gaps in achievement, including, without limitation, in the core academic subjects and in high school graduation rates, between those pupils who are ~~limited~~ English ~~proficient~~ **learners** and pupils who are proficient in English;

(d) Provide opportunities for the parents or legal guardians of pupils who are ~~limited~~ English ~~proficient~~ **learners** to participate in the program; and

(e) Provide the parents and legal guardians of pupils who are ~~limited~~ English ~~proficient~~ **learners** with information regarding other programs that are designed to improve the language acquisition and academic achievement and proficiency of pupils who are ~~limited~~ English ~~proficient~~ **learners** and assist those parents and legal guardians in enrolling those pupils in such programs.

Sec. 28. 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 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~~, **learners**, 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~~, **learners**, 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 the list of nominees submitted by the Speaker of the Assembly and the Majority Leader of the Senate.

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

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

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

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

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

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

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

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

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

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

7. A member of the English Mastery Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

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

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

Sec. 29. NRS 388.411 is hereby amended to read as follows:

388.411 The English Mastery Council created by NRS 388.409 shall:

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

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

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

(a) The adoption of regulations pursuant to NRS 391.019 concerning the requirements for an endorsement to teach English as a second language,

including, without limitation, the teachers who should be required to obtain the endorsement; and

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

4. Develop standards and criteria for a curriculum for pupils who are ~~limited~~ English ~~proficient~~ **learners** and submit those standards and criteria to the State Board for consideration.

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

6. Make recommendations to the Board of Regents of the University of Nevada for the improvement of any course of study described in subsection 5 and submit a copy of those recommendations to the Governor and the State Board.

Sec. 29.5. NRS 388.593 is hereby amended to read as follows:

388.593 A school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of Biliteracy Program established pursuant to NRS 388.591 must award a pupil, upon graduation from high school, a high school diploma with a State Seal of Biliteracy if the pupil:

1. Successfully completes all courses of study in English language arts that are required for graduation with at least a 2.0 grade point average, on a 4.0 grading scale;

2. ~~Passes the end of course examinations in English language arts required pursuant to NRS 390.600;~~

~~—3—~~ Demonstrates proficiency in one or more languages other than English:

(a) By passing an advanced placement examination in a world language with a score of 3 or higher or passing an international baccalaureate examination in a world language with a score of 4 or higher; or

(b) By passing an examination in a world language, if the examination is approved by the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils, as applicable; and

~~4—~~ 3. If the primary language of the pupil is not English, demonstrates proficiency in English on an assessment designated by the Department.

Sec. 30. NRS 388.874 is hereby amended to read as follows:

388.874 1. The State Board shall adopt regulations that prescribe:

(a) The process for submission of an application by a person or entity for inclusion of a course of distance education on the list prepared by the Department pursuant to NRS 388.834 and the contents of the application;

(b) The process for submission of an application by the board of trustees of a school district, the governing body of a charter school or a committee to form a charter school to provide a program of distance education and the contents of the application;

(c) The qualifications and conditions for enrollment that a pupil must satisfy to enroll in a program of distance education, consistent with NRS 388.850 and any other applicable statute;

(d) A method for reporting to the Department the number of pupils who are enrolled in a program of distance education and the attendance of those pupils;

(e) The requirements for assessing the achievement of pupils who are enrolled in a program of distance education, which must include, without limitation, the administration of the examinations required pursuant to NRS 390.105 and, if applicable for the grade levels of the pupils enrolled, the ~~administration of the examinations pursuant to NRS 390.600 and the~~ college and career readiness assessment pursuant to NRS 390.610; and

(f) A written description of the process pursuant to which the State Board may revoke its approval for the operation of a program of distance education.

2. The State Board may adopt regulations as it determines are necessary to carry out the provisions of NRS 388.820 to 388.874, inclusive.

Sec. 31. NRS 388A.045 is hereby amended to read as follows:

388A.045 A pupil is “at risk” if the pupil has an economic or academic disadvantage such that he or she requires special services and assistance to enable him or her to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are ~~limited~~ English ~~proficient~~, **learners**, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 32. NRS 388A.159 is hereby amended to read as follows:

388A.159 1. The State Public Charter School Authority is hereby deemed a local educational agency for the purpose of directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that are eligible to receive such money. A college or university within the Nevada System of Higher Education that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational authority. A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

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

Sec. 33. NRS 388A.168 is hereby amended to read as follows:

388A.168 The State Public Charter School Authority shall adopt regulations that prescribe:

1. The process for submission to the State Public Charter School Authority of an application to form a charter school, and the contents of such an application;

2. The process for submission to the State Public Charter School Authority of an application to renew a charter contract, and the contents of such an application;

3. The process for submission to the State Public Charter School Authority of an amendment to a written charter or charter contract pursuant to NRS 388A.276 and the contents of the application; ~~and~~

4. The procedure for the investigation that the State Public Charter School Authority will conduct of an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a written charter or charter contract, and the criteria that the State Public Charter School Authority will use to evaluate such applications ~~to~~;

5. *The process for evaluating the overall performance of a teacher, which must include, without limitation, the criteria for determining whether the overall performance of a teacher is ineffective, minimally effective, effective or highly effective; and*

6. *The qualifications for employment as a paraprofessional by a charter school.*

Sec. 34. NRS 388A.366 is hereby amended to read as follows:

388A.366 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, except for tuition or fees that the board of trustees of a school district is authorized to charge, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 390.105 and, if the charter school enrolls pupils at a high school grade level, the ~~end-of-course examinations administered pursuant to NRS 390.600 and the~~ college and career readiness assessment administered pursuant to NRS 390.610 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Northwest Accreditation Commission.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance

pursuant to NRS 392.070. As used in this subsection, “distance education” has the meaning ascribed to it in NRS 388.826.

Sec. 35. NRS 388A.405 is hereby amended to read as follows:

388A.405 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department pursuant to NRS 388A.105 or 388A.110 contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded the ~~annual measurable objectives~~ **school achievement targets** and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by those ~~annual measurable objectives~~ **school achievement targets** and performance targets, for the majority of the years of its operation; and

(d) At least 75 percent of the pupils enrolled in grade 12 in the charter school in the immediately preceding school year have satisfied the criteria prescribed by the State Board pursuant to NRS 390.600, if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the Department pursuant to NRS 388A.351. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c) and (d) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 36. NRS 388A.518 is hereby amended to read as follows:

388A.518 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must ~~be highly qualified.~~ **demonstrate experience and qualifications through licensure or subject matter expertise.** If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school ~~are highly qualified.~~ **demonstrate experience and qualifications through licensure or subject matter expertise,** but in no event may less than 50 percent of the teachers who provide instruction at the school ~~be highly qualified.~~ **demonstrate experience and qualifications through licensure or subject matter expertise.**

2. If a charter school specializes in:

(a) Arts and humanities, physical education or health education, a teacher must ~~be highly qualified.~~ **demonstrate experience and qualifications through licensure or subject matter expertise** to teach those courses of study.

(b) The construction industry or other building industry, teachers must ~~be highly qualified.~~ **demonstrate experience and qualifications through licensure or subject matter expertise** to teach courses of study relating to the industry if those teachers are employed full-time.

(c) The construction industry or other building industry and the school offers courses of study in computer education, technology or business, teachers must ~~be highly qualified.~~ **demonstrate experience and qualifications through licensure or subject matter expertise** to teach those courses of study if those teachers are employed full-time.

3. ~~[A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must be highly qualified. For the purposes of this subsection, a person is not "initially hired" if the person has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.]~~

~~—4.]~~ A teacher who is employed by a charter school, regardless of the date of hire, must ~~[, on or before July 1, 2006, be highly qualified.]~~ **demonstrate experience and qualifications through licensure or subject matter expertise** if the teacher teaches one or more of the following subjects:

- (a) English language arts;
- (b) Mathematics;
- (c) Science;
- (d) A foreign or world language;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or

(i) The arts.

~~{5-}~~ 4. Except as otherwise provided in NRS 388A.515, a charter school may employ a person who ~~{is not highly qualified}~~ **does not demonstrate experience and qualifications through licensure or subject matter expertise** to teach a course of study for which a teacher is not required to ~~{be highly qualified}~~ **demonstrate such experience and qualifications** if the person has:

(a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

~~{6-}~~ 5. A teacher who is employed by a charter school to teach special education or English as a second language must be licensed to teach special education or English as a second language, as applicable.

~~{7-}~~ 6. For purposes of this section, a teacher ~~{is highly qualified-}~~ **demonstrates experience and qualifications through licensure or subject matter expertise:**

(a) If **the teacher is** employed by a charter school that has not received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, ~~{if}~~ **and the :** ~~{teacher-}~~

(1) ~~{Meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as applicable-}~~ **Overall performance of the teacher has been reported as effective or highly effective, in accordance with the regulations adopted by the State Public Charter School Authority;** and

(2) ~~{Is}~~ **Teacher is** licensed to teach pursuant to chapter 391 of NRS.

(b) If **the teacher is** employed by a charter school that has received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, ~~{if}~~ **and the** ~~{teacher meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as applicable-}~~ **overall performance of the teacher has been reported as effective or highly effective, in accordance with the regulations adopted by the State Public Charter School Authority,** regardless of whether the teacher is licensed to teach pursuant to chapter 391 of NRS.

~~{8-}~~ 7. If a charter school that has received within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, intends to employ persons to teach who are not licensed, the charter school shall within 3 years:

(a) Obtain approval for and offer an alternative route to licensure pursuant to NRS 391.019; or

(b) Enter into an agreement with a qualified provider of an alternative route to licensure to provide the required education and training to unlicensed teachers who are employed by the school to teach such a course of study.

Sec. 37. NRS 388A.527 is hereby amended to read as follows:

388A.527 1. ~~[A person who is initially hired as a paraprofessional by a charter school after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c).~~

~~—2.] A person who is employed as a paraprofessional by a charter school [regardless of the date of hire,] to work in a program supported with Title I money must possess [on or before January 8, 2006,] the qualifications [required by 20 U.S.C. § 6319(c).~~

~~—3. For the purposes of this section, a person is not “initially hired” if the person has been employed as a paraprofessional by another school district, achievement charter school or charter school in this State without an interruption in employment before the date of hire by his or her current employer.~~

~~—4.] prescribed by the State Public Charter School Authority.~~

2. As used in this section, “paraprofessional” has the meaning ascribed to it in NRS 391.008.

Sec. 38. NRS 388B.240 is hereby amended to read as follows:

388B.240 1. Each achievement charter school is hereby deemed a local educational agency for the purpose of receiving any money available from federal and state categorical grant programs. An achievement charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. If an achievement charter school is eligible to receive special education program units, the Department must pay the special education program units directly to the achievement charter school.

3. As used in this section, “local educational agency” has the meaning ascribed to it in 20 U.S.C. § ~~[7801(26)(A).] 7801(30)(A).~~

Sec. 39. NRS 388B.270 is hereby amended to read as follows:

388B.270 1. To the extent money is available from legislative appropriation or otherwise, an achievement charter school may apply to the Department for money for facilities if:

(a) The achievement charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) The Executive Director has determined that the finances of the achievement charter school are being managed in a prudent manner;

(c) The achievement charter school has met or exceeded the ~~[annual measurable objectives]~~ **school achievement targets** and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the achievement charter school, as indicated by those ~~[annual~~

~~measurable objectives]~~ *school achievement targets* and performance targets, for the majority of the years of its operation;

(d) At least 75 percent of the pupils enrolled in grade 12 in the achievement charter school in the immediately preceding school year have satisfied the criteria prescribed by the State Board pursuant to NRS 390.600, if the achievement charter school enrolls pupils at a high school grade level; and

(e) The achievement charter school meets the requirements prescribed by regulation of the Department.

2. An achievement charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the achievement charter school if requested by the Executive Director.

Sec. 40. NRS 388G.120 is hereby amended to read as follows:

388G.120 1. Each empowerment plan for a school must:

(a) Set forth the manner by which the school will be governed;

(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;

(c) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;

(d) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the empowerment school, the ~~end-of-course examinations administered pursuant to NRS 390.600 and the~~ college and career readiness assessment administered pursuant to NRS 390.610;

(e) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;

(f) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;

(g) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;

(h) Indicate the intended ratio of pupils to teachers at the school, designated by grade level, which must comply with NRS 388.700 or 388.720, as applicable;

(i) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;

(j) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;

(k) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385A.650;

(l) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and

(m) Set forth the calendar and schedule for the school.

2. If the empowerment plan includes an incentive pay structure, that pay structure must:

(a) Provide an incentive for all staff employed at the school;

(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and

(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.

3. An empowerment plan may:

(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.

(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.

4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:

(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.1245, inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.

(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line-item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.

Sec. 41. NRS 388G.210 is hereby amended to read as follows:

388G.210 1. Except as otherwise provided pursuant to a waiver granted in accordance with NRS 388G.130 or 388G.140, each empowerment school, each person employed by an empowerment school and each pupil enrolled in an empowerment school shall comply with the applicable requirements of state law, including, without limitation, the standards of content and performance prescribed pursuant to NRS 389.520 and the examinations that are administered pursuant to NRS 390.105 ~~and 390.600~~ and the college and career readiness assessment administered pursuant to NRS 390.610.

2. Each empowerment school may accept gifts, grants and donations from any source for the support of its empowerment plan. A person who gives a gift, grant or donation may designate all or part of the gift, grant or donation specifically to carry out the incentive pay structure of the school, if applicable.

Sec. 41.2. Chapter 390 of NRS is hereby amended by adding thereto the provisions set forth as sections 41.3, 41.5 and 41.7 of this act.

Sec. 41.3. 1. *The State Board shall adopt regulations that prescribe the:*

(a) Courses of study for which an end-of-course final must be administered; and

(b) Amount, expressed as a percentage of the pupil's overall grade in the course of study or other weight, that the end-of-course final must comprise when determining the overall grade of a pupil in the course for which the end-of-course final is administered.

2. The State Board may adopt regulations that prescribe the minimum score a pupil must attain on an end-of-course final to receive credit for the course of study for which the end-of-course examination is administered.

Sec. 41.5. 1. A pupil who satisfies the criteria established by the State Board by regulation may graduate with a ~~pathway~~ college and career ready high school diploma. A ~~pathway~~ college and career ready high school diploma confers all the same rights, privileges and benefits as a standard high school diploma.

2. The State Board shall adopt regulations that prescribe the criteria for a pupil to receive a ~~pathway~~ college and career ready high school diploma, which must include, without limitation, a requirement that the pupil:

(a) Satisfy the criteria for receipt of a standard high school diploma prescribed by the State Board pursuant to NRS 390.600 and any other criteria established by law; and

(b) Obtain an endorsement described in subsection 3.

3. The State Board shall adopt regulations prescribing the criteria for a pupil to obtain:

(a) A college-ready endorsement that reflects that the pupil has completed certain coursework or obtained experience that makes the pupil qualified for and prepared to succeed in college without the need for remediation.

(b) A career-ready endorsement that reflects that the pupil has completed certain coursework or obtained certain experience that makes the pupil qualified for and prepared to succeed in postsecondary job training or education in high-demand occupations.

4. The regulations adopted pursuant to subsection 3 must include, without limitation:

(a) The number of credits and courses of study that must be completed for each endorsement prescribed pursuant to subsection 3.

(b) Any assessment a pupil must pass for each endorsement prescribed pursuant to subsection 3.

(c) Any credential, certificate or certification a pupil must obtain for each endorsement prescribed pursuant to subsection 3.

5. Any assessment, credential, certificate or certification required for an endorsement must:

(a) Be established so that it is recognized and valued by industries and postsecondary educational institutions; and

(b) Require demonstration of a mastery of tasks aligned to the demands of industries and postsecondary educational institutions.

6. The State Board shall annually review and, if necessary, revise the regulations adopted pursuant to subsection 4.

7. To the extent that money is available for this purpose, the State Board shall adopt regulations to provide:

(a) Incentive grants to be awarded to public high schools for each pupil at the school who earns a ~~pathway~~ college and career ready high school diploma.

(b) Reimbursement to a public high school or school district for any costs associated with the administration or provision of an assessment, credential, certificate or certification required for receipt of a ~~pathway~~ college and career ready high school diploma.

Sec. 41.7. To the extent money is available, the Department shall conduct a public awareness campaign to inform pupils enrolled in public schools, the parents or guardian of pupils enrolled in public schools, persons involved in business and industry in this State and members of the general public of:

1. The types of diplomas a pupil may receive upon graduation from high school and the types of endorsements a pupil may receive on a diploma, if applicable; and

2. The criteria to earn each type of diploma and endorsement.

Sec. 42. NRS 390.015 is hereby amended to read as follows:

390.015 The board of trustees of each school district shall maintain on its Internet website, and shall post in a timely manner, all pertinent information concerning the examinations and assessments available to children who reside in the school district, including, without limitation, the dates and times of, and contact information concerning, such examinations and assessments. The examinations and assessments posted must include, without limitation:

1. The college and career readiness assessment administered pursuant to NRS 390.610.

2. ~~The examinations required pursuant to NRS 390.600.~~

~~3.~~ All other college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test, the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test.

Sec. 43. NRS 390.105 is hereby amended to read as follows:

390.105 1. The State Board shall, in consultation with the Council to Establish Academic Standards for Public Schools, prescribe examinations that comply with 20 U.S.C. § ~~6311(b)(3)~~ **6311(b)(2)** and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content established by the Council for the subjects of English language arts and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

(c) For grades 9, 10, 11 and 12, in the standards of content established by the Council for the subjects required to comply with 20 U.S.C. § ~~6311(b)(3)~~ **6311(b)(2)**.

↪ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council to Establish Academic Standards for Public Schools, prescribe a writing examination for grades 5 and 8.

3. The State Board shall prescribe:

(a) The minimum number of school days that must take place before the examinations prescribed by the State Board pursuant to subsection 1 may be administered to pupils; and

(b) The period during which the examinations prescribed by the State Board pursuant to subsection 1 must be administered.

4. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board at such times as prescribed by the State Board pursuant to subsection 3. The examinations must be:

(a) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(b) Administered in each school in accordance with the plan adopted pursuant to NRS 390.270 by the Department and with the plan adopted pursuant to NRS 390.275 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

Sec. 44. NRS 390.255 is hereby amended to read as follows:

390.255 “Irregularity in testing administration” means the failure to administer an examination to pupils pursuant to NRS 390.105 ~~for 390.600~~ or the college and career readiness assessment pursuant to NRS 390.610 in the

manner intended by the person or entity that created the examination or assessment.

Sec. 45. NRS 390.260 is hereby amended to read as follows:

390.260 “Irregularity in testing security” means an act or omission that tends to corrupt or impair the security of an examination administered to pupils pursuant to NRS 390.105 ~~for 390.600~~ or the college and career readiness assessment administered pursuant to NRS 390.610, including, without limitation:

1. The failure to comply with security procedures adopted pursuant to NRS 390.270 or 390.275;
2. The disclosure of questions or answers to questions on an examination or assessment in a manner not otherwise approved by law; and
3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination or assessment.

Sec. 46. NRS 390.270 is hereby amended to read as follows:

390.270 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 390.105 ~~and 390.600~~ and the college and career readiness assessment administered pursuant to NRS 390.610.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, Achievement School District, charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, Achievement School District, charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 390.295.

3. A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

- (a) The State Board; and
- (b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

Sec. 47. NRS 390.275 is hereby amended to read as follows:

390.275 1. The board of trustees of each school district shall, for each public school in the district, including, without limitation, charter schools, adopt and enforce a plan setting forth procedures to ensure the security of examinations and assessments.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) With respect to secondary schools, procedures pursuant to which the school district or charter school, as appropriate, will verify the identity of pupils taking an examination or assessment.

(d) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the action that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify, by category, the employees of the school district or charter school who are responsible for taking the action and for ensuring that the action is carried out successfully.

↪ The procedures adopted pursuant to this subsection must be consistent, to the extent applicable, with the procedures adopted by the Department pursuant to NRS 390.270.

3. A copy of each plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

- (a) The State Board; and
- (b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

4. On or before September 30 of each school year, the board of trustees of each school district and the governing body of each charter school shall provide a written notice regarding the examinations and assessments to all teachers and educational personnel employed by the school district or governing body, all personnel employed by the school district or governing body who are involved in the administration of the examinations and assessments, all pupils who are required to take the examinations or assessments and all parents and legal guardians of such pupils. The written notice must be prepared in a format that is easily understood and must include, without limitation, a description of the:

- (a) Plan adopted pursuant to this section; and
- (b) Action that may be taken against personnel and pupils for violations of the plan or for other irregularities in testing administration or testing security.

5. As used in this section:

(a) "Assessment" means the college and career readiness assessment administered to pupils enrolled in grade 11 pursuant to NRS 390.610.

(b) "Examination" means:

(1) The examinations that are administered to pupils pursuant to NRS 390.105 ; ~~for 390.600;~~ and

(2) Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

(c) "Irregularity in testing administration" means the failure to administer an examination or assessment in the manner intended by the person or entity that created the examination or assessment.

(d) "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination or assessment, including, without limitation:

(1) The failure to comply with security procedures adopted pursuant to this section or NRS 390.270;

(2) The disclosure of questions or answers to questions on an examination or assessment in a manner not otherwise approved by law; and

(3) Other breaches in the security or confidentiality of the questions or answers to questions on an examination or assessment.

Sec. 48. NRS 390.280 is hereby amended to read as follows:

390.280 1. If the Department:

(a) Has reason to believe that a violation of the plan adopted pursuant to NRS 390.270 may have occurred;

(b) Has reason to believe that a violation of the plan adopted pursuant to NRS 390.275 may have occurred with respect to an examination that is administered pursuant to NRS 390.105 ~~for 390.600~~ or the college and career readiness assessment administered pursuant to NRS 390.610; or

(c) Receives a request pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 390.285 to investigate a potential violation of the plan adopted pursuant to NRS 390.275 with respect to an examination that is administered pursuant to NRS 390.105 ~~for 390.600~~ or the college and career readiness assessment administered pursuant to NRS 390.610,

↪ the Department shall investigate the matter as it deems appropriate.

2. If the Department investigates a matter pursuant to subsection 1, the Department may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the Department may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the Department pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the Department as required by the subpoena, or has refused to answer questions propounded to him or her,

➡ and asking for an order of the court compelling the witness to attend, testify or produce materials before the Department.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the Department. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the Department, the court shall enter an order that the witness appear before the Department at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 49. NRS 390.285 is hereby amended to read as follows:

390.285 1. If a school official has reason to believe that a violation of the plan adopted pursuant to NRS 390.275 may have occurred, the school official shall immediately report the incident to the board of trustees of the school district. If the board of trustees of a school district has reason to believe that a violation of the plan adopted pursuant to NRS 390.275 may have occurred, the board of trustees shall:

(a) If the violation is with respect to an examination administered pursuant to NRS 390.105 ~~for 390.600~~ or the college and career readiness assessment administered pursuant to NRS 390.610, immediately report the incident to the Department orally or in writing followed by a comprehensive written report within 14 school days after the incident occurred; and

(b) Cause to be commenced an investigation of the incident. The board of trustees may carry out the requirements of this paragraph by:

(1) Investigating the incident as it deems appropriate, including, without limitation, using the powers of subpoena set forth in this section.

(2) With respect to an examination that is administered pursuant to NRS 390.105 ~~for 390.600~~ or the college and career readiness assessment administered pursuant to NRS 390.610, requesting that the Department investigate the incident pursuant to NRS 390.280.

➡ The fact that a board of trustees elects initially to carry out its own investigation pursuant to subparagraph (1) of paragraph (b) does not affect

the ability of the board of trustees to request, at any time, that the Department investigate the incident as authorized pursuant to subparagraph (2) of paragraph (b).

2. Except as otherwise provided in this subsection, if the board of trustees of a school district proceeds in accordance with subparagraph (1) of paragraph (b) of subsection 1, the board of trustees may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects. A board of trustees shall not issue a subpoena to compel the attendance or testimony of a witness or the production of materials unless the attendance, testimony or production sought to be compelled is related directly to a violation or an alleged violation of the plan adopted pursuant to NRS 390.275.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the board of trustees may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the board of trustees pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the board of trustees as required by the subpoena, or has refused to answer questions propounded to him or her,

➤ and asking for an order of the court compelling the witness to attend, testify or produce materials before the board of trustees.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the board of trustees. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the board of trustees, the court shall enter an order that the witness appear before the board of trustees at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 50. NRS 390.300 is hereby amended to read as follows:

390.300 1. The Department shall establish a program of education and training regarding the administration and security of the examinations administered pursuant to NRS 390.105 ~~for 390.600~~ and the college and career readiness assessment administered pursuant to NRS 390.610. Upon approval of the Department, the board of trustees of a school district or the governing body of a charter school may establish an expanded program of education and training that includes additional education and training if the expanded program complies with the program established by the Department.

2. The board of trustees of each school district and the governing body of each charter school shall ensure that:

(a) All the teachers and other educational personnel who provide instruction to pupils enrolled in a grade level that is required to be tested pursuant to NRS 390.105, 390.600 or 390.610, and all other personnel who are involved with the administration of the examinations that are administered pursuant to NRS 390.105 ~~for 390.600~~ or the college and career readiness assessment administered pursuant to NRS 390.610, receive, on an annual basis, the program of education and training established by the Department or the expanded program, if applicable; and

(b) The training and education is otherwise available for all personnel who are not required to receive the training and education pursuant to paragraph (a).

Sec. 51. (Deleted by amendment.)

Sec. 51.5. NRS 390.360 is hereby amended to read as follows:

390.360 “Examination” means:

1. The examinations that are administered to pupils pursuant to NRS 390.105 ; ~~for 390.600;~~ and

2. Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

Sec. 52. NRS 390.600 is hereby amended to read as follows:

390.600 1. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program. As used in this subsection, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

2. The State Board shall adopt regulations that prescribe the ~~for~~ ~~(a) Criteria~~ **criteria** for a pupil to receive a standard high school diploma, which must include, without limitation, the requirement that:

~~{(1) Commencing with the 2014-2015 school year and each school year thereafter, a}~~

(a) A pupil enrolled in grade 11 take the college and career readiness assessment administered pursuant to NRS 390.610; **and**

~~{(2)}~~ (b) Commencing with the ~~{2014-2015 school year}~~ **graduating class of 2022** and each ~~{school year thereafter,}~~ **graduating class thereafter**, a pupil ~~{enroll in the courses}~~ **successfully complete a course** of study designed to prepare the pupil for graduation from high school and for readiness for college and career . ~~{; and~~

~~—(3) Commencing with the 2014-2015 school year and each school year thereafter, a pupil pass at least four end of course examinations prescribed pursuant to paragraph (b).~~

~~—(b) Courses of study in which pupils must pass the end of course examinations required by subparagraph (3) of paragraph (a), which must~~

~~include, without limitation, the subject areas for which the State Board has adopted the common core standards and which may include any other courses of study prescribed by the State Board.~~

~~—(c) The maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.]~~

3. The criteria prescribed by the State Board pursuant to subsection 2 for a pupil to receive a standard high school diploma must not include the results of the pupil on the college and career readiness assessment administered to the pupil in grade 11 pursuant to NRS 390.610.

4. If a pupil does not satisfy the requirements prescribed by the State Board to receive a standard high school diploma, the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for such a diploma. The provisions of this subsection do not apply to a pupil who receives an adjusted diploma pursuant to subsection 1.

Sec. 53. NRS 390.610 is hereby amended to read as follows:

390.610 1. The State Board shall select a college and career readiness assessment for administration ~~[, commencing with the 2014-2015 school year and each school year thereafter,]~~ to pupils who are enrolled in grade 11 in public high schools.

2. Except as otherwise provided in this subsection, a pupil must take the college and career readiness assessment to receive a standard high school diploma. ~~[The results of a pupil on the assessment must not be used in the determination of whether the pupil satisfies the requirements for receipt of a standard high school diploma.]~~ A pupil with a disability may, in accordance with his or her individualized education program, be exempt from the requirement to take the college and career readiness assessment.

3. *The results of a pupil on the college and career readiness assessment:*

(a) Must not be used in the determination of whether the pupil satisfies the requirements for receipt of standard high school diploma.

(b) May be used in the determination of whether the pupil satisfies the requirements for receipt of a ~~(pathway)~~ college and career ready high school diploma.

4. The assessment selected pursuant to subsection 1 must be:

(a) Administered at the same time during the school year by the board of trustees of each school district to pupils enrolled in grade 11 in all public high schools of the school district and by the governing body of each charter school that enrolls pupils in grade 11, as prescribed by the State Board, and in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of the school districts and individual schools with the uniform procedures and report to the State Board any instance of noncompliance.

(b) Administered in accordance with the plan adopted by the Department pursuant to NRS 390.270 and with the plan adopted by the board of trustees of the school district in which the assessment is administered pursuant to NRS 390.275. The Department shall monitor the compliance of the school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department,

➤ and shall report to the State Board any instance of noncompliance.

~~{4.}~~ 5. The assessment selected pursuant to subsection 1 must:

(a) Be used to provide data and information to each pupil who takes the assessment in a manner that allows the pupil to review the areas of his or her academic strengths and weaknesses, including, without limitation, areas where additional work in the subject areas tested on the assessment is necessary to prepare for college and career success without the need for remediation; and

(b) Allow teachers and other educational personnel to use the results of a pupil on the assessment to provide appropriate interventions for the pupil to prepare for college and career success.

~~{5.}~~ 6. *The State Board shall adopt regulations prescribing the manner in which the results of a college and career readiness assessment selected pursuant to subsection 1 must be used by a school district or charter school that operates as a high school to inform the instruction provided to pupils enrolled in grade 12, including, without limitation, to determine whether to provide remediation in areas of academic weakness and acceleration in areas of academic strength.*

7. The State Board may work in consultation with the boards of trustees of school districts and, if a charter school enrolls pupils at a high school grade level, the governing body of the charter school to develop and implement appropriate plans of remediation for pupils based upon the results of the pupils on the assessment.

Sec. 54. NRS 390.620 is hereby amended to read as follows:

390.620 1. The Department shall develop an informational pamphlet concerning the ~~{end of course examinations required pursuant to NRS 390.600 and the}~~ college and career readiness assessment administered pursuant to NRS 390.610 for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of ~~{passing the end of course examinations and the importance of}~~ taking the college and career readiness assessment;

(b) ~~{Courses of study for which the end of course examinations are administered and the subject}~~ **Subject** areas tested on the college and career readiness assessment; **and**

(c) Format for the ~~[end-of-course examinations and the]~~ college and career readiness assessment, including, without limitation, the range of items that ~~[are]~~ is contained on ~~[the examinations and]~~ the assessment. ~~[and~~

~~—(d) Maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.]~~

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the ~~[end-of-course examinations and the]~~ college and career readiness assessment.

3. On or before September 1, the Department shall:

(a) Provide an electronic copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level; and

(b) Post a copy of the pamphlet or revised pamphlet on the Internet website maintained by the Department.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before October 1, the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in a junior high, middle school or high school of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled in the charter school at a junior high, middle school or high school grade level and to the parents or legal guardians of such a pupil.

Sec. 55. NRS 390.810 is hereby amended to read as follows:

390.810 1. The board of trustees of each school district and the governing body of each charter school shall ensure that each pupil who is ~~[limited]~~ **an English [proficient] learner** and is enrolled in the school district or charter school, as applicable, participates in the achievement and proficiency examinations administered pursuant to this chapter. The State Board shall prescribe reasonable modifications and accommodations that must be used in the administration of an examination to a pupil who is ~~[limited]~~ **an English [proficient] learner** and who is unable to take an examination under regular testing conditions. The results of each pupil who is ~~[limited]~~ **an English [proficient] learner** and who takes an examination with modifications and accommodations must be reported and included

within the determination of whether the school has met the ~~[annual measurable objectives]~~ **school achievement targets** and performance targets established pursuant to the statewide system of accountability for public schools.

2. The board of trustees of a school district and the governing body of a charter school shall administer to a pupil who is ~~[limited English proficient]~~ **an English learner**:

(a) To the extent practicable, examinations in mathematics and science required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows.

(b) To the extent practicable, examinations in reading required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows if the pupil has attended public schools in the United States for less than 3 consecutive years.

(c) If the pupil has attended public schools in the United States for 3 consecutive years but less than 5 consecutive years:

(1) Examinations in reading required by subsection 1 in the English language; or

(2) Examinations in reading required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows if the board of trustees or the governing body, as applicable, determines that the pupil has not reached a level of English proficiency sufficient to yield valid and reliable information on what the pupil knows. The board of trustees or the governing body of a charter school, as applicable, may grant exceptions for a particular pupil pursuant to this subparagraph, on a case-by-case basis, for a period not longer than 2 consecutive years.

(d) If the pupil has attended public schools in the United States for 5 consecutive years or more, examinations in reading required by subsection 1 in the English language.

3. The State Board shall prescribe an assessment of proficiency in the English language for pupils who are ~~[limited]~~ English ~~[proficient]~~ **learners** to measure oral language skills, comprehension skills, reading skills and writing skills. The board of trustees of each school district and the governing body of each charter school shall administer the assessment annually at the time prescribed by the State Board. A pupil who takes the assessment prescribed pursuant to this subsection is not exempt from the achievement and proficiency examinations administered pursuant to this chapter.

Sec. 56. NRS 390.820 is hereby amended to read as follows:

390.820 1. If a pupil with a disability is unable to take an examination administered pursuant to NRS 390.105 ~~[or 390.600]~~ under regular testing conditions, the pupil may take the examination with modifications and accommodations that the pupil's individualized education program team determines, in consultation with the Department and in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and

the ~~[No Child Left Behind Act of 2001]~~ *Every Student Succeeds Act of 2015*, 20 U.S.C. §§ 6301 et seq., are necessary to measure the progress of the pupil. If modifications or accommodations are made in the administration of an examination for a pupil with a disability, the modifications or accommodations must be set forth in the pupil's individualized education program. The results of each pupil with a disability who takes an examination with modifications or accommodations must be reported and must be included in the determination of whether the school has met the ~~[annual measurable objectives]~~ *school achievement targets* and performance targets established pursuant to the statewide system of accountability for public schools.

2. The State Board shall prescribe an alternate examination for administration to a pupil with a disability if the pupil's individualized education program team determines, in consultation with the Department, that the pupil cannot participate in all or a portion of an examination administered pursuant to NRS 390.105 ~~for 390.600~~ even with modifications and accommodations.

3. The State Board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the ~~[No Child Left Behind Act of 2001]~~ *Every Student Succeeds Act of 2015*, 20 U.S.C. §§ 6301 et seq., the modifications and accommodations that must be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions.

4. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

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

Sec. 56.5. NRS 390.830 is hereby amended to read as follows:

390.830 1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

(1) Governor;

(2) Board of trustees of each school district of this State;

(3) Legislative Committee on Education created pursuant to NRS 218E.605; and

(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 390.105 , ~~and the examinations administered pursuant to NRS 390.600,~~ the Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English language arts and mathematics established pursuant to NRS 389.520 with the standards for English language arts and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 390.105 . ~~and the examinations administered pursuant to NRS 390.600.~~

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

(a) Governor;

(b) Legislative Committee on Education;

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

(d) Council to Establish Academic Standards for Public Schools.

4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation.

Sec. 57. NRS 390.840 is hereby amended to read as follows:

390.840 If the Department enters into a contract with a person or entity to score the results of an examination that is administered to pupils pursuant to NRS 390.105 ~~for 390.600~~ or the college and career readiness assessment administered pursuant to NRS 390.610, and the contract sets forth penalties or sanctions in the event that the person or entity fails to deliver the scored results to a school district or charter school on a timely basis, the Department shall ensure that any such penalties or sanctions are fully enforced.

Sec. 58. NRS 391.008 is hereby amended to read as follows:

391.008 1. "Paraprofessional" means a person who is employed by and assigned by a school district or charter school to:

- (a) Provide one-on-one tutoring for a pupil;
- (b) Assist with the management of a classroom, including, without limitation, organizing instructional materials;
- (c) Provide assistance in a computer laboratory;
- (d) Conduct parental involvement activities in conjunction with one or more duties set forth in this subsection;
- (e) Provide support in a library or media center;
- (f) Except as otherwise provided in subsection 2, provide services as a translator; or
- (g) Provide instructional services to pupils under the direct supervision of a licensed teacher.

2. The term "paraprofessional" does not include a person who:

- (a) Is proficient in the English language and a language other than English and who provides services as a translator primarily to enhance the participation of children in programs that are financially supported pursuant to the ~~[No Child Left Behind Act of 2001.]~~ ***Every Student Succeeds Act of 2015***, 20 U.S.C. §§ 6301 et seq.

- (b) Solely conducts parental involvement activities.

Sec. 59. NRS 391.094 is hereby amended to read as follows:

391.094 The State Board shall prescribe by regulation at least one examination for those paraprofessionals who desire to satisfy the requirements ~~[of 20 U.S.C. § 6319(c) by passing an examination prescribed by this State.]~~ ***prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M).*** The regulations must include the passing score required to demonstrate satisfaction of ~~[the]~~ ***those*** requirements. ~~[of 20 U.S.C. § 6319(c).]~~

Sec. 60. NRS 391.098 is hereby amended to read as follows:

391.098 1. If a pupil enrolled in a Title I school or a school that is rated as underperforming pursuant to the statewide system of accountability for public schools:

- (a) Is assigned to a teacher, as the pupil's regular classroom teacher, who is not ~~[highly qualified.]~~ ***licensed to teach pursuant to chapter 391 of NRS or who does not hold an endorsement to teach in the subject area in which he or she is teaching;*** or

- (b) Has been taught for 4 consecutive weeks or more by a teacher who is not the pupil's regular classroom teacher and who is not ~~[highly qualified.]~~ ***licensed to teach pursuant to chapter 391 of NRS or who does not hold an endorsement to teach in the subject area in which he or she is teaching,***

➔ the principal of the school or the administrative head of the charter school, as applicable, shall provide notice of that fact to the parent or legal guardian of the pupil.

2. The State Board shall prescribe the date on which the notice required by subsection 1 must be provided. The notice must be provided in a uniform and understandable format and, to the extent practicable, in a language that parents and guardians can understand.

~~{3. As used in this section, “highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).}~~

Sec. 61. NRS 391.100 is hereby amended to read as follows:

391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.

2. ~~{A person who is initially hired by the board of trustees of a school district on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not “initially hired” if he or she has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by the person’s current employer.}~~

~~—3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if the person teaches:~~

- ~~—(a) English language arts;~~
- ~~—(b) Mathematics;~~
- ~~—(c) Science;~~
- ~~—(d) A foreign or world language;~~
- ~~—(e) Civics or government;~~
- ~~—(f) Economics;~~
- ~~—(g) Geography;~~
- ~~—(h) History; or~~
- ~~—(i) The arts.~~

~~—4.}~~ The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. ~~{A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(e).}~~ A person who is employed as a paraprofessional by a school district ~~{, regardless of the date of hire,}~~ to work in a program supported with Title I money must possess ~~{, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(e). For the purposes of this paragraph, a person is not “initially hired” if he or she has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire}~~ *the requirements prescribed by the {person’s current employer.} State Board pursuant to NRS 391.094.*

(b) Shall establish policies governing the duties and performance of teacher aides.

Sec. 62. NRS 391.125 is hereby amended to read as follows:

391.125 1. If the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board of trustees may , *on or before September 1 of the school year for which such a determination is made*, submit a written request to the Superintendent of Public Instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers at a public school within the school district . ~~[that is not rated as underperforming pursuant to the statewide system of accountability for public schools.]~~ The Superintendent of Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request was granted may be employed by the school district for not more than ~~[2]~~ 3 school years to teach in that subject area at a public school within the school district . ~~[that is not rated as underperforming pursuant to the statewide system of accountability for public schools.]~~

2. If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent shall submit a written report to the Commission *and the State Board* that includes the name of the school district for which the request was granted and the subject area for which the request was granted. Upon receipt of such a report, the Commission *and the State Board* shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.

Sec. 63. NRS 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in subsection 2, a teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless he or she:

(a) Is legally employed by the board of trustees of the school district or the governing body of the charter school in which he or she is teaching or performing other educational functions.

(b) Has a license authorizing him or her to teach or perform other educational functions at the level and, except as otherwise provided in NRS 391.125, in the field for which he or she is employed, issued in accordance with law and in full force at the time the services are rendered.

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school who are not required to ~~[be highly qualified]~~ *demonstrate experience and qualifications through licensure or subject matter expertise* pursuant to the provisions of NRS 388A.518.

~~[3. As used in this section, “highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801.]~~

Sec. 64. NRS 391.273 is hereby amended to read as follows:

391.273 1. Except as otherwise provided in this section and except for persons who are supervised pursuant to NRS 391.096, the unlicensed personnel of a school district must be directly supervised by licensed personnel in all duties which are instructional in nature. To the extent practicable, the direct supervision must be such that the unlicensed personnel are in the immediate location of the licensed personnel and are readily available during such times when supervision is required.

2. Unlicensed personnel who are exempted pursuant to subsection 4, 5 or 6 must be under administrative supervision when performing any duties which are instructional in nature.

3. Unlicensed personnel may temporarily perform duties under administrative supervision which are not primarily instructional in nature.

4. Except as otherwise provided in subsection 7, upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1 pursuant to subsection 5 or 6.

5. Except as otherwise provided in subsection 6, the Superintendent shall not grant an exemption from the provisions of subsection 1 unless:

- (a) The duties are within the employee’s special expertise or training;
- (b) The duties relate to the humanities or an elective course of study, or are supplemental to the basic curriculum of a school;
- (c) The performance of the duties does not result in the replacement of a licensed employee or prevent the employment of a licensed person willing to perform those duties;
- (d) The secondary or combined school in which the duties will be performed has less than 100 pupils enrolled and is at least 30 miles from a school in which the duties are performed by licensed personnel; and
- (e) The unlicensed employee submits his or her fingerprints for an investigation pursuant to NRS 391.033.

6. Upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1 if:

(a) The duties of the unlicensed employee relate to the supervision of pupils attending a course of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, while the pupils are receiving instruction from a licensed employee remotely through any electronic means of communication; and

(b) The unlicensed employee submits his or her fingerprints for an investigation pursuant to NRS 391.033.

7. The exemption authorized by subsection 4, 5 or 6 does not apply to a paraprofessional if the ~~[provisions of 20 U.S.C. § 6319 and the regulations adopted]~~ **requirements prescribed by the State Board** pursuant ~~[thereto]~~ **to**

NRS 391.094 require the paraprofessional to be directly supervised by a licensed teacher.

8. The Superintendent of Public Instruction shall file a record of all exempt personnel with the clerk of the board of trustees of each local school district, and advise the clerk of any changes therein. The record must contain:

- (a) The name of the exempt employee;
- (b) The specific instructional duties the exempt employee may perform;
- (c) Any terms or conditions of the exemption deemed appropriate by the Superintendent of Public Instruction; and
- (d) The date the exemption expires or a statement that the exemption is valid as long as the employee remains in the same position at the same school.

9. The Superintendent of Public Instruction may adopt regulations prescribing the procedure to apply for an exemption pursuant to this section and the criteria for the granting of such exemptions.

10. Except in an emergency, it is unlawful for the board of trustees of a school district to allow a person employed as a teacher's aide to serve as a teacher unless the person is a legally qualified teacher licensed by the Superintendent of Public Instruction. As used in this subsection, "emergency" means an unforeseen circumstance which requires immediate action and includes the fact that a licensed teacher or substitute teacher is not immediately available.

11. If the Superintendent of Public Instruction determines that the board of trustees of a school district has violated the provisions of subsection 10, the Superintendent shall take such actions as are necessary to reduce the amount of money received by the district pursuant to NRS 387.124 by an amount equal to the product when the following numbers are multiplied together:

- (a) The number of days on which the violation occurred;
 - (b) The number of pupils in the classroom taught by the teacher's aide;
- and
- (c) The number of dollars of basic support apportioned to the district per pupil per day pursuant to NRS 387.1223.

12. Except as otherwise provided in this subsection, a person employed as a teacher's aide or paraprofessional may monitor pupils in a computer laboratory without being directly supervised by licensed personnel. The provisions of this subsection do not apply to a paraprofessional if the ~~provisions of 20 U.S.C. § 6319 and the regulations adopted~~ **requirements prescribed by the State Board** pursuant ~~thereto~~ **to NRS 391.094** require the paraprofessional to be directly supervised by a licensed teacher.

13. The provisions of this section do not apply to unlicensed personnel who are employed by the governing body of a charter school, unless a paraprofessional employed by the governing body is required to be directly supervised by a licensed teacher pursuant to the ~~provisions of 20 U.S.C. §~~

~~6319 and the regulations adopted]~~ *requirements prescribed by the State Board pursuant [hereto.] to NRS 391.094.*

Sec. 65. NRS 391.330 is hereby amended to read as follows:

391.330 The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.
2. Evident unfitness for service.
3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.
4. Conviction of a felony or crime involving moral turpitude.
5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.
6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.
7. Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.
8. Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 ~~for 390.600~~ and the college and career readiness assessment administered pursuant to NRS 390.610.
9. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275.
10. An intentional violation of NRS 388.497 or 388.499.
11. Knowingly and willfully failing to comply with the provisions of NRS 388.1351.

Sec. 65.5. NRS 391.460 is hereby amended to read as follows:

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level and administrators at the district level who provide direct supervision of the principal of a school, and who do not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil achievement data as required by NRS 391.465;

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers and administrators throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers and administrators to which paragraph (a) applies and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer ~~evaluations~~ **observations** of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers and administrators; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 66. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 4, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

- (1) Highly effective;
- (2) Effective;
- (3) Minimally effective; or
- (4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil achievement data account for at least 40 percent of the evaluation.

(d) Except as otherwise provided in subsection 3, prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c) which must require that:

(1) Pupil achievement data derived from statewide examinations and assessments must account for at least 20 percent of the evaluation of a teacher or administrator, as applicable; and

(2) Pupil achievement data derived from assessments approved by the board of trustees of a school district that employs the teacher or administrator, as applicable, must account for at least 20 percent of the evaluation.

(e) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, employs practices and strategies to involve and engage the parents and families of pupils.

(f) Include a process for peer ~~{evaluations}~~ **observations** of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer ~~{reviews}~~ **observations** pursuant to the process.

3. The State Board shall, by regulation, ~~{designate}~~ **establish the criteria for** the assessments that may be used by a school district to determine pupil achievement pursuant to subparagraph (2) of paragraph (d) of subsection 2. The board of trustees of a school district ~~{may}~~ **shall** select one or more ~~{of the assessments designated}~~ **assessments that meet the criteria established** by the State Board ~~{to determine pupil achievement, or the board of trustees may apply to the Superintendent of Public Instruction for approval to use a different assessment}~~ to determine pupil achievement.

4. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the

school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

Sec. 66.5. NRS 391.470 is hereby amended to read as follows:

391.470 On or before August 1 of each year, the board of trustees of each school district shall submit a report to the State Board and the Teachers and Leaders Council of Nevada created by NRS 391.455 concerning the implementation and effectiveness of the process for peer ~~evaluations~~ **observations** of teachers set forth in the regulations adopted by the State Board pursuant to paragraph (f) of subsection 2 of NRS 391.465, including, without limitation, any recommendations for revisions to the process of peer ~~evaluations~~ **observations**.

Sec. 67. NRS 391.685 is hereby amended to read as follows:

391.685 1. A probationary teacher must receive one evaluation during each school year of his or her probationary employment. The evaluation must be based in part upon at least three scheduled ~~observations~~ **observation cycles** of the teacher during the first school year of his or her probationary period as follows:

(a) The first scheduled observation **cycle** must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation **cycle** must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation **cycle** must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. If a probationary teacher receives an evaluation designating his or her overall performance as effective or highly effective:

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled ~~observations~~ **observation cycles** of the teacher which must occur within the times specified in paragraphs (b) and (c) of subsection 1.

(b) During the first and second school years of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation **cycle** of the teacher which must occur within 120 days after the first day of instruction of the school year.

3. If a probationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective during the first or second school year of the probationary period, the probationary teacher must receive one evaluation during the immediately succeeding school year which is based in part upon three ~~observations~~ **observation cycles** which must occur in accordance with the observation schedule set forth in subsection 1.

Sec. 67.5. NRS 391.690 is hereby amended to read as follows:

391.690 1. If a postprobationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year which is based in part upon three ~~observations~~ **observation cycles** which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.685. If a postprobationary teacher receives evidence from the first two ~~observations~~ **observation cycles** during the school year indicating that, unless his or her performance improves, his or her overall performance may be rated as minimally effective or ineffective on the evaluation, the postprobationary teacher may request that the third observation **cycle** be conducted by another administrator. If a postprobationary teacher requests that his or her third observation **cycle** be conducted by another administrator, that administrator must be:

- (a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and
- (b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

2. If a postprobationary teacher receives an evaluation designating his or her overall performance as effective or highly effective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation **cycle** which must occur within 120 days after the first day of instruction of the school year.

Sec. 68. NRS 391.705 is hereby amended to read as follows:

391.705 1. A probationary administrator must receive one evaluation during each school year of his or her probationary employment. The evaluation must be based in part upon at least three scheduled ~~observations~~ **observation cycles** of the probationary administrator during the first school year of his or her probationary period which must occur as follows:

- (a) The first scheduled observation **cycle** must occur within 40 days after the first day of instruction of the school year;
- (b) The second scheduled observation **cycle** must occur after 40 days but within 80 days after the first day of instruction of the school year; and
- (c) The third scheduled observation **cycle** must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. If a probationary administrator receives an evaluation designating his or her overall performance as effective or highly effective:

- (a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled ~~observations~~ **observation cycles** of the administrator which must occur within the times specified in paragraphs (b) and (c) of subsection 1.

(b) During the first and second school year of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation *cycle* of the administrator which must occur within 120 days after the first day of instruction of the school year.

3. If a probationary administrator receives an evaluation designating his or her overall performance as minimally effective or ineffective during the first or second school year of the probationary period, the probationary administrator must receive one evaluation during the immediately succeeding school year which is based in part upon three ~~observations~~ *observation cycles* which must occur in accordance with the observation schedule set forth in subsection 1.

4. Each probationary administrator is subject to the provisions of NRS 391.725 and 391.820.

Sec. 68.5. NRS 391.710 is hereby amended to read as follows:

391.710 1. If a postprobationary administrator receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary administrator must receive one evaluation in the immediately succeeding school year which is based in part upon three ~~observations~~ *observation cycles* which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.705. If a postprobationary administrator receives evidence from the first two ~~observations~~ *observation cycles* indicating that, unless his or her performance improves, his or her overall performance may be rated as minimally effective or ineffective on the evaluation, the postprobationary administrator may request that the third observation *cycle* be conducted by another administrator. If a postprobationary administrator requests that his or her third observation *cycle* be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary administrator from a list of three candidates submitted by the superintendent.

2. If a postprobationary administrator receives an evaluation designating his or her overall performance as effective or highly effective, the postprobationary administrator must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation *cycle* which must occur within 120 days after the first day of instruction of the school year.

Sec. 69. NRS 391.725 is hereby amended to read as follows:

391.725 1. If a written evaluation of a probationary teacher, or a probationary administrator who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a

principal and vice principal, designates the overall performance of the teacher or administrator as “minimally effective” or “ineffective”:

(a) The written evaluation must include the following statement: “Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive a ‘minimally effective’ or ‘ineffective’ evaluation ~~for the first or second evaluation, or both evaluations for this school year,~~ **and are reemployed for a second or third year of your probationary period,** you may request that ~~the third~~ **your next** evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in improving your performance based upon the recommendations reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in improving your performance.”

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator to which subsection 1 applies requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator to which subsection 1 applies requests assistance in improving performance reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in improving his or her performance.

Sec. 70. NRS 391.750 is hereby amended to read as follows:

391.750 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

- (a) Inefficiency;
- (b) Immorality;
- (c) Unprofessional conduct;
- (d) Insubordination;
- (e) Neglect of duty;
- (f) Physical or mental incapacity;
- (g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;
- (h) Conviction of a felony or of a crime involving moral turpitude;
- (i) Inadequate performance;
- (j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275;

(r) An intentional violation of NRS 388.497 or 388.499;

(s) Knowingly and willfully failing to comply with the provisions of NRS 388.1351;

(t) Gross misconduct; or

(u) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. If a teacher or administrator is found, through an investigation of a testing irregularity, to have willfully breached the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 ~~for 390.600~~ or the college and career readiness assessment administered pursuant to NRS 390.610, the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils, as applicable, shall:

(a) Suspend, dismiss or fail to reemploy the teacher; or

(b) Demote, suspend, dismiss or fail to reemploy the administrator.

3. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

4. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 71. NRS 391A.125 is hereby amended to read as follows:

391A.125 1. Based upon the priorities of programs prescribed by the State Board pursuant to subsection 4 of NRS 391A.505 and the assessment of needs for training within the region and priorities of training adopted by the governing body pursuant to NRS 391A.175, each regional training program shall provide:

(a) Training for teachers and other licensed educational personnel in the:

(1) Standards established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(2) Curriculum and instruction required for the standards adopted by the State Board;

(3) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and

(4) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:

(1) Phonemic awareness;

(2) Phonics;

(3) Vocabulary;

(4) Fluency;

(5) Comprehension; and

(6) Motivation.

(c) Training for administrators who conduct the evaluations required pursuant to NRS 391.685, 391.690, 391.705 and 391.710 relating to the manner in which such evaluations are conducted. Such training must be developed in consultation with the Teachers and Leaders Council of Nevada created by NRS 391.455.

(d) Training for teachers, administrators and other licensed educational personnel relating to correcting deficiencies and addressing recommendations for improvement in performance that are identified in the evaluations conducted pursuant to NRS 391.685, 391.690, 391.705 or 391.710.

(e) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.

(3) In addition to the training provided pursuant to paragraph (b), training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

(f) In accordance with the program established by the Statewide Council pursuant to paragraph (b) of subsection 2 of NRS 391A.135 training for:

(1) Teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. § ~~7801(34)~~, **7801(42)**, as deemed appropriate by the governing body for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are ~~limited~~ English ~~proficient~~ **learners**.

3. The governing body of each regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

↪ The governing body shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in NRS 391A.120 to provide professional development to the teachers and administrators employed by the school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § ~~7801(34)~~, **7801(42)**, as deemed appropriate by the governing body for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

7. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 72. NRS 391A.135 is hereby amended to read as follows:

391A.135 1. The Statewide Council shall meet not less than four times per year.

2. The Statewide Council shall:

(a) Adopt uniform standards for use by the governing body of each regional training program in the review and approval by the governing body of the training to be provided by the regional training program pursuant to NRS 391A.125 and 391A.175. The standards must ensure that the training provided by the regional training programs includes activities set forth in 20 U.S.C. § ~~7801(34)~~, **7801(42)**, as appropriate for the type of training offered, is of high quality and is effective in addressing the training programs specified in subsection 1 of NRS 391A.125.

(b) In cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630, establish a statewide program for teachers and administrators concerning effective parental involvement and family engagement which includes:

(1) Training for teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

(c) Coordinate the dissemination of information to school districts, administrators and teachers concerning the training, programs and services provided by the regional training programs.

(d) Disseminate information to the regional training programs concerning innovative and effective methods to provide professional development.

(e) Conduct long-range planning concerning the professional development needs of teachers and administrators employed in this state.

(f) Adopt uniform procedures and criteria for use by the governing body of each regional training program to report the evaluation conducted pursuant to NRS 391A.190.

(g) Review and recommend any necessary revisions to the 5-year plan prepared by the governing body of each regional training program pursuant to NRS 391A.175.

(h) Review and recommend any necessary revisions to the annual report prepared by the governing body of each regional training program pursuant to NRS 391A.190.

(i) Ensure that the governing body of each regional training program considers the plans to improve the achievement of pupils prepared pursuant to NRS 385A.650 for the public schools within the primary jurisdiction of the regional training program and the plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.111 and is guided by those plans in the provision of professional development for teachers and administrators.

(j) Coordinate with the Office of Parental Involvement and Family Engagement in carrying out the duties of the Office.

3. The Statewide Council may:

(a) Accept gifts and grants from any source for use by the Statewide Council in carrying out its duties pursuant to this section and accept gifts and grants from any source on behalf of one or more regional training programs to assist with the training provided pursuant to NRS 391A.125; and

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist the Statewide Council in carrying out its duties pursuant to this section and comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391A.125, including, without limitation, providing money from the budget of the Statewide Council to match the money received from a federal grant.

4. As used in this section, “paraprofessional” has the meaning ascribed to it in NRS 391.008.

Sec. 73. NRS 391A.370 is hereby amended to read as follows:

391A.370 The board of trustees of each school district and the governing body of each charter school shall ensure that the teachers and administrators employed by the school district or charter school have access to high-quality, ongoing professional development training. The professional development training must include, without limitation, training concerning:

1. The academic standards adopted by the State Board, including, without limitation, the academic standards for science.

2. The academic standards and curriculum in English language development and literacy.

3. The curriculum and instruction required for courses of study in:

(a) Science, technology, engineering and mathematics.

(b) English language development and literacy.

4. The cultural competency required to meet the social, emotional and academic needs of certain categories of pupils enrolled in the school, including, without limitation, pupils who are at risk, pupils who are ~~limited~~ English ~~proficient~~ **learners**, pupils with disabilities and gifted and talented pupils.

Sec. 74. NRS 391A.400 is hereby amended to read as follows:

391A.400 1. There is hereby created the Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level which must be designed to attract and retain those employees. The program must be negotiated pursuant to chapter 288 of NRS, insofar as the provisions of that chapter apply to those employees, and must include, without limitation, the attraction and retention of:

(a) Licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level who have been

employed in that category of position for at least 5 years in this State or another state and who are employed in schools which are at-risk, as determined by the Department pursuant to subsection 8; and

(b) Teachers who hold a license or endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district, as determined by the Superintendent of Public Instruction.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel. Money available for the program must not be used to negotiate the salaries of individual employees who participate in the program.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. The Superintendent of Public Instruction shall compile a list of the financial incentives recommended by each school district that submitted an application. On or before December 1 of each year, the Superintendent shall submit the list to the Interim Finance Committee for its approval of the recommended incentives.

6. After approval of the list of incentives by the Interim Finance Committee pursuant to subsection 5 and within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district that submitted an application.

7. An individual employee may not receive as a financial incentive pursuant to a program an amount of money that is more than \$3,500 per year.

8. The Department shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1 of each year and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are ~~limited~~ English ~~proficient~~ learners;

(d) The percentage of pupils who have individualized education programs; and

(e) The percentage of pupils who drop out of high school before graduation.

9. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining the personnel as set forth in subsection 2. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) Interim Finance Committee;

(d) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(e) Legislative Committee on Education.

Sec. 75. NRS 392.457 is hereby amended to read as follows:

392.457 1. The State Board shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State and individual parents and legal guardians whose children are enrolled in public schools throughout this State, adopt a policy to encourage effective involvement and engagement by parents and families in support of their children and the education of their children. The policy adopted by the State Board must be considered when the Board:

(a) Consults with the boards of trustees of school districts in the adoption of policies pursuant to subsection 3; and

(b) Interacts with school districts, public schools, educational personnel, parents, legal guardians and families of pupils, and members of the general public in carrying out its duties pursuant to this title.

2. The policy adopted by the State Board pursuant to subsection 1 must include the following elements and goals:

(a) Promotion of an atmosphere for parents and families to visit the school that their children attend and feel welcome, valued and connected to the staff of the school, other parents and families and to the education of their children.

(b) Promotion of regular, two-way, meaningful communication between parents, families and schools relating to learning by pupils.

(c) Collaboration among parents, families and schools to support learning by pupils and healthy development of pupils at home and school.

(d) Empowerment of parents and families to advocate for their children and the children of other parents and families to ensure that all pupils are

treated fairly and have access to learning opportunities that support pupil achievement.

(e) Promotion of an equal partnership between parents, families and schools in making decisions that affect children, parents and families and in informing, influencing and creating school policies, practices and programs.

(f) Collaboration of parents, families and schools with the community to connect pupils, parents, families and schools with learning opportunities, community services and civic participation.

3. The board of trustees of each school district shall, in consultation with the State Board, educational personnel, local associations and organizations of parents whose children are enrolled in public schools of the school district and individual parents and legal guardians whose children are enrolled in public schools of the school district, adopt policies to encourage effective involvement and engagement by parents and families in support of their children and the education of their children. The policies adopted pursuant to this subsection must:

(a) Be consistent, to the extent applicable, with the policy adopted by the State Board pursuant to subsection 1;

(b) Include the elements and goals specified in subsection 2; and

(c) Comply with the parental involvement policy required by the federal ~~[No Child Left Behind Act of 2001,]~~ ***Every Student Succeeds Act of 2015***, as set forth in 20 U.S.C. § 6318.

4. The State Board and the board of trustees of each school district shall, at least once each year, review and amend their respective policies as necessary.

Sec. 76. NRS 392.4575 is hereby amended to read as follows:

392.4575 1. The Department shall prescribe a form for educational involvement accords to be used by all public schools in this State. The educational involvement accord must comply with the policy:

(a) For parental involvement required by the federal ~~[No Child Left Behind Act of 2001,]~~ ***Every Student Succeeds Act of 2015***, as set forth in 20 U.S.C. § 6318.

(b) For parental involvement and family engagement adopted by the State Board pursuant to NRS 392.457.

2. Each educational involvement accord must include, without limitation:

(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:

(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;

(2) Reviewing and checking the pupil's homework; and

(3) Contributing 5 hours of time each school year, including, without limitation, by attending school-related activities, parent-teacher association meetings, parent-teacher conferences, volunteering at the school and chaperoning school-sponsored activities.

(b) The responsibilities of a pupil in a public school, including, without limitation:

- (1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;
- (2) Using all school equipment and property appropriately and safely;
- (3) Following the directions of any adult member of the staff of the school;
- (4) Completing and submitting homework in a timely manner; and
- (5) Respecting himself or herself, others and all property.

(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:

- (1) Ensuring that each pupil is provided proper instruction, supervision and interaction;
- (2) Maximizing the educational and social experience of each pupil;
- (3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and
- (4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.

3. Each educational involvement accord must be accompanied by, without limitation:

(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;

(c) The homework and grading policies of the pupil's teacher or school;

(d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;

(e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;

(f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;

(g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;

(h) The classroom rules and policies;

(i) The dress code of the school, if any;

(j) The availability of assistance to parents who have limited proficiency in the English language;

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and

(m) The code of honor relating to cheating prescribed pursuant to NRS 392.461.

4. The board of trustees of each school district shall adopt a policy providing for the development and distribution of the educational involvement accord. The policy adopted by a board of trustees must require each classroom teacher to:

(a) Distribute the educational involvement accord to the parent or legal guardian of each pupil in the teacher's class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and

(b) Provide the parent or legal guardian with a reasonable opportunity to sign the educational involvement accord.

5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. The Department and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.

Sec. 77. NRS 392.750 is hereby amended to read as follows:

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

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 that has been approved by the Department pursuant to NRS 388.157;

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

3. Include information regarding the English literacy development of a pupil who is ~~limited~~ *an* English ~~proficient~~ *learner*; and

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

Sec. 78. NRS 392.760 is hereby amended to read as follows:

392.760 1. Except as otherwise provided in this section, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain a score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 that meets the passing score prescribed by the State Board pursuant to subsection 7.

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

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

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

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

(c) Is ~~[limited]~~ *an* English ~~[proficient]~~ *learner* and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;

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

(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the criterion-referenced examinations administered pursuant to NRS 390.105 is not appropriate; or

(f) Is a pupil with a disability and:

(1) He or she participates in the criterion-referenced examinations administered pursuant to NRS 390.105;

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

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

4. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 3 and determine whether the pupil is eligible for a good-cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil.

Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice of the approval or denial to the principal.

5. A principal who determines that a pupil is eligible for a good-cause exemption shall notify the parent or legal guardian of the pupil whether the superintendent of schools of the school district or the governing body of the charter school, as applicable, approves the good-cause exemption.

6. The principal of a school in which a pupil for whom a good-cause exemption is approved and who is promoted to grade 4 must ensure that the pupil continues to receive intensive instruction in the subject area of reading. Such instruction must include, without limitation, strategies based upon ~~[scientifically-based]~~ **evidence-based** research that will improve proficiency in the subject area of reading.

7. The State Board shall prescribe by regulation:

(a) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 to be promoted to grade 4 without a good-cause exemption; and

(b) An alternate examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 and the passing score such a pupil must obtain on the alternate examination to be promoted to grade 4 without a good-cause exemption.

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

Sec. 79. NRS 392.765 is hereby amended to read as follows:

392.765 1. If a pupil will be retained in grade 3 pursuant to NRS 392.760, the principal of the school must:

(a) Provide written notice to the parent or legal guardian of the pupil that the pupil will be retained in grade 3. The written notice must include, without limitation, a description of the intensive instructional services in the subject area of reading that the pupil will receive to improve the proficiency of the pupil in that subject area.

(b) Develop a plan to monitor the progress of the pupil in the subject area of reading.

(c) Require the teacher of the pupil to develop a portfolio of the pupil's work in the subject area of reading, which must be updated as necessary to reflect progress made by the pupil.

(d) Ensure that the pupil receives intensive instructional services in the subject area of reading that are designed to improve the pupil's proficiency in the subject area of reading, including, without limitation:

(1) Programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 approved by the Department pursuant to NRS 388.157;

(2) Instruction for at least 90 minutes each school day based upon ~~[scientifically based]~~ **evidence-based research concerning** reading instruction; ~~[research];~~ and

(3) Intensive instructional services prescribed by the board of trustees of the school district pursuant to subsection 2, as determined appropriate for the pupil.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Review and evaluate the plans for monitoring the progress of pupils developed pursuant to subsection 1.

(b) Prescribe the intensive instructional services in the subject area of reading which the principal of a school must implement as determined appropriate for a pupil who is retained in grade 3 pursuant to NRS 392.760, which may include, without limitation:

(1) Instruction that is provided in small groups;

(2) Instruction provided in classes with reduced pupil-teacher ratios;

(3) A timeline for frequently monitoring the progress of the pupil;

(4) Tutoring and mentoring;

(5) Classes which are designed to increase the ability of pupils to transition from grade 3 to grade 4;

(6) Instruction provided through an extended school day, school week or school year;

(7) Programs to improve a pupil's proficiency in reading which are offered during the summer; or

(8) Any combination of the services set forth in subparagraphs (1) to (7), inclusive.

3. Except as otherwise provided in subsection 4, the intensive instructional services in the subject area of reading required by this section must be provided to the pupil by a teacher:

(a) Who is different than the teacher who provided instructional services to the pupil during the immediately preceding school year; and

(b) Who has been determined to be highly effective, as demonstrated by pupil performance data and performance evaluations.

4. The intensive instructional services in the subject area of reading required by this section may be provided to the pupil by the same teacher who provided instructional services to the pupil during the immediately

preceding school year if a different teacher who meets the requirements of paragraph (b) of subsection 3 is not reasonably available and the pupil:

- (a) Has an individualized education program; or
- (b) Is enrolled in a school district in a county whose population is less than 100,000.

5. The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to NRS 392.760 to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil's progress will allow him or her to sufficiently master the requirements for a fourth-grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.

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

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

Sec. 80. NRS 392.770 is hereby amended to read as follows:

392.770 In addition to the intensive instructional services provided to a pupil who is retained in grade 3 pursuant to NRS 392.760, the principal of the school must offer the parent or legal guardian of the pupil at least one of the following instructional options:

- 1. Supplemental tutoring which is based upon ~~{scientifically based}~~ **evidence-based** research concerning reading instruction;
- 2. Providing the parent or legal guardian with a plan for reading with the pupil at home and participating in any workshops that may be available in the school district to assist the parent or legal guardian with reading with his or her child at home, as set forth in an agreement with the parent or legal guardian; or
- 3. Providing the pupil with a mentor or tutor who has received specialized training in teaching pupils how to read.

Sec. 81. Section 1 of the Zoom Schools Act, being chapter 335, Statutes of Nevada 2015, at page 1870, is hereby amended to read as follows:

Section 1. 1. The Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District

shall identify the elementary schools within the School District to operate as Zoom elementary schools based upon which elementary schools within the School District:

- (a) Have the highest percentage of pupils who are limited English proficient or eligible for designation as limited English proficient; and
- (b) Are the lowest performing academically.

2. The Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall distribute the money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 for each Zoom elementary school of those school districts to:

- (a) Provide prekindergarten programs free of charge;
- (b) Expand full-day kindergarten classes;
- (c) Operate reading skills centers;
- (d) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;
- (e) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for children who are limited English proficient;
- (f) Offer recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12; and
- (g) Engage and involve parents and families of children who are limited English proficient, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children.

3. A Zoom elementary school that receives money pursuant to subsection 2 shall offer each of the programs and services prescribed in paragraphs (a) to (g), inclusive, of that subsection so that the Zoom elementary school may offer a comprehensive package of programs and services for pupils who are limited English proficient. A Zoom elementary school shall not use the money for any other purpose or use more than 2 percent of the money for the purposes described in paragraphs (e), (f) and (g) of subsection 2.

4. A reading skills center operated by a Zoom elementary school must provide:

- (a) Support at the Zoom elementary school in the assessment of reading and literacy problems and language acquisition barriers for pupils; and

(b) Instructional intervention to enable pupils to overcome such problems and barriers by the completion of grade 3.

5. The Board of Trustees of the Clark County School District shall identify at least three middle schools, junior high schools or high schools within the school district to operate as Zoom middle schools, junior high schools or high schools. The Board of Trustees of the Washoe County School District shall identify at least one middle school, junior high school or high school within the school district to operate as a Zoom middle school, junior high school or high school. Each such board of trustees shall identify those schools based upon which middle schools, junior high schools and high schools within the school district:

(a) Have the highest percentage of pupils who are limited English proficient; and

(b) Are the lowest performing academically.

6. The Clark County School District and the Washoe County School District shall distribute the money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for each Zoom middle school, junior high school and high school of those school districts to carry out one or more of the following:

(a) Reduce class sizes for pupils who are limited English proficient and provide English language literacy based classes;

(b) Provide direct instructional intervention to each pupil who is limited English proficient using the data available from applicable assessments of that pupil;

(c) Provide for an extended school day;

(d) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;

(e) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are limited English proficient;

(f) Offer recruitment and retention incentives for teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12;

(g) Engage and involve parents and families of pupils who are limited English proficient, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those pupils; and

(h) Provide other evidence-based programs and services that are approved by the Department of Education and that are designed to meet the specific needs of pupils enrolled in the school who are limited English proficient.

↪ The Clark County School District and the Washoe County School District shall not use more than 2 percent of the money for the purposes described in paragraphs (e), (f) and (g).

7. On or before August 1, 2015, the Clark County School District and the Washoe County School District shall each provide a report to the Department of Education which includes the:

(a) Zoom elementary schools identified by the School District pursuant to subsection 1 and the plan of each such school for carrying out the programs and services prescribed by paragraphs (a) to (g), inclusive, of subsection 2; and

(b) Zoom middle schools, junior high schools and high schools identified by the School District pursuant to subsection 5 and the plan of each school for carrying out the programs and services described in paragraphs (a) to (h), inclusive, of subsection 6.

8. From the money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools or charter schools or school districts other than the Clark County School District or Washoe County School District, the Department of Education shall provide grants of money to the sponsors of such charter schools and the school districts. The sponsor of such a charter school and the board of trustees of such a school district may submit an application to the Department on a form prescribed by the Department that includes, without limitation:

(a) The number of pupils in the school district or charter school, as applicable, who are limited English proficient or eligible for designation as limited English proficient; and

(b) A description of the programs and services the school district or charter school, as applicable, will provide with a grant of money, which may include, without limitation:

(1) The creation or expansion of high-quality, developmentally appropriate prekindergarten programs, free of charge, that will increase enrollment of children who are limited English proficient;

(2) The acquisition and implementation of empirically proven assessment tools to determine the reading level of pupils who are limited English proficient and technology-based tools, such as software, designed to support the learning of pupils who are limited English proficient;

(3) Professional development for teachers and other educational personnel regarding effective instructional practices and strategies for children who are limited English proficient;

(4) The provision of programs and services for pupils who are limited English proficient, free of charge, before and after school, during the summer or intersession for those schools that do not operate on a traditional school calendar, including, without limitation, the provision

of transportation to attend the summer academy or intersession academy;

(5) Engaging and involving parents and families of children who are limited English proficient, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children;

(6) Offering recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12; and

(7) Provide other evidence-based programs and services that are approved by the Department and that are designed to meet the specific needs of pupils enrolled in the school who are limited English proficient.

9. The Department of Education shall award grants of money to school districts and the sponsors of charter schools that submit applications pursuant to subsection 8 based upon the number of pupils enrolled in each such school district or charter school, as applicable, who are limited English proficient or eligible for designation as limited English proficient, and not on a competitive basis.

10. A school district and a sponsor of a charter school that receives a grant of money pursuant to subsection 8:

(a) Shall not use more than 2 percent of the money for the purposes described in subparagraphs (3), (5) and (6) of paragraph (b) of subsection 8.

(b) Shall provide a report to the Department in the form prescribed by the Department with the information required for the Department's report pursuant to subsection 15.

11. On or before August 17, 2015, the Department of Education shall submit a report to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee which includes:

(a) The information reported by the Clark County School District and the Washoe County School District pursuant to subsection 7; and

(b) The school districts and charter schools for which a grant of money is approved pursuant to subsection 9 and the plan of each such school district and charter school for carrying out programs and services with the grant money, including, without limitation, any programs and services described in subparagraphs (1) to (7), inclusive, of paragraph (b) of subsection 8.

12. The State Board of Education shall prescribe:

(a) A list of recruitment and retention incentives for the school districts and the sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed

educational personnel pursuant to paragraph (f) of subsection 2, paragraph (f) of subsection 6 and subparagraph (6) of paragraph (b) of subsection 8; and

(b) Criteria and procedures to notify a school district or a charter school that receives money pursuant to this section if the school district or charter school is not implementing the programs and services for which the money was received in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board pursuant to subsection 13, including, without limitation, a plan of corrective action for the school district or charter school to follow to meet the requirements of this section or the performance levels.

13. The State Board of Education shall prescribe statewide performance levels and outcome indicators to measure the effectiveness of the programs and services for which money is received by the school districts and charter schools pursuant to this section. The performance levels must establish minimum expected levels of performance on a yearly basis based upon the performance results of children who participate in the programs and services. The outcome indicators must be designed to track short-term and long-term impacts on the progress of children who participate in the programs and services, including, without limitation:

(a) The number of children who participated;

(b) The extent to which the children who participated improved their English language proficiency and literacy levels compared to other children who are limited English proficient or eligible for such a designation who did not participate in the programs and services; and

(c) To the extent that a valid comparison may be established, a comparison of the academic achievement and growth in the subject areas of English language arts and mathematics of children who participated in the programs and services to other children who are limited English proficient or eligible for such a designation who did not participate in the programs and services.

14. The Department of Education shall contract for an independent evaluation of the effectiveness of the programs and services offered by each Zoom elementary school pursuant to subsection 2, each Zoom middle school, junior high school and high school pursuant to subsection 6 and the programs and services offered by the other school districts and the charter schools pursuant to subsection 8.

15. The Clark County School District, the Washoe County School District and the Department of Education shall each prepare an annual report that includes, without limitation:

(a) An identification of the schools that received money from the School District or a grant of money from the Department, as applicable.

(b) How much money each such school received.

(c) A description of the programs or services for which the money was used by each such school.

(d) The number of children who participated in a program or received services.

(e) The average per-child expenditure per program or service that was funded.

(f) For the report prepared by the School Districts, an evaluation of the effectiveness of such programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in the programs or received services.

(g) Any recommendations for legislation, including, without limitation:

(1) For the continuation or expansion of programs and services that are identified as effective in improving the academic and linguistic achievement and proficiency of children who are limited English proficient.

(2) A plan for transitioning the funding for providing the programs and services set forth in this section to pupils who are limited English proficient from categorical funding to a weighted per pupil formula within the Nevada Plan.

(h) For the report prepared by the Department, in addition to the information reported for paragraphs (a) to (e), inclusive, and paragraph (g):

(1) The results of the independent evaluation required by subsection 14 of the effectiveness of the programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in a program or received a service;

(2) Whether a school district or charter school was notified that it was not implementing the programs and services for which it received money pursuant to this section in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board of Education pursuant to subsection 13 and the status of such a school district or charter school, if any, in complying with a plan for corrective action; and

(3) Whether each school district or charter school that received money pursuant to this section met the performance levels prescribed by the State Board of Education pursuant to subsection 13.

16. The annual report prepared by the Clark County School District and the Washoe County School District pursuant to subsection 15 must be submitted to the Department of Education on or before June 1, 2016, and January 16, 2017, respectively. The Department shall submit the information reported by those school districts and the information prepared by the Department pursuant to subsection 15:

(a) On or before June 15, 2016, to the State Board of Education and the Legislative Committee on Education.

(b) On or before February 1, 2017, to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

17. The Department of Education may require a Zoom school or other public school that receives money pursuant to this section to provide a report to the Department on:

(a) The number of vacancies, if any, in full-time licensed educational personnel at the school;

(b) The number of probationary employees, if any, employed at the school;

(c) The number, if any, of persons who are employed at the school as substitute teachers for 20 consecutive days or more in the same classroom or assignment and designated as long-term substitute teachers; and

(d) Any other information relating to the personnel at the school as requested by the Department.

18. The money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools:

(a) Must be accounted for separately from any other money received by school districts or charter schools of this State and used only for the purposes specified in this section.

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

19. Upon request of the Legislative Commission, the Clark County School District and the Washoe County School District shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money distributed by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools.

20. As used in this section:

(a) "Limited English proficient" has the meaning ascribed to it in ~~[NRS 385.007]~~ **20 U.S.C. § 7801(25), as that section existed on July 1, 2015.**

(b) "Probationary employee" has the meaning ascribed to it in NRS 391.650.

Sec. 82. Section 2 of the Victory Schools Act, being chapter 389, Statutes of Nevada 2015, at page 2199, is hereby amended to read as follows:

Sec. 2. 1. The Department of Education shall designate a public school as a Victory school if, relative to other public schools, including charter schools, that are located in the school district in which the school is also located:

(a) A high percentage of pupils enrolled in the school live in households that have household incomes that are less than the federally designated level signifying poverty, based on the most recent data compiled by the Bureau of the Census of the United States Department of Commerce; and

(b) The school received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools, for the immediately preceding school year.

2. The Department shall designate each Victory school for the 2015-2016 Fiscal Year on or before June 1, 2015.

3. The Department shall transfer money from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 to each school district in which a Victory school is designated and each sponsor of a charter school that is designated as a Victory school on a per pupil basis. The amount distributed per pupil must be determined by dividing the amount of money appropriated to the Account by the 2015 Legislature for Victory schools by the total number of pupils who are enrolled in Victory schools statewide. After receiving money from the Account pursuant to this subsection:

(a) A school district shall distribute the money to each Victory school in the school district on a per pupil basis.

(b) A sponsor of a charter school shall distribute the money to each Victory school that it sponsors on a per pupil basis.

4. The board of trustees of each school district in which a Victory school is located and the governing body of each charter school that is designated as a Victory school shall, as soon as practicable after the school is designated as a Victory school, conduct an assessment of the needs of pupils that attend the school. The assessment must include soliciting input from the community served by the Victory school and identify any barriers to improving pupil achievement and school performance and strategies to meet the needs of pupils at the school.

5. Except as otherwise provided in subsection 7, on or before August 15, 2015, the board of trustees of each school district in which a Victory school is designated for the 2015-2016 Fiscal Year and the governing body of each charter school that is designated as a Victory school for the 2015-2016 Fiscal Year shall submit to the Department a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school. The board of trustees of each school district in

which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall select at least one person who is familiar with the public schools in the school district or with the charter school, respectively, to assist with the development of the plan. The plan must:

(a) Include appropriate means to determine the effectiveness of the plan;

(b) Be based on the assessment of the needs of the pupils who attend the school conducted pursuant to subsection 4;

(c) Analyze available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and other pupil achievement data collected and maintained by the school district or charter school;

(d) Include a description of the criteria used to select entities to provide programs and services to pupils enrolled in the Victory school;

(e) Include a description of the manner in which the school district or governing body will collaborate with selected entities so that academic programs and services and nonacademic programs and services, including, without limitation, transportation services, may be offered without charge to support pupils and their families within the region in which the school is located;

(f) Take into account the number and types of pupils who attend the school and the locations where such pupils reside;

(g) Provide for the coordination of the existing or planned engagement of other persons who provide services in the region in which the school is located;

(h) Coordinate all funding available to each school that is subject to the plan;

(i) Provide for the coordination of all available resources to each school that is subject to the plan, including, without limitation, instructional materials and textbooks;

(j) Identify, for each school or group of schools subject to the plan, which of the measures described in subsection 8 will be implemented; and

(k) Identify the person or persons selected pursuant to this subsection who assisted with the development of the plan.

6. The Department shall review each plan submitted pursuant to subsection 5 to determine whether, or the extent to which, the plan complies with the requirements of this section and either approve or request revisions to the plan.

7. If the board of trustees of a school district in which a Victory school is designated or the governing body of a charter school that is designated as a Victory school does not submit a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school

on or before August 15, 2015, as required pursuant to subsection 5, the board of trustees of the school district or the governing body of the charter school, as applicable, may submit to the Department a letter of intent to meet the educational needs of pupils enrolled in each Victory school. The letter must include, without limitation:

(a) An initial assessment of the needs of the pupils who attend the school which is conducted pursuant to subsection 4;

(b) An analysis of available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and data collected and maintained by the school district or charter school; and

(c) A summary of activities that the board of trustees or governing body, as applicable, will take to ensure completion of the comprehensive plan required pursuant to subsection 5 by not later than September 15, 2015.

8. A Victory school shall use the majority of the money distributed pursuant to subsection 3 to provide one or more of the following:

(a) A prekindergarten program free of charge, if such a program is not paid for by another grant.

(b) An expansion of full-day kindergarten classes, if such classes have not otherwise been paid for through legislative appropriation.

(c) A summer academy or other instruction for pupils free of charge at times during the year when school is not in session.

(d) Additional instruction or other learning opportunities free of charge at times of day when school is not in session.

(e) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of pupils similar to those served by the school.

(f) Incentives for hiring and retaining teachers and other licensed educational personnel who provide any of the programs or services set forth in this subsection from the list prescribed by the State Board of Education pursuant to subsection 14.

(g) Employment of paraprofessionals, other educational personnel and other persons who provide any of the programs or services set forth in this subsection.

(h) Reading skills centers.

9. A Victory school may use any money distributed pursuant to subsection 3 that is not used for the purposes described in subsection 8 to:

(a) Provide evidence-based social, psychological or health care services to pupils and their families, including, without limitation, wrap-around services;

(b) Provide programs and services designed to engage parents and families;

(c) Provide programs to improve school climate and culture;

(d) Provide evidence-based programs and services specifically designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4; or

(e) Any combination thereof.

10. A Victory school shall not use any money distributed pursuant to subsection 3 for a purpose not described in subsection 8 or 9.

11. Any programs offered at a Victory school pursuant to subsection 8 or 9 must:

(a) Be designed to meet the needs of pupils at the school, as determined using the assessment conducted pursuant to subsection 4 and to improve pupil achievement and school performance, as determined using the measures prescribed by the State Board of Education; and

(b) Be based on scientific research concerning effective practices to increase the achievement of pupils who live in poverty.

12. Each plan to improve the achievement of pupils enrolled in a Victory school that is prepared by the principal of the school pursuant to NRS 385A.650 must describe how the school will use the money distributed pursuant to subsection 3 to meet the needs of pupils who attend the school, as determined using the assessment described in subsection 4 and the requirements of this section.

13. The Department shall contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this section. The evaluation must include, without limitation, consideration of the achievement of pupils who have participated in such programs and received such services. When complete, the evaluation must be provided contemporaneously to the Department and the Legislative Committee on Education.

14. The State Board of Education shall prescribe a list of recruitment and retention incentives that are available to the school districts and sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel.

15. The State Board shall require a Victory school to take corrective action if pupil achievement and school performance at the school are unsatisfactory, as determined by the State Board. If unsatisfactory pupil achievement and school performance continue, the State Board may direct the Department to withhold any additional money that would otherwise be distributed pursuant to this section.

16. On or before November 30, 2016, and November 30, 2017, the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall submit to the Department and to the

Legislative Committee on Education a report, which must include, without limitation:

- (a) An identification of schools to which money was distributed pursuant to subsection 3 for the previous fiscal year;
- (b) The amount of money distributed to each such school;
- (c) A description of the programs or services for which the money was used;
- (d) The number of pupils who participated in such programs or received such services;
- (e) The average expenditure per pupil for each program or service that was funded; and
- (f) Recommendations concerning the manner in which the average expenditure per pupil reported pursuant to paragraph (e) may be used to determine formulas for allocating money from the State Distributive School Account in the State General Fund.

17. The Legislative Committee on Education shall consider the evaluations of the independent evaluator received pursuant to subsection 13 and the reports received pursuant to subsection 16 and advise the State Board regarding any action the Committee determines appropriate for the State Board to take based upon that information. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature which may include, without limitation, recommendations for legislation.

18. The money distributed pursuant to subsection 3:

- (a) Must be accounted for separately from any other money received by Victory schools and used only for the purposes specified in this section;
- (b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and
- (c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

19. Upon request of the Legislative Commission, a Victory school to which money is distributed pursuant to subsection 3 shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of such money.

20. As used in this section:

- (a) “Community” includes any person or governmental entity who resides or has a significant presence in the geographic area in which a school is located or who interacts with pupils and personnel at a school, and may include, without limitation, parents, businesses, nonprofit

organizations, faith-based organizations, community groups, teachers, administrators and governmental entities.

(b) “Evidence-based programs and services” means practices, interventions and services that have been proven, through scientifically based research, as defined in 20 U.S.C. § 7801(37), *as that section existed on June 8, 2015*, to be effective in improving outcomes for pupils when implemented with fidelity.

(c) “Victory school” means a school that is so designated by the Department pursuant to subsection 1.

(d) “Wrap-around services” means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.

Sec. 83. NRS 385A.660 is hereby repealed.

Sec. 84. 1. This section and sections 1 to 77, inclusive, 81, 82 and 83 of this act become effective on July 1, 2017.

2. Sections 28 and 29 of this act expire by limitation on June 30, 2019.

3. Sections 78, 79 and 80 of this act become effective on July 1, 2019.

TEXT OF REPEALED SECTION

385A.660 Process for approval of plan.

1. If a Title I school is rated as underperforming pursuant to the statewide system of accountability for public schools, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385A.650 or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of NRS 385A.650. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

2. If a school is rated as meeting the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools, or if a school that is not a Title I school is rated as underperforming pursuant to the statewide accountability system for public schools, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of NRS 385A.650.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 296.

Bill read third time.

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

Amendment No. 841.

AN ACT relating to legislative measures; ~~eliminating certain statutory limits and deadlines regarding~~ **revising requirements relating to** requests for **the drafting of** legislative measures ~~by Legislators and legislative committees;~~ **submitted to the Legislative Counsel;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Historically, the number of authorized requests for legislative measures by Legislators and legislative committees and the deadlines for submission of those requests have been prescribed in statute, concurrent resolution and the joint standing rules of the Houses. (See, e.g., NRS 218D.150-218D.160; Assembly Concurrent Resolution No. 56, File No. 135, Statutes of Nevada 1997, p. 3709; Rule No. 14 of the Joint Standing Rules, File No. 1, Statutes of Nevada 2011, p. 3761) Currently, the number of requests for legislative measures that Legislators and legislative committees are authorized to make for each regular legislative session are prescribed in statute. The deadlines by which Legislators and legislative committees are required to submit requests for the drafting of legislative measures and the subsequent deadlines by which they are required to submit sufficient detail to allow complete drafting of those requests are also prescribed in statute. (NRS 218D.150-218D.160) This bill removes from statute, effective July 1, 2019, those limits on the number of and the deadlines for submission of requests for legislative measures by Legislators and legislative committees.]~~

Commencing on July 1 preceding each regular session and every week thereafter until the adjournment of the Legislature sine die, the Legislative Counsel is required under existing law to prepare a list of all requests for the drafting of legislative measures received by the Legislative Counsel. The requests are required to be listed numerically by a unique serial number which is required to be assigned by the Legislative Counsel for the purposes of identification in the order that the Legislative Counsel received the requests. (NRS 218D.130) Existing law prohibits the Legislative Counsel from assigning a number to a request to establish the priority of the request until sufficient detail has been received by the Legislative Counsel to allow complete drafting of the legislative measure. (NRS 218D.100, 218D.150, 218D.155, 218D.160, 218D.175, 218D.190, 218D.205, 218D.210, 218D.220) This bill eliminates

the prohibition against the Legislative Counsel assigning a number to a request until sufficient detail has been received. Therefore, the Legislative Counsel is required to assign a number to a request in the order in which the request is received.

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

Section 1. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. ~~The [Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the]~~ provisions of NRS 218D.100 to 218D.220, inclusive, apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the ~~[The]~~ Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by ~~[a joint rule, concurrent resolution or]~~ NRS 218D.100 ~~[218D.175]~~ to 218D.220, inclusive, for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) ~~[Assign a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.]~~

~~—(b)—~~ Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

~~[(c)]~~ (b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 2. NRS 218D.110 is hereby amended to read as follows:

218D.110 1. The Legislative Counsel shall assist Legislators in the drafting of the legislative measures which they are authorized to request, including, without limitation, drafting them in proper form and furnishing the Legislators with the fullest information upon all matters within the scope of the Legislative Counsel's duties.

2. Except as otherwise provided in this section, the Legislative Counsel shall, insofar as is possible, act upon all Legislators' requests for the drafting of legislative measures in the order in which they are received.

3. To assure the greatest possible equity in the handling of such requests, drafting must proceed as follows:

(a) If a Legislator so desires, the Legislator may designate a different priority for the Legislator's requests which the Legislative Counsel shall observe, insofar as is possible.

(b) The drafting of requests from chairs or members of standing committees or special committees which are made on behalf of those committees must not, except where urgency is recognized, take precedence over the priority established or designated for requests from individual Legislators.

(c) ~~[After November 1 preceding a regular session, the]~~ The Legislative Counsel shall give full priority to the drafting of requests from Legislators for which sufficient detail to allow complete drafting of the legislative measure [was] is submitted, [within the period required by statute.]

Sec. 3. ~~[NRS 218D.130 is hereby amended to read as follows:~~
~~218D.130 1. On July 1 preceding each regular session, and each week thereafter until the adjournment of the Legislature sine die, the Legislative Counsel shall prepare a list of all requests received by the Legislative Counsel for the drafting of legislative measures for the regular session.~~
~~2. The Legislative Counsel Bureau shall make copies of the list available to the public for a reasonable sum fixed by the Director.~~
~~3. In preparing the list:~~
~~(a) The requests must be listed numerically by a unique serial number which must be assigned to the legislative measures by the Legislative Counsel for the purposes of identification in the order that the Legislative Counsel received the requests.~~
~~(b) Except as otherwise provided in this section, the list must only contain the name of each requester, the date and a brief summary of the request.~~
~~(c) If a standing or special committee of the Legislature requests a legislative measure on behalf of a Legislator or organization, the list must include:~~
~~(1) The name of the standing or special committee; and~~
~~(2) The name of the Legislator or organization on whose behalf the legislative measure was originally requested.~~
~~4. Upon the request of a Legislator who has requested the drafting of a legislative measure, the Legislative Counsel shall add the name of one or more other Legislators from either or both Houses as joint requesters of the legislative measure. The Legislative Counsel:~~
~~(a) Shall not add the name of a joint requester to the list until the Legislative Counsel has received confirmation of the joint request from the primary requester of the legislative measure and from the Legislator to be added as a joint requester.~~
~~(b) Shall remove the name of a joint requester upon receipt of a request to do so made by the primary requester or the joint requester.~~
~~(c) Shall cause the names to appear on the list in the order in which the names were received by the Legislative Counsel beginning with the primary requester.~~
~~(d) Shall not act upon the direction of a joint requester to withdraw the requested legislative measure or modify its substance until the Legislative~~

~~Counsel has received confirmation of the withdrawal or modification from the primary requester.~~

~~5. If the primary requester of a legislative measure will not be returning to the Legislature for the regular session in which the legislative measure is to be considered:~~

~~(a) The primary requester may authorize a Legislator who will be serving during that regular session to become the primary sponsor of the legislative measure, either individually or as the chair on behalf of a standing committee.~~

~~(b) A Legislator who agrees to become or have the committee become the primary sponsor of the legislative measure shall notify the Legislative Counsel of that fact.~~

~~(c) Upon receipt of such notification, the Legislative Counsel shall list the name of that Legislator or the name of the committee as the primary requester of the legislative measure on the list.~~

~~6. For the purposes of all limitations on the number of legislative measures that may be requested by a Legislator:~~

~~(a) A legislative measure with joint requesters must only be counted as a request of the primary requester.~~

~~(b) A legislative measure for which a Legislator or standing committee becomes the primary sponsor pursuant to subsection 5 must be counted as a request of that Legislator or committee. H (Deleted by amendment.)~~

Sec. 3.5. NRS 218D.150 is hereby amended to read as follows:

218D.150 1. Except as otherwise provided in this section, each:

(a) Incumbent member of the Assembly may request the drafting of:

(1) Not more than 4 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 5 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(b) Incumbent member of the Senate may request the drafting of:

(1) Not more than 8 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 10 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(c) Newly elected member of the Assembly may request the drafting of:

(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(d) Newly elected member of the Senate may request the drafting of:

(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

2. Except as otherwise provided in this subsection, on or before the first day of a regular session, each:

(a) Incumbent member of the Assembly must:

(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1; or

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1 that he or she withdraws.

➡ If an incumbent member of the Assembly does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (a) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(b) Incumbent member of the Senate must:

(1) Prefile at least 8 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1; or

(2) Inform the Legislative Counsel of which 8 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1 that he or she withdraws.

➡ If an incumbent member of the Senate does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (b) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(c) Newly elected member of the Assembly must:

(1) Prefile at least 2 of the legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (c) of subsection 1; or

(2) Inform the Legislative Counsel of which 2 legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (c) of subsection 1 that he or she withdraws.

➡ If a newly elected member of the Assembly does not request the maximum number of legislative measures authorized by subparagraph (1) of paragraph (c) of subsection 1, the number of legislative measures that he or

she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(d) Newly elected member of the Senate must:

(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (d) of subsection 1; or

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (d) of subsection 1 that he or she withdraws.

➡ If a newly elected member of the Senate does not request the maximum number of legislative measures authorized by subparagraph (1) of paragraph (d) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

3. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, “nonreturning Legislator” means a Legislator who, in the year that the Legislator’s term of office expires:

(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

4. A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of

a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

~~{7. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.}~~

Sec. 4. NRS 218D.155 is hereby amended to read as follows:

218D.155 1. In addition to the number of requests authorized pursuant to NRS 218D.150:

(a) The Speaker of the Assembly and the Majority Leader of the Senate may each request before the date of the general election preceding a regular session, without limitation, the drafting of not more than 15 legislative measures for that regular session.

(b) The Minority Leader of the Assembly and the Minority Leader of the Senate may each request before the date of the general election preceding a regular session, without limitation, the drafting of not more than 10 legislative measures for that regular session.

(c) A person designated after the general election as the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly or the Minority Leader of the Senate for the next regular session may request before the first day of that regular session the drafting of the remaining number of the legislative measures allowed for the respective officer that were not requested by the previous officer.

2. The Legislative Counsel, the Secretary of the Senate and the Chief Clerk of the Assembly may request before or during a regular session, without limitation, the drafting of as many legislative measures as are necessary or convenient for the proper exercise of their duties.

~~{3. 2. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.}~~

Sec. 4.1. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular

session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) Any legislative committee created by a statute, other than an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

(b) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

(c) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

➡ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

~~[5. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.]~~

Sec. 4.2. NRS 218D.175 is hereby amended to read as follows:

218D.175 1. For a regular session, the Governor or the Governor's designated representative may request the drafting of not more than 110 legislative measures which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before August 1 preceding the regular session.

2. The Director of the Office of Finance may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.

3. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor	3
Secretary of State	6
State Treasurer.....	5
State Controller	5
Attorney General	20

4. In addition to the requests authorized by subsection 3, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 31 preceding the regular session.

5. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 3 must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

~~{6. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.}~~

Sec. 4.3. NRS 218D.190 is hereby amended to read as follows:

218D.190 1. For a regular session, the Supreme Court may request the drafting of not more than 10 legislative measures which have been approved by the Supreme Court on behalf of the Judicial Department. The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

~~{3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.}~~

Sec. 4.4. NRS 218D.205 is hereby amended to read as follows:

218D.205 1. For a regular session, each board of county commissioners, board of trustees of a school district and city council may request the drafting of not more than the numbers of legislative measures set forth in this section if the requests are:

(a) Approved by the governing body of the county, school district or city at a public hearing before their submission to the Legislative Counsel; and

(b) Submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 4 legislative measures for a regular session.

(b) Is 100,000 or more but less than 700,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 100,000 may request the drafting of not more than 1 legislative measure for a regular session.

4. The board of trustees of a school district in a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 2 legislative measures for a regular session.

(b) Is less than 700,000 may request the drafting of not more than 1 legislative measure for a regular session.

5. The city council of a city whose population:

(a) Is 500,000 or more may request the drafting of not more than 3 legislative measures for a regular session.

(b) Is 150,000 or more but less than 500,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 150,000 may request the drafting of not more than 1 legislative measure for a regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

7. ~~The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.~~

~~8.~~ As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 4.5. NRS 218D.210 is hereby amended to read as follows:

218D.210 1. For a regular session, an association of counties or cities may request the drafting of not more than 5 legislative measures. The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

~~{3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.}~~

Sec. 4.6. NRS 218D.220 is hereby amended to read as follows:

218D.220 1. For a regular session, the Nevada Silver Haired Legislative Forum created by NRS 427A.320 may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Forum. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

~~{3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.}~~

Sec. 5. [NRS 218D.380 is hereby amended to read as follows:

~~218D.380 1. Any provision of state legislation enacted on or after July 1, 2013, which adds or revises a requirement to submit a report to the Legislature must:~~

~~— (a) Expire by limitation 5 years after the effective date of the addition or revision of the requirement; or~~

~~— (b) Contain a statement by the Legislature setting forth the justifications for continuing the requirement for more than 5 years. The statement must include, without limitation:~~

~~— (1) If the requirement is being revised, the date the requirement was enacted;~~

~~— (2) If the requirement concerns a report regarding the implementation or monitoring of a new program, an analysis of the continued usefulness of such a report after 5 years; and~~

~~— (3) An identification and analysis of any costs or benefits associated with or expected to be associated with the report.~~

~~2. The Legislative Commission shall review the requirements in state legislation for submitting a report to the Legislature which have been in existence for 4 years or more to determine whether the requirements should be repealed, revised or continued. In making its determination pursuant to this subsection, the Legislative Commission shall:~~

- ~~— (a) Identify and analyze any costs or benefits associated with the report;~~
- ~~— (b) Consider the ability of the Legislature to obtain the information provided in the report from another source;~~
- ~~— (c) Consider any recommendations made by the Director pursuant to NRS 218D.385 regarding the elimination or revision of requirements in state legislation to submit obsolete or redundant reports to the Legislature; and~~
- ~~— (d) Consider any other criteria determined by the Legislative Commission to be appropriate.~~

~~— 3. Based upon its review of the requirements pursuant to subsection 2, the Legislative Commission shall, as it deems appropriate:~~

- ~~— (a) Make recommendations to the Legislature regarding whether the requirements in state legislation for submitting such reports to the Legislature should be repealed, revised or continued; and~~
- ~~— (b) Request the drafting of a legislative measure [pursuant to NRS 218D.160] to facilitate its recommendations.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 218D.385 is hereby amended to read as follows:~~

~~— 218D.385 1. The Director shall develop recommendations for the:~~

- ~~— (a) Elimination of any requirements to submit obsolete or redundant reports to the Legislature; and~~
- ~~— (b) Revision of any requirements for reporting to reduce the frequency or to change the due dates, or any other revision of the requirements deemed appropriate by the Director.~~

~~— 2. In developing the recommendations required pursuant to subsection 1, the Director shall consider:~~

- ~~— (a) The length of time the requirement has been in existence and whether the requirement remains relevant;~~
- ~~— (b) The ability of the Legislature and the public to obtain the information provided in a report from another source; and~~
- ~~— (c) Any other criteria determined by the Director to be appropriate.~~

~~— 3. The Director's recommendations, if any, must be:~~

- ~~— (a) Presented to the Legislative Commission on or before July 1 of each even-numbered year; and~~
- ~~— (b) Considered by the Legislative Commission when it conducts its review pursuant to NRS 218D.380 of the requirements in state legislation for submitting such reports to the Legislature.~~

~~— 4. Based on the Director's recommendations and its review pursuant to NRS 218D.380, the Legislative Commission shall, as it deems appropriate:~~

- ~~— (a) Make recommendations to the Legislature regarding whether the requirements in state legislation for submitting such reports to the Legislature should be repealed, revised or continued; and~~
- ~~— (b) Request the drafting of a legislative measure [pursuant to NRS 218D.160] to facilitate its recommendations.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 218E.205 is hereby amended to read as follows:~~

~~— 218E.205 1. Between regular sessions, the Legislative Commission:~~

~~— (a) Shall fix the work priority of all studies and investigations assigned to it by a statute or concurrent resolution or directed by an order of the Legislative Commission, within the limits of available time, money and staff.~~

~~— (b) Shall not make studies or investigations directed by a resolution of only one House or studies or investigations proposed but not approved during the preceding regular session.~~

~~— 2. All requests for the drafting of legislative measures to be recommended as the result of a study or investigation must be made in accordance with [NRS 218D.160.] *any specific statute, joint rule or concurrent resolution governing requests for the drafting of a legislative measure.*~~

~~— 3. Except as otherwise provided by NRS 218E.210, between regular sessions, a study or investigation may not be initiated or continued by the Fiscal Analysts, the Legislative Auditor, the Legislative Counsel or the Research Director and their staffs, except studies and investigations which have been specifically authorized by a statute, concurrent resolution or order of the Legislative Commission.~~

~~— 4. A study or investigation may not be carried over from one regular session to the next without additional authorization by a statute, concurrent resolution or order of the Legislative Commission, except audits in progress whose carryover has been approved by the Legislative Commission.~~

~~— 5. Except as otherwise provided by a specific statute, the staff of the Legislative Counsel Bureau shall not serve as primary administrative or professional staff for a committee established by a statute, concurrent resolution or order of the Legislative Commission to conduct a study or investigation, unless the chair of the committee is required by the statute, concurrent resolution or order of the Legislative Commission to be a Legislator.~~

~~— 6. The Legislative Commission shall review and approve the budget and work program and any changes to the budget or work program for each study or investigation conducted by the Legislative Commission or a committee or subcommittee established by the Legislative Commission.~~

~~— 7. A committee or subcommittee established to conduct a study or investigation assigned to the Legislative Commission by a statute or concurrent resolution or directed by an order of the Legislative Commission must, unless otherwise ordered by the Legislative Commission, meet not earlier than January 1 of the even numbered year and not later than June 30 of that year.] (Deleted by amendment.)~~

~~Sec. 8. [NRS 218D.150 and 218D.160 are hereby repealed.] (Deleted by amendment.)~~

~~Sec. 9. This act becomes effective on July 1, ~~[2019.]~~ 2017.~~

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~~TEXT OF REPEALED SECTIONS~~

~~— 218D.150 Requests from Legislators and chairs of standing committees.~~

- ~~1. Except as otherwise provided in this section, each:~~
- ~~— (a) Incumbent member of the Assembly may request the drafting of:~~
- ~~— (1) Not more than 4 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;~~
- ~~— (2) Not more than 5 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and~~
- ~~— (3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~
- ~~— (b) Incumbent member of the Senate may request the drafting of:~~
- ~~— (1) Not more than 8 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;~~
- ~~— (2) Not more than 10 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and~~
- ~~— (3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~
- ~~— (c) Newly elected member of the Assembly may request the drafting of:~~
- ~~— (1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and~~
- ~~— (2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~
- ~~— (d) Newly elected member of the Senate may request the drafting of:~~
- ~~— (1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and~~
- ~~— (2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~
- ~~2. Except as otherwise provided in this subsection, on or before the first day of a regular session, each:~~
- ~~— (a) Incumbent member of the Assembly must:~~
- ~~— (1) Profile at least 4 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1; or~~
- ~~— (2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1 that he or she withdraws.~~
- ~~➤ If an incumbent member of the Assembly does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (a) of subsection 1, the number of legislative measures that he or she must profile or withdraw pursuant to this paragraph is reduced by that number of unused requests.~~
- ~~— (b) Incumbent member of the Senate must:~~

~~— (1) Profile at least 8 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1; or~~

~~— (2) Inform the Legislative Counsel of which 8 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1 that he or she withdraws.~~

~~➤ If an incumbent member of the Senate does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (b) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.~~

~~— (e) Newly elected member of the Assembly must:~~

~~— (1) Profile at least 2 of the legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (c) of subsection 1; or~~

~~— (2) Inform the Legislative Counsel of which 2 legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (c) of subsection 1 that he or she withdraws.~~

~~➤ If a newly elected member of the Assembly does not request the maximum number of legislative measures authorized by subparagraph (1) of paragraph (c) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.~~

~~— (d) Newly elected member of the Senate must:~~

~~— (1) Profile at least 4 of the legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (d) of subsection 1; or~~

~~— (2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (d) of subsection 1 that he or she withdraws.~~

~~➤ If a newly elected member of the Senate does not request the maximum number of legislative measures authorized by subparagraph (1) of paragraph (d) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.~~

~~— 3. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, “nonreturning Legislator” means a Legislator who, in the year that the Legislator’s term of office expires:~~

~~— (a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;~~

~~— (b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or~~

~~— (c) Has withdrawn as a candidate for the Senate or the Assembly.~~

~~— 4. A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which~~

~~the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.~~

~~5. In addition to the number of requests authorized pursuant to subsection 1:~~

~~(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.~~

~~(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.~~

~~6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.~~

~~7. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.~~

~~218D.160 Requests from chairs of Legislative Commission and Interim Finance Committee; requests from statutory, interim and other committees.~~

~~1. The Chair of the Legislative Commission may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.~~

~~2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.~~

~~3. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:~~

~~— (a) Any legislative committee created by a statute, other than an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.~~

~~— (b) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.~~

~~— (c) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.~~

~~→ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.~~

~~4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.~~

~~5. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.]~~

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 259.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 948.

AN ACT relating to motor vehicles; requiring certain persons to install an ignition interlock device following a revocation of a driver's license, permit or privilege to drive; revising the provisions governing the period of revocation of a driver's license, permit or privilege to drive related to certain offenses involving driving under the influence; requiring the court to order certain persons to install an ignition interlock device in certain circumstances; revising provisions governing the installation of an ignition interlock device following a conviction of driving under the influence of alcohol or a controlled substance; prohibiting a person from providing his or her breath for an ignition interlock device required to be installed in the vehicle of another person under certain circumstances; requiring the

Committee on Testing for Intoxication to adopt certain regulations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the revocation of the driver's license, permit or privilege to drive of a person who: (1) has a concentration of alcohol of 0.08 or more in his or her blood or breath or who is found to have a detectable amount of a prohibited substance in his or her blood or urine for which he or she did not have a valid prescription or hold a valid registry identification card; or (2) fails to submit to an evidentiary test requested by a police officer. The driver's license, permit or privilege of the person is revoked for a period of: (1) 90 days for having a concentration of alcohol of 0.08 or more in his or her blood or breath or who is found to have a detectable amount of a prohibited substance in his or her blood or urine under certain circumstances; or (2) not less than 1 year, or 3 years under certain circumstances, for failing to submit to an evidentiary test. (NRS 484C.210, 484C.220) **Section 3** of this bill requires a person whose license, permit or privilege has been revoked for failure to submit to an evidentiary test or for having a concentration of alcohol of 0.08 or more in his or her blood or breath to install, at his or her own expense, an ignition interlock device in each vehicle the person operates as a condition to obtaining a restricted license. ~~[Sections 1 and 3 of this bill also revise the period of revocation to not less than 185 days.]~~ Existing law further provides that the officer is required to advise the person of his or her right to administrative and judicial review of the revocation and to have a temporary license, valid for 7 days, which the officer must issue upon request. (NRS 484C.220) **Section 4** of this bill requires the officer to also advise the person that he or she is required to install an ignition interlock device, at his or her own expense, in each vehicle the person operates as a condition to obtaining a restricted license.

Under existing law, the driver's license, permit or privilege of a person convicted of an offense involving driving under the influence of alcohol or a controlled substance is revoked for a period of 90 days for a first offense. (NRS 483.460) Section 1 of this bill revises the period of revocation for such an offense to not less than 185 days.

With certain exceptions, existing law requires a court to order a person to install, at his or her own expense, an ignition interlock device in each vehicle the person owns or operates if the person is convicted of an offense involving driving under the influence of alcohol or a controlled substance which: (1) constitutes a felony; or (2) constitutes a misdemeanor, but the concentration of alcohol in the person's blood or breath was 0.18 or more. Existing law also authorizes a court to order a person to install an ignition interlock device if the person is convicted of a misdemeanor offense involving driving under the influence of alcohol or a controlled substance in which the concentration of alcohol in the person's blood or breath was less than 0.18. (NRS 484C.110, 484C.400, 484C.460) **Section 6** of this bill requires a court to order the installation of an ignition interlock device for all persons convicted of an

offense involving driving under the influence of alcohol or a controlled substance. **Section 9** of this bill authorizes a juvenile court to order the installation of an ignition interlock device for a child convicted of an offense involving driving under the influence of alcohol or a controlled substance. **Section 3** authorizes the court to give the person day-for-day credit for any period during which the person installed a device as a condition to obtaining a restricted license before the issuance of an order from the court to do so. Further, **section 7** of this bill authorizes the court to extend the order of a person required to install an ignition interlock device if the court receives a report from the ~~manufacturer of the device~~ **Director of the Department of Public Safety** that the person has committed certain violations. Existing law authorizes a court to provide an exception to ordering a person to install an ignition interlock device to avoid undue hardship to the person. (NRS 484C.460) **Section 6** revises this exception and ~~instead~~ **additionally** authorizes the court **, in the interests of justice,** to not order a person to install an ignition interlock device if: (1) a person is unable to provide a deep lung sample for a device as certified in writing by a physician; ~~or~~ (2) a person resides more than 100 miles from a manufacturer of a device ~~. or (3) such an order would not serve the interests of justice.~~

Section 2.5 of this bill prohibits a person from providing a sample of his or her breath for an ignition interlock device required to be installed in a vehicle of another person with the intent to enable the person who is required to install the device to start the vehicle. A person who provides such a sample of breath is guilty of a misdemeanor.

Section 8 of this bill requires the Committee on Testing for Intoxication to adopt certain regulations relating to the manufacturer of the ignition interlock device to: (1) prescribe the form and content of certain records; (2) prescribe certain standards and procedures related to the device; and (3) require certain discounts and waive certain costs for **certain** persons ~~. whose income is at or below certain federal poverty levels.~~

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

Section 1. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 6 of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

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

➡ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle crash resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of ~~90 days,~~ **not less than 185 days**, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS ~~484C.210~~ **484C.210 or** 484C.460 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his or her first such offense during the period of required use of the device.

(b) For 5 years, if it is his or her second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064, 206.330 or 392.148, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a ~~second violation within 7 years of~~ **violation of** NRS 484C.110, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

➤ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. A person who ~~has been ordered~~ **is required** to install a device in a motor vehicle pursuant to NRS ~~484C.210 or~~ 484C.460:

(a) Shall install the device not later than ~~[21]~~ **14** days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:

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

(II) A violation of NRS 484C.110 that is punishable as a felony pursuant to NRS 484C.410 or 484C.420; **or**

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection 6 of NRS 484B.653. ~~For~~

~~—(3) After at least 45 days of the period during which the person is not eligible for a license, if the person was convicted of a first violation within 7 years of NRS 484C.110.]~~

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484C.460 ~~or~~ **or following an order of revocation issued pursuant to 484C.220**, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. Except as otherwise provided in NRS 62E.630, after a driver's license has been revoked or suspended pursuant to title 5 of NRS or NRS 392.148, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both;

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

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

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

➤ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 2.5. Chapter 484C of NRS is hereby amended by adding thereto a new section to read as follows:

Any person who provides a sample of breath for a device, with the intent to start a motor vehicle of another and for the purpose of allowing a person required to install a device pursuant to NRS 484C.210 or 484C.460 to avoid providing a sample of his or her breath, is guilty of a misdemeanor.

Sec. 3. NRS 484C.210 is hereby amended to read as follows:

484C.210 1. If a person fails to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, the license, permit or privilege to drive of the person must be revoked as provided in NRS 484C.220, and the person is not eligible for a license, permit or privilege to drive for a period of:

(a) One year; or

(b) Three years, if the license, permit or privilege to drive of the person has been revoked during the immediately preceding 7 years for failure to submit to an evidentiary test.

2. If the result of a test given under NRS 484C.150 or 484C.160 shows that a person had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140, at the time of the test, the license, permit or privilege of the person to drive must be revoked as provided in NRS 484C.220 and the person is not eligible for a license, permit or privilege for a period of 90 days. ~~[not less than 185 days]~~

3. ~~[[4]]~~ ***Except as otherwise provided in subsection 1, at any time while a person is not eligible for a license, permit or privilege to drive following a revocation under subsection 1 or 2 which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the person shall install, at his or her own expense, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490.***

4. If a revocation of a person's license, permit or privilege to drive under NRS 62E.640 or 483.460 follows a revocation under subsection 2 which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the Department shall cancel the revocation under that subsection and give the person credit for any period during which the person was not eligible for a license, permit or privilege.

5. ***If an order to install a device pursuant to NRS 62E.640 or 484C.460 follows the installation of a device pursuant to subsection 3, the court may***

give the person day-for-day credit for any period during which the person installed a device as a condition to obtaining a restricted license.

~~[4.]~~ 6. Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

7. *As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.*

Sec. 4. NRS 484C.220 is hereby amended to read as follows:

484C.220 1. As agent for the Department, the officer who requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who failed to submit to a test requested by the police officer pursuant to NRS 484C.150 or 484C.160 or who has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140, if that person is present, and shall seize the license or permit to drive of the person. The officer shall then, unless the information is expressly set forth in the order of revocation, advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. ***The officer shall also , unless the information is expressly set forth in the order of revocation, advise the person that he or she is required to install a device pursuant to NRS 484C.210.*** If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, if any, a written

certificate that the officer had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle:

(a) With a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140, as determined by a chemical test; or

(b) While under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine and the person refused to submit to a required evidentiary test.

↪ The certificate must also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. ***The order must also indicate that the person is required to install a device pursuant to NRS 484C.210.*** The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

5. ***As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.***

Sec. 5. NRS 484C.230 is hereby amended to read as follows:

484C.230 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted as soon as is practicable at any location, if the hearing officer permits each party and witness to attend the hearing by telephone, videoconference or other electronic means. The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a

reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review. ***A person who is issued a temporary license is not subject to and is exempt from the requirement to install a device pursuant to NRS 484C.210.***

2. The scope of the hearing must be limited to the issue of whether the person:

(a) Failed to submit to a required test provided for in NRS 484C.150 or 484C.160; or

(b) At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140.

➤ Upon an affirmative finding on either issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. ***If, after the hearing, the order of revocation is affirmed, the person whose license, permit or privilege to drive has been revoked shall, if not previously installed, install a device pursuant to NRS 484C.210.***

4. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review. ***A person who is issued a temporary license is not subject to and is exempt from the requirement to install a device pursuant to NRS 484C.210.***

~~[4.]~~ 5. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

6. ***As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.***

Sec. 5.5. NRS 484C.450 is hereby amended to read as follows:

484C.450 As used in NRS 484C.450 to 484C.480, inclusive, ***and section 2.5 of this act***, unless the context otherwise requires, "device" means a mechanism that:

1. Tests a person's breath to determine the concentration of alcohol in his or her breath; and

2. If the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his or her breath, prevents the motor vehicle in which it is installed from starting.

Sec. 6. NRS 484C.460 is hereby amended to read as follows:

484C.460 1. Except as otherwise provided in subsections 2 and 5, a court ~~[-~~

~~—(a) May]~~ **shall** order a person convicted of ~~[a]~~ :

(a) A violation of NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of less than 0.18 in his or her blood or breath, ~~[for a period of not less than 3 months nor more than 6 months,]~~ to install , at his or her own expense **and for a period of not less than 185 days**, a device in any motor vehicle which the person ~~[owns or]~~ operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

(b) ~~[Shall order a person convicted of:~~

~~—(1)]~~ A violation of :

(1) NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of 0.18 or more in his or her blood or breath;

(2) ~~[A violation of]~~ NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410; or

(3) ~~[A violation of]~~ NRS 484C.130 or 484C.430,
 ↪ ~~[for a period of not less than 12 months nor more than 36 months,]~~ to install , at his or her own expense **and for a period of not less than 12 months or more than 36 months**, a device in any motor vehicle which the person ~~[owns or]~~ operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

2. A court may , in the interests of justice, provide for an exception to the provisions of ~~[subparagraph (1) of paragraph (b) of]~~ subsection 1 for a person who is convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, to avoid undue hardship to the person if the court determines ~~[, and makes written findings of fact]~~ that:

(a) Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship; [and]

(b) The person requires the use of the motor vehicle to:

(1) Travel to and from work or in the course and scope of his or her employment; or

(2) Obtain medicine, food or other necessities or to obtain health care services for the person or another member of the person's immediate family .
~~[or~~

~~—(3) Transport the person or another member of the person's immediate family to or from school.]~~

(c) The person is unable to provide a deep lung breath sample for a device, as certified in writing by a physician of the person;

~~[(b)] or~~

(d) The person resides more than 100 miles from a manufacturer of a device or its agent. ~~[(c)]~~

~~[(e) Requiring the person to install a device pursuant to subsection 1 would not serve the interests of justice.]~~

3. If the court orders a person to install a device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that a device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted as a restriction on the person's driver's license.

(b) The person who is required to install the device shall provide proof of compliance to the Department before the person may receive a restricted license or before the driving privilege of the person may be reinstated, as applicable. Each model of a device installed pursuant to this section must have been certified by the Committee on Testing for Intoxication.

4. A person whose driving privilege is restricted pursuant to this section ~~or NRS 483.490~~ shall ~~[(c)]~~

~~[(a) If the person was ordered to install a device pursuant to paragraph (a) of subsection 1,]~~ have the device inspected, **calibrated, monitored and maintained** by the manufacturer of the device or its agent ~~[(at least one time during the period in which the person is required to use the device; or~~

~~[(b) If the person was ordered to install a device pursuant to paragraph (b) of subsection 1, have the device inspected by the manufacturer of the device or its agent]~~ at least one time each 90 days ~~[(c)]~~

~~[(c)]~~ **during the period in which the person is required to use the device** to determine whether the device is operating properly. ~~[(a)]~~ **Any** inspection, **calibration, monitoring or maintenance** required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484C.480. The manufacturer or its agent shall submit a report to the Director ~~[(court)]~~ indicating whether the device is operating properly, **whether any of the incidents listed in subsection 1 of NRS 484C.470 have occurred** and whether ~~[(it)]~~ **the device** has been tampered with. If the device has been tampered with, the Director shall notify the court that ordered the installation of the device. Upon receipt of such notification and before the court imposes a penalty pursuant to subsection 3 of NRS 484C.470, the court shall afford any interested party an opportunity for a hearing after reasonable notice.

5. If a person is required to operate a motor vehicle in the course and scope of his or her employment and the motor vehicle is owned by the person's employer, the person may operate that vehicle without the installation of a device, if:

(a) The employee notifies his or her employer that the employee's driving privilege has been so restricted; and

(b) The employee has proof of that notification in his or her possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

↪ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have a device installed pursuant to this section commences when the Department issues a restricted license to the person or reinstates the driving privilege of the person and is tolled whenever and for as long as the person is, with regard to a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation.

Sec. 7. NRS 484C.470 is hereby amended to read as follows:

484C.470 1. *The court may extend the order of a person who is required to install a device pursuant to NRS 484C.210 or 484C.460, not to exceed one-half of the period during which the person is required to have a device installed, if the court receives from the ~~manufacturer of a device, or its agent,~~ Director of the Department of Public Safety a report that 4 consecutive months prior to the date of release any of the following incidents occurred:*

(a) Any attempt by the person to start the vehicle with a concentration of alcohol of 0.04 or more in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure of the person to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the person at the time of the missed test;

(c) Failure of the person to pass any random retest with a concentration of alcohol of 0.025 or lower in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.025, and the digital image confirms the same person provided both samples;

(d) Failure of the person to have the device inspected, calibrated, monitored and maintained by the manufacturer or its agent pursuant to subsection 4 of NRS 484C.460; or

(e) Any attempt by the person to operate a motor vehicle without a device or tamper with the device.

2. A person required to install a device pursuant to NRS 484C.210 or 484C.460 shall not operate a motor vehicle without a device or tamper with the device.

~~{2-}~~ 3. A person who violates any provision of subsection ~~{4-}~~ 2:

(a) Must have his or her driving privilege revoked in the manner set forth in subsection 4 of NRS 483.460; and

(b) Shall be:

(1) Punished by imprisonment in jail for not less than 30 days nor more than 6 months; or

(2) Sentenced to a term of not less than 60 days in residential confinement nor more than 6 months, and by a fine of not less than \$500 nor more than \$1,000.

➔ No person who is punished pursuant to this section may be granted probation, and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless, in the judgment of the attorney, the charge is not supported by probable cause or cannot be proved at trial.

Sec. 8. NRS 484C.480 is hereby amended to read as follows:

484C.480 1. The Committee on Testing for Intoxication shall ~~for or before January 1, 1990,~~ adopt regulations which:

(a) Provide for the certification of each model of those devices, described by manufacturer and model, which it approves as designed and manufactured to be accurate and reliable to test a person's breath to determine the concentration of alcohol in the person's breath and, if the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his or her breath, prevent the motor vehicle in which it is installed from starting.

(b) Prescribe the form and content of records respecting the calibration of devices, which must be kept by the ~~{Director}~~ *manufacturer of the device* or ~~{the}~~ *its* agent, ~~{of the Director,}~~ and other records respecting the *installation, removal, inspection,* maintenance and operation of the devices which it finds should be kept by the ~~{Director}~~ *manufacturer* or ~~{the}~~ *its* agent.

(c) *Prescribe standards and procedures for the proper installation, removal, inspection, calibration, maintenance and operation of a device installed by the manufacturer or its agent.*

(d) *Require the manufacturer or its agent to waive the cost of installing or removing the device and adjust the fee to lease, calibrate or monitor the device, if the person required to install a device pursuant to NRS 484C.210 or 484C.460 : ~~{has an income which is at or below}~~*

(1) ~~{One hundred}~~ *Has an income which is at or below 100 percent of the federally designated level signifying poverty, to 50 percent of the fee; or*

(2) ~~{One hundred and forty nine}~~ *Receives supplemental nutritional assistance pursuant to NRS 422A.072, was determined indigent pursuant to NRS 171.188 or has an income which is at or below 149 percent of the federally designated level signifying poverty, to 75 percent of the fee.*

2. The Committee shall establish its own standards and procedures for evaluating the models of the devices and obtain evaluations of those models from the Director or *the manufacturer of the device or its* the agent.

3. If a model of a device has been certified by the Committee to be accurate and reliable pursuant to subsection 1, it is presumed that, as designed and manufactured, each device of that model is accurate and

reliable to test a person's breath to determine the concentration of alcohol in the person's breath and, if the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his or her breath, will prevent the motor vehicle in which it is installed from starting.

Sec. 9. NRS 62E.640 is hereby amended to read as follows:

62E.640 1. If a child is adjudicated delinquent for an unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, the juvenile court shall, if the child possesses a driver's license:

(a) Issue an order revoking the driver's license of the child for ~~[90]~~ **185** days and requiring the child to surrender the driver's license of the child to the juvenile court; and

(b) Not later than 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order and the driver's license of the child.

2. The Department of Motor Vehicles shall order the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement of the driver's license of the child.

3. If the child is adjudicated delinquent for a subsequent unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, the juvenile court shall order an additional period of revocation to apply consecutively with the previous order.

4. The juvenile court may ~~[authorize]~~ :

(a) *Authorize* the Department of Motor Vehicles to issue a restricted driver's license pursuant to NRS 483.490 to a child whose driver's license is revoked pursuant to this section ~~[;]~~ **and**

(b) *Order the child to install, at his or her own expense, or at the expense of the parent or guardian of the child, a device in any motor vehicle the child operates as a condition to obtaining a restricted license pursuant to NRS 483.490.*

5. *As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.*

Sec. 10. This act becomes effective:

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

2. On October 1, 2018, for all other purposes.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 283.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 690.

AN ACT relating to special license plates; providing for the issuance of special license plates indicating support for the Vegas Golden Knights hockey team; exempting the special license plates from certain provisions otherwise applicable to special license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Department of Motor Vehicles to design, prepare and issue special license plates indicating support for the Vegas Golden Knights, a franchise of the National Hockey League. A person wishing to obtain the special license plates must pay to the Department a fee for initial issuance of \$35 and a fee for renewal of \$10, along with all applicable registration and license fees and governmental services taxes. A person wishing to obtain the special license plates may also request that the plates be combined with personalized prestige plates if the person pays the additional fees for the personalized prestige plates.

Under existing law, certain special license plates: (1) must be approved by the Department, based on a recommendation from the Commission on Special License Plates; (2) are subject to a limitation on the number of separate designs of special license plates which the Department may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain number of applications for the plates are received. (NRS 482.367004, 482.367008, 482.36705) **Sections 5-7** of this bill exempt the special license plates indicating support for the Vegas Golden Knights from each of the preceding requirements. **Sections 2-4 and ~~8-9~~ 8-9.5** of this bill make conforming changes.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department, in cooperation with the Vegas Golden Knights, shall design, prepare and issue license plates that indicate support for the Vegas Golden Knights using any colors and designs which the Department deems appropriate.

2. The Department shall issue license plates that indicate support for the Vegas Golden Knights for a passenger car or 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 support for the Vegas Golden Knights ~~if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate support for the Vegas Golden Knights pursuant to subsection 3.~~

3. ~~{Except as otherwise provided in this subsection, no}~~ The fee for license plates that indicate support for the Vegas Golden Knights is \$35, in addition to ~~the~~ all other applicable registration and license fees and governmental services taxes . ~~{may be charged for the issuance or renewal of a set of license plates pursuant to this section. If any special license plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement}~~ The license plates ~~from~~ are renewable upon the payment of \$10. ~~{the Department for a fee of \$5.}~~

4. The provisions of NRS 482.36705 do not apply to license plates described in this section.

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 shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section ~~and~~ if the holder pays the fee for the transfer of the registration and any registration fee or governmental service taxes due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. The Department may accept any gifts, grants and donations or other sources of money for the production and issuance of the special license plates pursuant to this section. All money received pursuant to this subsection must be deposited in the Revolving Account for the Issuance of Special License Plates created by NRS 482.1805.

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Except as otherwise provided in NRS 482.2155, upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 5; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

- (a) Charge any additional fee for the performance of those services;
 - (b) Receive compensation from the Department for the performance of those services;
 - (c) Accept applications for the renewal of registration of a motor vehicle;
- or
- (d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~to~~, **and section 1 of this act**; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The provisions of this section do not apply to the registration of a moped pursuant to NRS 482.2155.

5. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

- (a) The expedient and secure issuance of license plates and decals by the Department; and
- (b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 3. NRS 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and an identical designation which consists of the same group of three numerals followed by the same group of three letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~to~~, **and section 1 of this act**. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than \$15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 4. NRS 482.274 is hereby amended to read as follows:

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive ~~[]~~, **and section 1 of this act.**

Sec. 5. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates. The Commission is advisory to the Department and consists of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall recommend to the Department that the Department approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

↪ In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. For the purpose of making recommendations to the Department, the Commission shall consider each application in the chronological order in which the application was received by the Department.

6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.

7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3751,

482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901 ~~to~~ **or section 1 of this act.**

8. The Commission shall:

(a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, “additional fees” means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 6. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, “special license plate” means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947; and

(c) Except for a license plate that is issued pursuant to NRS 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901, **or section 1 of this act**, a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been recommended by the Commission on Special License Plates to be approved by the Department pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Commission on Special License Plates must have recommended to the Department that the Department approve the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of \$20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

↪ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

↪ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue

that particular design of special license plate. Except as otherwise provided in subsection 2 of NRS 482.265, such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 7. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates recommends to the Department that the Department approve the application for the authorized plate pursuant to NRS 482.367004.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901 ~~[-]~~ **or section 1 of this act.**

Sec. 8. NRS 482.38276 is hereby amended to read as follows:

482.38276 “Special license plate” means:

1. A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

2. A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947; and

3. Except for a license plate that is issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901, **or section 1 of this act**, a license plate that is approved by the Legislature after July 1, 2005.

Sec. 9. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in NRS 482.2155 and subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, *and section 1 of this act*, or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040, NRS 482.2155, subsections 7 and 8 of NRS 482.260 and subsection 3 of NRS 482.483, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall:

(a) In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis; or

(b) If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds \$100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term “extenuating circumstances” means circumstances wherein:

(a) The person has recently relinquished his or her driver’s license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an “extenuating circumstance” for the purposes of this subsection.

Sec. 9.5. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of

registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name50
For every other indicator, decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, **and section 1 of this act** or 482.379 to 482.3818, inclusive, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

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

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 320.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 768.

AN ACT relating to motor vehicles; setting forth certain conditions relating to the towing of a motor vehicle from a residential complex; authorizing the immobilization of a vehicle under certain circumstances in certain parking structures; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain conditions on the towing of a motor vehicle which is requested by a person other than the owner of the vehicle, an agent

of the owner or a law enforcement officer. Those conditions require that: (1) the person requesting the tow must be the owner of the real property from which the vehicle is being towed, or an authorized agent of the owner of the real property; (2) the person requesting the tow must sign a specific request for the towing; (3) the area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements; (4) notice must be given to the appropriate law enforcement agency pursuant to state or local requirements; and (5) the operator of the tow car may be directed to terminate the towing by a law enforcement officer. (NRS 706.4477) **Section 1** of this bill sets forth certain additional conditions if the real property from which the vehicle is to be towed is a residential complex. Those conditions state that the owner of the real property, or an authorized agent of the owner: (1) may only have a vehicle towed for a parking violation, for an issue related to the health ~~and~~ safety or welfare of the residents of the complex or because the vehicle is unregistered or the registration on the vehicle ~~has been~~ is expired; ~~for not less than 60 days;~~ and (2) may not have a vehicle towed until 48 hours after affixing a notice to the vehicle which explains when the vehicle is to be towed, unless the tow is requested for an issue relating to the health ~~and~~ safety or welfare of the residents of the residential complex. Existing law makes a violation of any of these provisions a misdemeanor. (NRS 706.756)

Existing law imposes certain requirements on the owner of a property who wishes to have a vehicle towed from the property, including a requirement that relevant parking restrictions be displayed in plain view and that local law enforcement be notified of any such towing. (NRS 487.038) **Section 4** of this bill newly authorizes the owner of a multilevel parking garage or multilevel parking structure that is operated by or for a resort hotel with a nonrestricted gaming license to immobilize vehicles which are parked in an unauthorized manner. The requirement for the displaying of parking restrictions remains. The cost of having the boot, clamp or device removed must also be displayed and must not exceed \$100. **Section 3** of this bill makes a conforming change to existing provisions which makes it unlawful to temporarily prevent the useful operation of a vehicle. (NRS 205.274) **Section 5** of this bill makes a conforming change to existing law concerning the process by which a person who believes that his or her vehicle was illegally towed may file a civil action against the person who had the vehicle towed. (NRS 487.039)

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

Section 1. NRS 706.4477 is hereby amended to read as follows:

706.4477 1. If towing is requested by a person other than the owner, or an agent of the owner, of the motor vehicle or a law enforcement officer:

(a) The person requesting the towing must be the owner of the real property from which the vehicle is towed or an authorized agent of the owner of the real property and must sign a specific request for the towing. For the

purposes of this section, the operator is not an authorized agent of the owner of the real property.

(b) The area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements.

(c) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(d) The operator may be directed to terminate the towing by a law enforcement officer.

2. *If, pursuant to subsection 1, the owner of the real property or authorized agent of the owner of the real property requests that a vehicle be towed from a residential complex at which the vehicle is located, the owner of the real property or authorized agent of the owner:*

(a) *Must:*

(1) *Meet the requirements of subsection 1.*

(2) *If the vehicle is being towed pursuant to subparagraph (1), (2) or (3) of paragraph (b), notify the owner or operator of the vehicle of the tow not less than 48 hours before the tow by affixing to the vehicle a sticker which provides the date and time ~~at~~ after which the vehicle will be towed.*

(b) *May only have a vehicle towed:*

(1) *Because of a parking violation;*

(2) *If the vehicle is not registered pursuant to chapter 482 or 706 of NRS or in any other state;*

(3) *If the registration of the vehicle ~~has~~:*

(I) *Has been expired for not less than 60 days ~~if~~, if the vehicle is owned or operated by a resident of the residential complex or does not meet the requirements of sub-subparagraph (II); or*

(II) *Is expired, if the owner of real property or authorized agent of the owner verifies that the vehicle is not owned or operated by a resident of the residential complex; or*

(4) ~~*For any issue that is related to the health and safety of the residents of the residential complex that requires the removal of*~~ *If the vehicle ~~from the residential complex, including, without limitation, a vehicle that~~ is:*

~~*(I) Blocking ~~egress or ingress to the residential complex;~~*~~

~~*(II) Blocking access to a fire hydrant ~~if~~*~~

~~*(III) Preventing the movement of another vehicle; or*~~

~~*(IV) Emitting toxic substances.*~~ *, fire lane or parking space designated for the handicapped; or*

(II) Posing an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residents of the residential complex.

3. If towing is requested by a county or city pursuant to NRS 244.3605 or 268.4122, as applicable:

(a) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(b) The operator may be directed to terminate the towing by a law enforcement officer.

~~{3-}~~ **4.** The registered owner of a motor vehicle towed pursuant to the provisions of subsection 1 ~~{or 2-}~~, **2 or 3:**

(a) Is presumed to have left the motor vehicle on the real property from which the vehicle is towed; and

(b) Is responsible for the cost of removal and storage of the motor vehicle.

~~{4-}~~ **5.** The registered owner may rebut the presumption in subsection ~~{3}~~ **4** by showing that:

(a) The registered owner transferred the registered owner's interest in the motor vehicle:

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive; or

(2) As indicated by a bill of sale for the vehicle that is signed by the registered owner; or

(b) The vehicle is stolen, if the registered owner submits evidence that, before the discovery of the vehicle, the registered owner filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.

6. As used in this section:

(a) ***"Parking violation" means a violation of any:***

(1) *State or local law or ordinance governing parking; or*

(2) *Parking rule promulgated by the owner or manager of the residential complex that applies to vehicles on the property of the residential complex.*

(b) ***"Residential complex" means a group of apartments, condominiums or townhomes intended for use as residential units and for which a common parking area is provided, regardless of whether each resident or unit has been assigned a specific parking space in the common parking area.***

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 205.274 is hereby amended to read as follows:

205.274 1. ~~{Any}~~ ***Except as otherwise provided in section 4 of this act,*** any person who shall individually or in association with one or more other persons willfully break, injure, tamper with or remove any part or parts of any vehicle for the purpose of injuring, defacing or destroying such vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, or who shall in any manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, shall be guilty of a public offense proportionate to the value of the loss resulting therefrom.

2. Any person who shall without the consent of the owner or person in charge of a vehicle climb into or upon such vehicle with the intent to commit any crime, malicious mischief, or injury thereto, or who while a vehicle is at rest and unattended shall attempt to manipulate any of the levers, starting

crank or other starting device, brakes or other mechanism thereof, or to set such vehicle in motion, shall be guilty of a misdemeanor; but the foregoing provisions shall not apply when any such act is done in an emergency in furtherance of public safety or convenience or by or under the direction of an officer in the regulation of traffic or performance of any other official duty.

Sec. 4. Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, the owner or person in lawful possession of a multilevel parking garage or other parking structure that is operated by or for the owner or operator of a resort hotel with a nonrestricted license may, after giving notice pursuant to subsection 2, immobilize a vehicle parked in an unauthorized manner in the garage or structure by means of a boot, wheel clamp or other mechanical device which prevents the movement of the vehicle until the boot, clamp or other device is removed if a sign is displayed in plain view on each level of the parking garage or parking structure which:

(a) Declares public parking to be prohibited or restricted in a certain manner and setting forth the provisions of NRS 487.039;

(b) Shows the telephone number of the police department or sheriff's office; and

(c) Provides the procedures that must be followed and the total amount of the charges to remove the boot, clamp or other mechanical device.

2. The total amount of the charges to remove the boot, clamp or other mechanical device must not exceed \$100.

3. Any vehicle which is parked in a space designated for persons with disabilities must not be immobilized pursuant to this section but may instead be towed.

4. Except as otherwise provided in NRS 487.039, the total amount of all charges incurred under the provisions of this section for the removal of a boot, wheel clamp or other mechanical device which prevents the movement of the vehicle must be borne by the owner of the vehicle, as that term is defined in NRS 484A.150.

5. The provisions of this section do not limit or affect any rights or remedies which the owner or person in lawful possession of a multilevel parking garage or parking structure as provided in subsection 1 may have by virtue of other provisions of the law authorizing the removal or immobilization of a vehicle parked in the garage or structure.

6. As used in this section:

(a) "Nonrestricted license" has the meaning ascribed to it in NRS 463.0177; and

(b) "Resort hotel" has the meaning ascribed to it in NRS 463.01865.

Sec. 5. NRS 487.039 is hereby amended to read as follows:

487.039 1. If a vehicle is towed pursuant to NRS 487.037 or 487.038 *or immobilized pursuant to section 4 of this act* and the owner of the vehicle believes that the vehicle was unlawfully towed ~~[-] or immobilized~~, the owner

of the vehicle may file a civil action pursuant to paragraph (b) of subsection 1 of NRS 4.370 in the justice court of the township where the property from which the vehicle was towed *or on which the vehicle was immobilized* is located, on a form provided by the court, to determine whether the towing *or immobilizing* of the vehicle was lawful.

2. An action *relating to a vehicle that was towed* may be filed pursuant to this section only if the cost of towing and storing the vehicle does not exceed \$15,000.

3. Upon the filing of a civil action pursuant to subsection 1, the court shall schedule a date for a hearing. The hearing must be held not later than 4 working days after the action is filed. The court shall affix the date of the hearing to the form and order a copy served by the sheriff, constable or other process server upon the owner or person in lawful possession of the property who authorized the towing *or immobilization* of the vehicle.

4. The court shall ~~[-]~~

~~—(a) If~~, *if* it determines that the vehicle was:

~~{(1)}~~ (a) Lawfully towed, order the owner of the vehicle to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner upon payment of that cost; ~~or~~

~~{(2)}~~ (b) Unlawfully towed, order the owner or person in lawful possession of the property who authorized the towing to pay the cost of towing and storing the vehicle, ~~and~~ order the person who is storing the vehicle to release the vehicle to the owner immediately ~~[-]~~ ~~and~~

~~—(b) Determine~~ *and determine* the actual cost incurred in towing and storing the vehicle ~~[-]~~;

(c) *Lawfully immobilized, order the owner of the vehicle to pay the cost of removing from the vehicle the boot, wheel clamp or other mechanical device used to immobilize the vehicle and order the person who immobilized the vehicle to remove the boot, clamp or device upon payment of that cost; or*

(d) *Unlawfully immobilized, order the owner or person in lawful possession of the property who authorized the immobilizing to pay the cost of removing the boot, clamp or device and order the person who immobilized the vehicle to remove the boot, clamp or device from the vehicle immediately.*

5. The operator of any facility or other location where vehicles which are towed are stored shall display conspicuously at that facility or location a sign which sets forth the provisions of this section.

Sec. 6. This act becomes effective on July 1, 2017.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 350.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 828.

AN ACT relating to trade regulations; prohibiting certain persons from installing, requiring to be installed or using certain technology devices in a motor vehicle in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (NRS 11.190, 41.600; chapter 598 of NRS) **Section 28** of this bill prohibits certain creditors or long-term lessors of certain motor vehicles from: (1) installing or requiring the installation of certain technology devices which record the location of a motor vehicle unless the consumer who has purchased or leased the motor vehicle is given written notice or agrees in writing to such installation; or (2) installing or using certain technology devices which can remotely disable a motor vehicle in the event of a default unless the consumer agrees in writing to such installation and use. **Section 28** also provides certain requirements for and restrictions on the use of such technology devices. **Section 29** of this bill imposes certain requirements and restrictions on certain persons who: (1) manufacture or provide such technology devices; (2) install such technology devices; or (3) possess or obtain data from such technology devices. **Section 29.5 of this bill provides that such technology devices generally are the responsibility of a creditor or long-term lessor or, if applicable, any successor in interest or another secured party, and specifies that such responsibility includes paying for certain costs associated with, and any damage to a motor vehicle that is caused by, the use of such technology devices.** **Section 30** of this bill makes any violation of the provisions of **sections 28 and 29** a deceptive trade practice. **Sections 15-27** of this bill provide definitions for the provisions relating to the new deceptive trade practices established in **sections 28 and 29**. **Section 31** of this bill makes a conforming change. **Section 32** of this bill makes a conforming change to a provision of existing law that imposes certain requirements on retail installment contracts. (NRS 97.165)

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 30, inclusive, of this act.

Sec. 16. *As used in sections 16 to 30, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 17 to 27, inclusive, of this act have the meanings ascribed in those sections.*

Sec. 17. *“Consumer” means:*

1. *A retail buyer who purchases a motor vehicle; or*

2. *A long-term lessee who leases a motor vehicle,*

↪ primarily for personal, family or household use.

Sec. 18. *“Creditor” means a lender, dealer or other secured party to a transaction for the purchase of a motor vehicle or the assignee of such a lender, dealer or other secured party.*

Sec. 19. *“Dealer” has the meaning ascribed to it in NRS 482.020.*

Sec. 19.5. *“Device” means all physical parts and pieces which are required to allow for the operation of electronic tracking technology or starter interruption technology in a motor vehicle.*

Sec. 20. *“Electronic tracking technology” means technology that enables the use of a global positioning satellite or similar technology to obtain or record the location of a motor vehicle.*

Sec. 21. *“Lease” has the meaning ascribed to it in NRS 482.053.*

Sec. 22. *“Long-term lessee” has the meaning ascribed to it in NRS 482.053.*

Sec. 23. *“Long-term lessor” has the meaning ascribed to it in NRS 482.053.*

Sec. 24. *“Retail buyer” has the meaning ascribed to it in NRS 97.085.*

Sec. 25. *“Retail installment contract” has the meaning ascribed to it in NRS 97.105.*

Sec. 26. *“Secured party” has the meaning ascribed to it in NRS 104.9102.*

Sec. 27. *“Starter interruption technology” means technology which can be used to remotely disable the starter of a motor vehicle or to remotely cause an audible sound in a motor vehicle, or both.*

Sec. 28. 1. *A creditor, in connection with a retail installment contract for the sale of a motor vehicle, or a long-term lessor, in connection with a lease of a motor vehicle, must not use, install or require to be installed in*

the motor vehicle any electronic tracking technology for the purpose of ascertaining or recording the location of the motor vehicle unless the:

(a) Consumer agrees in writing to the installation of the electronic tracking technology in the motor vehicle, provided that the agreement is optional and not a required condition of the retail installment contract or lease; or

(b) Creditor or long-term lessor provides to the consumer, before the signing of the retail installment contract or lease, written notification in a document that is separate from the contract or lease and may be retained by the consumer, that the motor vehicle is equipped with electronic tracking technology that may be used by the creditor or lessor:

(1) To verify and maintain the operational status of the electronic tracking technology;

(2) To service the contract or lease; or

(3) To locate the vehicle for repossession as provided by this section or by any other provision of law.

2. A creditor, in connection with a retail installment contract for the sale of a motor vehicle, or a long-term lessor, in connection with a lease of a motor vehicle, must not install in the motor vehicle or use starter interruption technology unless, before the signing of the contract or lease the consumer and the creditor or long-term lessor enter into a written agreement, in a document that is separate from the contract or lease, a copy of which may be retained by the consumer and for which the consumer must provide written acknowledgment of receipt, that the motor vehicle is equipped with starter interruption technology. The agreement must provide that:

(a) The vehicle is equipped with starter interruption technology which may only be used as provided in this subsection.

(b) The starter interruption technology may be used to disable the starter of the motor vehicle remotely if the consumer is in default as provided in the retail installment contract or lease, but in no case sooner than 30 days after the due date of a missed payment by the consumer on the contract or lease.

(c) The use of starter interruption technology to disable the starter of the motor vehicle constitutes constructive repossession for the purposes of applicable law, including, without limitation, chapters 97, 104 and 104A of NRS.

(d) For the purposes of reducing or eliminating the risk of potential injury or harm to the consumer and the health, safety and welfare of the public, starter interruption technology must be designed, installed and operated only to prevent a motor vehicle from being started and must not be used in a way that will:

(1) Disable the motor vehicle while it is being operated;

(2) Turn off the engine when the engine is running; or

(3) *Cause an audible warning sound which lasts longer than 20 continuous seconds when the engine is started or turned off.*

(e) *Not less than 48 hours before the starter interruption technology is engaged, the consumer must be provided with actual notice, in a ~~form~~ and manner clearly stated in the agreement and which may consist of, without limitation, a clear visual signal displayed in a place ~~easily~~ that is visible to the driver of the motor vehicle.*

(f) *The consumer will be provided with the name, address and toll-free telephone number of a person who has the authority to have the starter interruption technology activated, deactivated or reinstated, as necessary.*

(g) *~~The~~ If the starter interruption technology is engaged, the consumer will be provided with the ability, in the event of an emergency, to start and freely operate the vehicle not less than two times ~~over~~ during a payment cycle under the retail installment contract or lease, for a ~~48-hour~~ period of not less than 24 hours after each time the ~~engagement of the starter interruption technology.~~ vehicle is started.*

(h) *In the event that the retail installment contract or lease for the motor vehicle is assigned to a successor in interest or another secured party, the successor in interest or other secured party must provide the consumer with his or her name, address and toll-free telephone number in a commercially reasonable time and manner.*

(i) *The consumer must not be charged a fee or incur any cost for the installation or use of the starter interruption technology ~~if~~ unless the consumer chooses to keep an electronic tracking technology device after, as applicable:*

(1) The consumer makes all payments required pursuant to the retail installment contract; or

(2) If the consumer has the option to purchase the motor vehicle after the expiration of the lease, the consumer purchases the motor vehicle and makes all payments required pursuant to any retail installment contract.

(j) *A breach of the agreement by the creditor or long-term lessor constitutes a deceptive trade practice.*

3. *The provisions of this section:*

(a) *May not be waived by the consumer.*

(b) *Do not apply to a creditor or long-term lessor who:*

(1) *Conducts a transaction for the installment sale or long-term lease of a motor vehicle intended for use by a business entity in the course or scope of business.*

(2) *Is the manufacturer, or ~~a wholly owned~~ an affiliate under common control or ownership of the manufacturer, of the motor vehicle which is the subject of the retail installment contract or long-term lease.*

Sec. 29. 1. *A person who manufactures or provides electronic tracking technology devices or starter interruption technology devices shall:*

(a) Label each such device with the name of the manufacturer and a unique identifier that is designed to remain legible for the estimated useful life of the device.

(b) Keep records for each device for not less than the estimated useful life of the device that include, without limitation:

(1) The date of manufacture;

(2) The date of sale;

(3) The identity of the original purchaser; and

(4) If known, the identity of the person who initially installed the device.

(c) Provide to any installer of the device specific instructions on the proper installation of the device in a vehicle and retain records showing the exact instructions which were provided with each device, as identified with a unique identifier pursuant to paragraph (a).

(d) If he or she regains possession of a device and resells or provides it to another person, keep the records required pursuant to paragraphs (b) and (c).

2. A person who installs an electronic tracking technology device or a starter interruption technology device in a motor vehicle must:

(a) Hold a certification from the:

(1) Mobile Electronics Certified Professional program or its successor; or

(2) National Institute for Automotive Service Excellence or its successor.

(b) Keep records of each installation conducted for not less than 3 years. Such records must include, without limitation:

(1) The date of installation;

(2) The unique identifier on each device as required by paragraph (a) of subsection 1; and

(3) A copy of the installation instructions provided by the manufacturer or provider of the device as required by paragraph (c) of subsection 1.

(c) If the installation is at the request of or on behalf of a creditor in connection with a retail installment contract for the sale of a motor vehicle or a long-term lessor in connection with the lease of a motor vehicle, provide a copy of the records required by paragraph (b) to the creditor or lessor or a designee of the creditor or lessor.

3. A person who possesses or obtains telemetry data related to a consumer that is collected by electronic tracking technology or starter interruption technology may not:

(a) Sell any telemetry data.

(b) Provide any telemetry data to any person or entity other than:

(1) *The consumer;*

(2) *A reposessor who is authorized pursuant to section 28 of this act to repossess the motor vehicle from which the telemetry data was obtained;*
or

(3) *A person authorized by law to possess or obtain such telemetry data.*

(c) *Use any telemetry data for any purpose other than:*

(1) *As needed to ensure that the electronic tracking technology or starter interruption technology is operating properly, provided that such use is brief and periodic;*

(2) *To communicate an audible or visible warning to the consumer as authorized in section 28 of this act;*

(3) *To activate starter interruption technology as authorized in section 28 of this act;*

(4) *To locate a motor vehicle at the request of the consumer; or*

(5) *To locate the motor vehicle for repossession as authorized in section 28 of this act.*

(d) *Retain any telemetry data for a period of more than 180 days after collection of the data.*

(e) *Fail to erase all electronically stored telemetry data and shred any physical copies of such data not more than 180 days after collection of the data.*

4. *The provisions of this section do not apply to ~~the~~ :*

(a) The manufacturer, or ~~a wholly owned~~ an affiliate under common control or ownership of the manufacturer, of a motor vehicle which is equipped with electronic tracking technology or starter interruption technology or from which telemetry data is obtained ~~it~~; or

(b) An insurer, or a wholly owned affiliate of an insurer, of a motor vehicle from which telemetry data is obtained with the consent of the insured.

5. *As used in this section, unless the context otherwise requires:*

(a) ~~“Device” means all physical parts and pieces which are required to allow for the operation of electronic tracking technology or starter interruption technology in a motor vehicle.~~

~~(b)~~ “Reposessor” has the meaning ascribed to it in NRS 648.015.

~~(c)~~ (b) “Telemetry data” means any information collected by electronic tracking technology or starter interruption technology, regardless of whether such information is transmitted or retained in the device, and includes, without limitation, information pertaining to the location, speed and motion status of a motor vehicle.

Sec. 29.5. Except as otherwise provided in paragraph (i) of subsection 2 of section 28 of this act, any electronic tracking technology device or starter interruption technology device that is installed in a motor vehicle at the request of or on behalf of a creditor, in connection with a retail installment contract for the sale of a motor vehicle, or a long-term lessor,

in connection with the lease of a motor vehicle, is the responsibility of the creditor or long-term lessor or, if the retail installment contract or lease for the motor vehicle is assigned to a successor in interest or another secured party, the successor in interest or other secured party. Such responsibility includes, without limitation, paying the costs of any maintenance, replacement or repair of the device that is not covered by a warranty and any damage to the motor vehicle that is caused by the device. A consumer must not be required to pay any such costs relating to the use of such a device.

Sec. 30. 1. Any violation of sections 28 and 29 of this act constitute a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

2. A consumer who prevails in an action for a violation of section 28 or 29 of this act by a person who is a creditor in connection with a retail installment contract for the sale of a motor vehicle or a long-term lessor in connection with the lease of a motor vehicle, in addition to any other award or other remedy available pursuant to law, must be awarded the greater of:

(a) Statutory damages pursuant to subsection 3 of NRS 104.9625, if applicable; or

(b) \$1,000.

Sec. 31. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

↪ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, ~~for~~ 598.840 to 598.966, inclusive, **or sections 16 to 30, inclusive, of this act**, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

↪ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

↪ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 32. NRS 97.165 is hereby amended to read as follows:

97.165 1. Every retail installment contract must be contained in a single document which must contain the entire agreement of the parties, including any promissory notes or other evidences of indebtedness between the parties relating to the transaction, except as otherwise provided in NRS 97.205, ~~and~~ 97.235 ~~and~~ **and section 28 of this act**, but:

(a) If the buyer's obligation to pay the total of payments is represented by a promissory note secured by a chattel mortgage or other security agreement, the promissory note may be a separate instrument if the mortgage or security

agreement recites the amount and terms of payment of that note and the promissory note recites that it is secured by a mortgage or security agreement.

(b) In a transaction involving the repair, alteration or improvement upon or in connection with real property, the contract may be secured by a mortgage or deed of trust on the real property contained in a separate document. Retail sales transactions for home improvements which are financed or insured by the Federal Housing Administration are not subject to the provisions of this chapter.

2. The contract must be dated, signed by the retail buyer and completed as to all essential provisions, except as otherwise provided in NRS 97.205, 97.215 and 97.235. The printed or typed portion of the contract, other than instructions for completion, must be in a size equal to at least 8-point type.

3. Any fee charged to the retail buyer for his or her cancellation of a retail installment contract within 72 hours after its execution is prohibited unless notice of the fee is clearly set forth in the printed or typed portion of the contract.

Sec. 33. This act becomes effective on July 1, 2017.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblymen Carrillo, Carlton, and Spiegel.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 352.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 879.

SENATOR KIECKHEFER

JOINT SPONSORS: ASSEMBLYMEN BENITEZ-THOMPSON, KRAMER, KRASNER, NEAL, PICKARD AND SPIEGEL

AN ACT relating to taxation; authorizing the owner of a single-family residence that is replaced after a flood, fire, earthquake or other event for which the Governor has proclaimed a state of emergency or declaration of disaster to apply to the county assessor for an exemption of a portion of the assessed value of the single-family residence; revising provisions governing the calculation of the property taxes imposed on such a single-family residence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, for the purposes of determining the amount of property tax owed by the owner of a parcel of real property, the taxable value of the real property is equal to the value of the land plus the replacement cost of the improvements, depreciated at 1.5 percent for each year of adjusted actual age, up to a maximum of 50 years. (NRS 361.227) Existing law requires that for the purpose of calculating the depreciation of an improvement, the actual age of the improvement must be adjusted when additions or replacements are

made with a cumulative cost of least 10 percent of the replacement cost of the improvement. (NRS 361.229) Thus, under existing law, a new improvement which replaces an improvement that was partially or completely destroyed would lose the depreciation accrued on the partially or completely destroyed improvement. (NRS 361.229)

Section 1 of this bill sets forth the finding of the Legislature that when a single-family residence is partially or completely destroyed by a flood, fire, earthquake or other event for which the Governor proclaims a state of emergency or declaration of disaster, the resulting loss of the depreciation accrued on the partially or completely destroyed residence causes a severe economic hardship to the owner of the residence by increasing the property taxes imposed on the residence. **Section 2.3** of this bill authorizes the owner of a single-family residence that replaces a single-family residence partially or completely destroyed by a flood, fire, earthquake or other event for which the Governor ~~proclaims~~, **on or after July 1, 2012, proclaimed** a state of emergency or declaration of disaster to apply to the county assessor for an exemption of a portion of the assessed value of the single-family residence. Under **section 2.3**, the county assessor is required to grant an application for such an exemption if: (1) the single-family residence is occupied as the principal residence of the owner; (2) the single-family residence is located on the same parcel of real property as the single-family residence that was partially or completely destroyed; (3) the parcel on which the single-family residence was located has not been sold or transferred in a transaction to which the real property transfer tax applies; (4) a building permit was issued for the residence or, if the local government does not issue building permits, construction of the residence was commenced within a certain period after the partial or complete destruction of the previous residence; and (5) the floor area of the residence does not exceed 110 percent of the floor area of the residence that was partially or completely destroyed. If an exemption of a portion of the assessed value of a single family residence is granted pursuant to **section 2.3**, the amount of the exemption is equal to the difference between the assessed value of the single-family residence for which the application was granted and the assessed value that the single-family residence would have had if the single-family residence were deemed not to be a new improvement. Thus, under **section 2.3**, if an exemption is granted, the single-family residence would not lose the depreciation accrued on the partially or completely destroyed residence. Under **section 2.3**, the exemption must no longer be applied if the single-family residence granted the exemption is sold or transferred in a transaction to which the real property transfer tax applies.

The Nevada Constitution requires the Legislature to provide a specific date on which any exemption from property taxes will cease to be effective. (Nev. Const. Art. 10, § 6) To comply with this requirement, section 2.3 prohibits an application for an exemption pursuant to that section from being submitted on or after July 1, 2047. However, an

exemption granted pursuant to an application submitted before July 1, 2047, would continue to be in effect until the owner of the residence no longer qualified for the exemption.

Existing law provides for a partial abatement of taxes, which has the effect of establishing an annual cap on increases in property taxes. **Section 2.7** of this bill revises the calculation of the partial abatement for a single-family residence for which an exemption is granted pursuant to **section 2.3** so that for the initial fiscal year for which the exemption applies, the partial abatement is calculated based on the taxes imposed on the single-family residence which was partially or completely destroyed in the fiscal year in which the residence was partially or completely destroyed. **Section 2.7** also revises the formula for calculating the partial abatement for the fiscal year after the fiscal year in which a single-family residence granted an exemption pursuant to **section 2.3** is sold or transferred so that in that fiscal year, the partial abatement is calculated as if the single-family residence had never obtained an exemption pursuant to **section 2.3**.

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

Section 1. The Legislature hereby finds and declares that:

1. Subsection 1 of Section 1 of Article 10 of the Nevada Constitution requires the Legislature to provide by law for a uniform and equal rate of assessment and taxation.

2. Subsection 10 of Section 1 of Article 10 of the Nevada Constitution establishes an exception to the requirement to provide by law for a uniform and equal rate of assessment and taxation by authorizing the Legislature to provide by law for an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

3. When a flood, fire, earthquake or other event for which the Governor proclaims a state of emergency or declaration of disaster partially or completely destroys a single-family residence and the residence is rebuilt or replaced, existing provisions of law cause the new residence to be treated as a new improvement with an increased taxable value and, consequently, the owner of the property incurs a greater property tax liability.

4. An increase in the property taxes of the owner of a single-family residence who, after a natural disaster, rebuilds or replaces his or her residence constitutes a severe economic hardship on the owner of the residence.

Sec. 2. Chapter 361 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.3 and 2.7 of this act.

Sec. 2.3. 1. ~~Am~~ Except as otherwise provided in this subsection, an owner of a single-family residence that is the primary residence of the owner and is a replacement for a single-family residence partially or

completely destroyed by a flood, fire, earthquake or other event for which a state of emergency or declaration of disaster was proclaimed by the Governor pursuant to NRS 414.070 ~~[before,] on or after July 1, [2017,] 2012,~~ may apply to the county assessor for an exemption of a portion of the assessed value of the single-family residence. An owner of a single-family residence may not apply for an exemption pursuant to this section on or after July 1, 2047.

2. The county assessor shall approve an application submitted pursuant to subsection 1 and grant an exemption of a portion of the assessed value of the single-family residence specified in the application if the application is submitted before July 1, 2047, and the county assessor determines that each of the following criteria are satisfied:

(a) The single-family residence is occupied by the primary owner of the residence.

(b) The single-family residence is a replacement for a single-family residence that:

(1) Is located in an area in which occurred a flood, fire, earthquake or other event for which a state of emergency or declaration of disaster was proclaimed by the Governor pursuant to NRS 414.070 ~~[before,] on or after July 1, [2017,] 2012,~~ and was partially or completely destroyed as a direct result of the flood, fire, earthquake or other event for which the state of emergency or declaration of disaster was proclaimed; and

(2) Is located on the same parcel of real property as the single-family residence that was partially or completely destroyed.

(c) The parcel of real property on which was located the single-family residence which was partially or completely destroyed has not been sold or transferred in a transaction to which the provisions of chapter 375 of NRS apply at any time after the flood, fire, earthquake or other event occurred.

(d) Except as otherwise provided in this paragraph, a building permit for the single-family residence was issued or, if the local government in which the single-family residence is located does not issue building permits, construction on the single-family residence is commenced, not later than 3 years after the partial or complete destruction of the previous single-family residence. The county assessor may approve an extension of the 3-year period required by this paragraph for a period of not more than 3 additional years if the owner is not able to begin construction or obtain a building permit because of circumstances beyond the control of the owner that are related to the event that caused the partial or complete destruction of the single-family residence.

(e) The floor area of the single-family residence does not exceed 110 percent of the floor area of the single-family residence that was partially or completely destroyed.

3. If the county assessor approves an application submitted pursuant to subsection 1, the amount of the exemption must equal the difference between the assessed value of the single-family residence for which the

application was granted, as determined pursuant to NRS 361.225 and 361.227, and the assessed value that the single-family residence would have had if the single-family residence were deemed not to be a new improvement.

4. If, between July 1 and June 15, the county assessor approves an application submitted pursuant to subsection 1, the owner of the single-family residence is entitled to an exemption of a portion of the assessed value of the single-family residence in the amount determined pursuant to subsection 3 beginning on July 1 of the next fiscal year and the owner of the single-family residence is not entitled to a refund of any taxes paid before that date.

5. If, after June 15 but on or before June 30, the county assessor approves an application submitted pursuant to subsection 1, the owner of the single-family residence is entitled to an exemption of a portion of the assessed value of the single-family residence in the amount determined pursuant to subsection 3 beginning on July 1 of the fiscal year immediately following the next fiscal year and the owner of the single-family residence is not entitled to a refund of any taxes paid before that date.

6. If a single-family residence for which an exemption of a portion of the assessed value of the single-family residence is granted pursuant to this section is sold or transferred in a transaction to which the provisions of chapter 375 of NRS apply:

(a) The exemption of a portion of the assessed value of the single-family residence must no longer be applied to the single-family residence; and

(b) In determining the taxable value of the single-family residence for any fiscal year following the sale, the single-family residence must be considered a new improvement as of the date on which the single-family residence was completed.

7. As used in this section:

(a) "Primary residence of the owner" has the meaning ascribed to it in NRS 361.4723.

(b) "Single-family residence" has the meaning ascribed to it in NRS 361.4723.

Sec. 2.7. 1. Notwithstanding the provisions of NRS 361.4722, 361.4723 and 361.4724, if a single-family residence that is the primary residence of the owner is partially or completely destroyed by a flood, fire, earthquake or other event for which a state of emergency or declaration of disaster was proclaimed by the Governor pursuant to NRS 414.070 and if, pursuant to section 2.3 of this act, the owner of the single-family residence is granted an exemption of a portion of the assessed value of the single-family residence, then for the purpose of calculating the amount of any partial abatement to which the owner of the single-family residence is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the initial fiscal year for which the exemption applies, the amount determined for the immediately preceding fiscal year pursuant to paragraph (a) of subsection

1 of NRS 361.4722, paragraph (a) of subsection 2 of NRS 361.4722, paragraph (a) of subsection 1 of NRS 361.4723 or paragraph (a) of subsection 1 of NRS 361.4724, as applicable, must be the amount determined for the fiscal year in which the single-family residence was partially or completely destroyed.

2. Notwithstanding the provisions of NRS 361.4722, 361.4723 and 361.4724, if, pursuant to section 2.3 of this act, the owner of a single-family residence is granted an exemption of a portion of the assessed value of the single-family residence and, after the granting of the exemption, the single-family residence is sold or transferred in a transaction to which the provisions of chapter 375 of NRS apply, then for the purpose of calculating the amount of any partial abatement to which the owner of the single-family residence is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the first fiscal year immediately following the sale or transfer of the single-family residence, the owner is entitled only to a partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 or 361.4724 in an amount equal to the amount of such a partial abatement to which owner would have been entitled if the exemption were not granted and the provisions of subsection 1 were not applied.

3. As used in this section:

(a) "Primary residence of the owner" has the meaning ascribed to it in NRS 361.4723.

(b) "Single-family residence" has the meaning ascribed to it in NRS 361.4723.

Sec. 3. (Deleted by amendment.)

Sec. 3.1. NRS 361.155 is hereby amended to read as follows:

361.155 1. Except as otherwise provided in this section ~~[-]~~ **and section 2.3 of this act:**

(a) All claims for personal tax exemptions on real property, the initial claim of an organization for a tax exemption on real property and the designation of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada pursuant to NRS 361.0905 must be filed on or before June 15.

(b) An initial claim for a tax exemption on real property acquired after June 15 and before July 1 must be filed on or before July 5.

2. All exemptions provided for pursuant to this chapter apply on a fiscal year basis, and any exemption granted pursuant to this chapter must not be in an amount which gives the taxpayer a total exemption greater than that to which the taxpayer is entitled during any fiscal year.

3. Except as otherwise provided in this section, each claim for an exemption provided for pursuant to this chapter must be filed with the county assessor of:

(a) The county in which the claimant resides for personal tax exemptions;
or

(b) Each county in which property is located for the tax exemption of an organization.

4. After the initial claim for an exemption pursuant to NRS 361.088 or 361.098 to 361.150, inclusive, **and section 2.3 of this act**, an organization is not required to file annual claims if the property remains exempt. If any portion of the property loses its exemption pursuant to NRS 361.157 or for any other reason becomes taxable, the organization must notify the county assessor.

5. If an exemption is granted or renewed in error because of an incorrect claim or failure of an organization to give the notice required by subsection 4, the assessor shall assess the taxable portion of the property retroactively pursuant to NRS 361.769 and a penalty of 10 percent of the tax due for the current year and any prior years may be added.

6. If a claim for a tax exemption on real property and any required affidavit or other documentation in support of the claim is not filed within the time required by subsection 1, or if a claim for a tax exemption is denied by the county assessor, the person claiming the exemption may, on or before January 15 of the fiscal year for which the claim of exemption is made, file the claim and any required documentation in support of the claim with the county board of equalization of the county in which the claim is required to be filed pursuant to subsection 3. The county board of equalization shall review the claim of exemption and may grant or deny the claim for that fiscal year, as it determines to be appropriate. The State Board of Equalization shall establish procedures for:

(a) The review of a claim of exemption by a county board of equalization pursuant to this subsection; and

(b) The appeal to the State Board of Equalization of the denial of a claim of exemption by a county board of equalization pursuant to this subsection.

Sec. 3.3. NRS 361.471 is hereby amended to read as follows:

361.471 As used in NRS 361.471 to 361.4735, inclusive, **and section 2.7 of this act**, unless the context otherwise requires, the words and terms defined in NRS 361.47111 to 361.4721, inclusive, have the meanings ascribed to them in those sections.

Sec. 3.5. NRS 361.4722 is hereby amended to read as follows:

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4729, inclusive, **and section 2.7 of this act**, the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the

immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The greater of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;

(II) Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or

(III) Zero; or

(2) Eight percent,

↪ whichever is less.

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4729, inclusive, **and section 2.7 of this act**, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and

considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The greater of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;

(II) Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or

(III) Zero; or

(2) Eight percent,

↪ whichever is less.

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section, "remainder parcel of real property" means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

Sec. 3.7. NRS 361.4723 is hereby amended to read as follows:

361.4723 The Legislature hereby finds and declares that an increase in the tax bill of the owner of a home by more than 3 percent over the tax bill of that homeowner for the previous year constitutes a severe economic hardship within the meaning of subsection 10 of Section 1 of Article 10 of the Nevada Constitution. The Legislature therefore directs a partial abatement of taxes for such homeowners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4729, inclusive, *and section 2.7 of this act*, the owner of a single-family residence which is the primary residence of the owner is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to any property for which:

(a) No assessed valuation was separately established for the immediately preceding fiscal year; or

(b) The provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section, including, without limitation, regulations

providing a methodology for applying the partial abatement provided pursuant to subsection 1 to a parcel of real property of which only a portion qualifies as a single-family residence which is the primary residence of the owner and the remainder is used in another manner.

5. The owner of a single-family residence does not become ineligible for the partial abatement provided pursuant to subsection 1 as a result of:

(a) The operation of a home business out of a portion of that single-family residence; or

(b) The manner in which title is held by the owner if the owner occupies the residence, including, without limitation, if the owner has placed the title in a trust for purposes of estate planning.

6. For the purposes of this section:

(a) "Primary residence of the owner" means a residence which:

(1) Is designated by the owner as the primary residence of the owner in this State, exclusive of any other residence of the owner in this State; and

(2) Is not rented, leased or otherwise made available for exclusive occupancy by any person other than the owner of the residence and members of the family of the owner of the residence.

(b) "Single-family residence" means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

(c) "Unit of personal property" includes, without limitation, any:

(1) Mobile or manufactured home, whether or not the owner thereof also owns the real property upon which it is located; or

(2) Taxable unit of a condominium, common-interest community, planned unit development or similar property,

↪ if classified as personal property for the purposes of this chapter.

(d) "Unit of real property" includes, without limitation, any taxable unit of a condominium, common-interest community, planned unit development or similar property, if classified as real property for the purposes of this chapter.

Sec. 3.9. NRS 361.4724 is hereby amended to read as follows:

361.4724 The Legislature hereby finds and declares that many Nevadans who cannot afford to own their own homes would be adversely affected by large unanticipated increases in property taxes, as those tax increases are passed down to renters in the form of rent increases and therefore the benefits of a charitable exemption pursuant to subsection 8 of Section 1 of Article 10 of the Nevada Constitution should be afforded to those Nevadans through an abatement granted to the owners of residential rental dwellings who charge rent that does not exceed affordable housing standards for low-income housing. The Legislature therefore directs a partial abatement of taxes for such owners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4729, inclusive, **and section 2.7 of this act**, if the amount of rent collected from each of the tenants of a residential dwelling does not exceed the fair market rent for the county in

which the dwelling is located, as most recently published by the United States Department of Housing and Urban Development, the owner of the dwelling is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to:

(a) Any hotels, motels or other forms of transient lodging;

(b) Any property for which no assessed valuation was separately established for the immediately preceding fiscal year; and

(c) Any property for which the provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. The Legislature hereby finds that the exemption provided by this act from any ad valorem tax on property:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 5. This act becomes effective on July 1, 2017.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 452.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 689.

AN ACT relating to certificates of title; authorizing the Department of Motor Vehicles to issue a new certificate of title or a state agency to issue a salvage title for a vehicle to a person who is unable to provide a certificate of title for the vehicle and who files a bond with the Department or state agency under certain circumstances; setting forth the requirements for filing the bond; requiring the Department or state agency to return the bond under certain circumstances; abolishing certain rights of action against the Department of Motor Vehicles and any officer or employee of the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if an applicant for registration of a vehicle or transfer of registration is unable to provide a certificate of title for the vehicle, the Department of Motor Vehicles may issue to the applicant a certificate of title if the Department is satisfied that the applicant has provided information sufficient to establish: (1) legal ownership of the vehicle; or (2) that the applicant is entitled to a new certificate of title. (NRS 482.240, 482.415) Similarly, if an applicant for a salvage title for a vehicle is unable to furnish a certificate of title for the vehicle, the state agency may issue a salvage title if the state agency is satisfied, after examining the circumstances and requiring the filing of suitable information, that the applicant is entitled to a salvage title. (NRS 487.820) Existing law requires a person whose certificate of title is lost, mutilated or illegible to immediately make application for and obtain a duplicate or substitute certificate of title upon furnishing information satisfactory to the Department and payment of the required fees. (NRS 482.285)

Section 1 of this bill authorizes a person who is unable to provide information satisfactory to the Department that the person is entitled to a ~~(new)~~ certificate of title or a duplicate or substitute certificate of title for a vehicle to obtain a new certificate of title by: (1) filing a bond with the Department in an amount equal to one and one-half times the value of the

vehicle, as determined by the Department; ~~and~~ (2) allowing the Department to inspect the vehicle to verify the vehicle identification number ~~and~~ and the identification numbers, if any, for parts used to repair the vehicle; and (3) authorizing the Department to conduct a vehicle history search through relevant national crime information systems. Such a bond must be conditioned to indemnify prior and subsequent owners or lienholders of the vehicle against any expense, loss or damage because of the issuance of the certificate of title, or because of any defect in or undisclosed security interest in the applicant's right or title to the vehicle or the applicant's interest in the vehicle. The bond must be returned by the Department at the end of 3 years, unless the Department has been notified of the pendency of an action to recover on the bond. **Section 1** also abolishes any right of action against the Department for taking certain actions or failing to act in providing a certificate of title pursuant to that section. Finally, **section 1** provides that an applicant for a certificate of title pursuant to that section may participate in the Department's electronic lien system. **Section 6** of this bill sets forth the same option for filing a bond and allowing an inspection to obtain a salvage title for a vehicle, and abolishes any right of action against the Department in a manner similar to the provisions of **section 1**. **Sections 2-5** of this bill make conforming changes. Existing law authorizes the Department to adopt regulations specifying the amount of the fees which the Department will charge and collect for each certificate of title or duplicate certificate of title issued. (NRS 482.429) Existing regulations impose a fee of \$20 for each certificate of title or duplicate certificate of title issued for a vehicle present or registered in this State. (NAC 482.907)

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an applicant who is seeking a certificate of title to a vehicle from the Department pursuant to subsection 3 of NRS 482.240, subsection 2 of NRS 482.260, subsection 1 of NRS 482.285 or subsection 1 of NRS 482.415 is unable to satisfy the Department that the applicant is entitled to a ~~new~~ certificate of title ~~and~~ pursuant to those provisions, the applicant may obtain a new certificate of title from the Department by:

(a) Filing a bond with the Department that meets the requirements of subsection 3; ~~and~~

(b) Allowing the Department to inspect the vehicle to verify the vehicle identification number ~~and~~ and identification numbers, if any, on parts used to repair the vehicle; and

(c) Authorizing the Department to conduct a search of the history of the vehicle through any national crime information system, including, without limitation, the:

(1) National Crime Information Center, as defined in NRS 179A.061; and

(2) National Motor Vehicle Title Information System of the United States Department of Justice.

2. Any person damaged by the issuance of a certificate of title pursuant to this section has a right of action to recover on the bond for any breach of its conditions, except the aggregate liability of the surety to all persons must not exceed the amount of the bond. The Department shall return the bond, and any deposit accompanying it, 3 years after the bond was filed with the Department, except that the Department shall not return the bond if the Department has been notified of the pendency of an action to recover on the bond.

3. The bond required pursuant to subsection 1 must be:

- (a) In a form prescribed by the Department;
- (b) Executed by the applicant as principal and by a corporation qualified under the laws of this State as surety;
- (c) In an amount equal to one and one-half times the value of the vehicle, as determined by the Department; and
- (d) Conditioned to indemnify any:
 - (1) Prior owner or lienholder of the vehicle, and his or her successors in interest;
 - (2) Subsequent purchaser of the vehicle, and his or her successors in interest; or
 - (3) Person acquiring a security interest in the vehicle, and his or her successors in interest,

↪ against any expense, loss or damage because of the issuance of the certificate of title or because of any defect in or undisclosed security interest in the applicant's right or title to the vehicle or the applicant's interest in the vehicle.

4. A right of action does not exist in favor of any person by reason of any action or failure to act on the part of the Department or any officer or employee thereof in carrying out the provisions of this section, or in giving or failing to give any information concerning the legal ownership of a vehicle or the existence of a title obtained pursuant to this section.

5. An applicant seeking a certificate of title pursuant to this section may participate in the electronic lien system authorized in NRS 482.4285.

Sec. 2. NRS 482.240 is hereby amended to read as follows:

482.240 1. Upon the registration of a vehicle, the Department or a registered dealer shall issue a certificate of registration to the owner.

2. When an applicant for registration or transfer of registration is unable, for any reason, to submit to the Department in support of the application for registration, or transfer of registration, such documentary evidence of legal ownership as, in the opinion of the Department, is sufficient to establish the legal ownership of the vehicle concerned in the application for registration or

transfer of registration, the Department may issue to the applicant only a certificate of registration.

3. The Department may, upon proof of ownership satisfactory to it ~~it~~ **or pursuant to section 1 of this act**, issue a certificate of title before the registration of the vehicle concerned. The certificate of registration issued pursuant to this chapter is valid only during the registration period or calendar year for which it is issued, and a certificate of title is valid until cancelled by the Department upon the transfer of interest therein.

Sec. 3. NRS 482.260 is hereby amended to read as follows:

482.260 1. When registering a vehicle, the Department and its agents or a registered dealer shall:

(a) Collect the fees for license plates and registration as provided for in this chapter.

(b) Collect the governmental services tax on the vehicle, as agent for the State and for the county where the applicant intends to base the vehicle for the period of registration, unless the vehicle is deemed to have no base.

(c) Collect the applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

(d) Issue a certificate of registration.

(e) If the registration is performed by the Department, issue the regular license plate or plates.

(f) If the registration is performed by a registered dealer, provide information to the owner regarding the manner in which the regular license plate or plates will be made available to the owner.

2. Upon proof of ownership satisfactory to the Director ~~it~~ **or as otherwise provided in section 1 of this act**, the Director shall cause to be issued a certificate of title as provided in this chapter.

3. Except as otherwise provided in NRS 371.070 and subsections 6, 7 and 8, every vehicle being registered for the first time in Nevada must be taxed for the purposes of the governmental services tax for a 12-month period.

4. The Department shall deduct and withhold 2 percent of the taxes collected pursuant to paragraph (c) of subsection 1 and remit the remainder to the Department of Taxation.

5. A registered dealer shall forward all fees and taxes collected for the registration of vehicles to the Department.

6. A trailer being registered pursuant to NRS 482.2065 must be taxed for the purposes of the governmental services tax for a 3-year period.

7. A full trailer or semitrailer being registered pursuant to subsection 3 of NRS 482.483 must be taxed for the purposes of the governmental services tax in the amount of \$86. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.

8. A moped being registered pursuant to NRS 482.2155 must be taxed for the purposes of the governmental services tax for only the 12-month

period following the registration. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.

Sec. 4. NRS 482.285 is hereby amended to read as follows:

482.285 1. If any certificate of registration or certificate of title is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain a duplicate or substitute therefor upon furnishing information satisfactory to the Department and upon payment of the required fees. *An applicant who is unable to furnish information satisfactory to the Department that the applicant is entitled to a duplicate or substitute certificate of title pursuant to this subsection may obtain a new certificate of title pursuant to the provisions of section 1 of this act.*

2. If any license plate or plates or any decal is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain:

- (a) A duplicate number plate or a substitute number plate;
- (b) A substitute decal; or
- (c) A combination of both (a) and (b),

↪ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

3. If any license plate or plates or any decal is stolen, the person to whom it was issued shall immediately make application for and obtain:

- (a) A substitute number plate;
- (b) A substitute decal; or
- (c) A combination of both (a) and (b),

↪ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

4. The Department shall issue duplicate number plates or substitute number plates and, if applicable, a substitute decal, if the applicant:

- (a) Returns the mutilated or illegible plates to the Department or signs a declaration that the plates were lost, mutilated or illegible; and
- (b) Complies with the provisions of subsection 6.

5. The Department shall issue substitute number plates and, if applicable, a substitute decal, if the applicant:

- (a) Signs a declaration that the plates were stolen; and
- (b) Complies with the provisions of subsection 6.

6. Except as otherwise provided in this subsection, an applicant who desires duplicate number plates or substitute number plates must make application for renewal of registration. Except as otherwise provided in subsection 7 or 8 of NRS 482.260, credit must be allowed for the portion of the registration fee and governmental services tax attributable to the remainder of the current registration period. In lieu of making application for renewal of registration, an applicant may elect to make application solely for:

- (a) Duplicate number plates or substitute number plates, and a substitute decal, if the previous license plates were lost, mutilated or illegible; or

(b) Substitute number plates and a substitute decal, if the previous license plates were stolen.

7. An applicant who makes the election described in subsection 6 retains the current date of expiration for the registration of the applicable vehicle and is not, as a prerequisite to receiving duplicate number plates or substitute number plates or a substitute decal, required to:

(a) Submit evidence of compliance with controls over emission; or

(b) Pay the registration fee and governmental services tax attributable to a full period of registration.

Sec. 5. NRS 482.415 is hereby amended to read as follows:

482.415 1. Whenever application is made to the Department for registration of a vehicle previously registered pursuant to this chapter and the applicant is unable to present the certificate of registration or certificate of title previously issued for the vehicle because the certificate of registration or certificate of title is lost, unlawfully detained by one in possession or otherwise not available, the Department may receive the application, investigate the circumstances of the case and require the filing of affidavits or other information. When the Department is satisfied that the applicant is entitled to a new certificate of registration and certificate of title, it may register the applicant's vehicle and issue new certificates and a new license plate or plates to the person or persons entitled thereto. *An applicant who is unable to satisfy the Department that the applicant is entitled to a new certificate of title pursuant to this subsection may obtain a new certificate of title pursuant to the provisions of section 1 of this act.*

2. Whenever application is made to the Department for the registration of a motor vehicle of which the:

(a) Ownership has been transferred;

(b) Certificate of title is lost, unlawfully detained by one in possession or otherwise not available; and

(c) Model year is 9 years old or newer,

→ the transferor of the motor vehicle may, to furnish any information required by the Department to carry out the provisions of NRS 484D.330, designate the transferee of the motor vehicle as attorney-in-fact on a form for a power of attorney provided by the Department.

3. The Department shall provide the form described in subsection 2. The form must be:

(a) Produced in a manner that ensures that the form may not be easily counterfeited; and

(b) Substantially similar to the form set forth in Appendix E of Part 580 of Title 49 of the Code of Federal Regulations.

4. The Department may charge a fee not to exceed 50 cents for each form it provides.

Sec. 6. NRS 487.820 is hereby amended to read as follows:

487.820 1. Except as otherwise provided in subsection 2 of NRS 487.800, if the applicant for a salvage title is unable to furnish the certificates

of title and registration last issued for the vehicle, the state agency may accept the application, examine the circumstances of the case and require the filing of suitable affidavits or other information or documents. If satisfied that the applicant is entitled to a salvage title, the state agency may issue the salvage title.

2. No duplicate certificate of title or registration may be issued when a salvage title is applied for, and no fees are required for the affidavits of any stolen, lost or damaged certificate, or duplicates thereof, unless the vehicle is subsequently registered.

3. *If an applicant ~~who~~ is unable to satisfy the state agency that the applicant is entitled to a salvage title pursuant to subsection 1, ~~wishes to register the vehicle pursuant to the provisions of subsection 6 of NRS 487.800 and NRS 487.860,~~ the applicant may obtain a salvage title from the state agency by:*

(a) Filing a bond with the state agency that meets the requirements of subsection 5; ~~and~~

(b) Allowing the ~~(Department)~~ state agency to inspect the vehicle to verify the vehicle identification number and the identification numbers, if any, for parts used to repair the vehicle ~~for~~; and

(c) Authorizing the state agency to conduct a search through any national crime information system, including, without limitation, the:

(1) National Crime Information Center, as defined in NRS 179A.061; and

(2) National Motor Vehicle Title Information System of the United States Department of Justice.

4. Any person damaged by the issuance of the salvage title pursuant to subsection 3 has a right of action to recover on the bond for any breach of its conditions, except the aggregate liability of the surety to all persons must not exceed the amount of the bond. The state agency shall return the bond, and any deposit accompanying it, 3 years after the bond was filed with the state agency, except that the state agency must not return the bond if the state agency has been notified of the pendency of an action to recover on the bond.

5. The bond required pursuant to subsection 3 must be:

(a) In a form prescribed by the state agency;

(b) Executed by the applicant as principal and by a corporation qualified under the laws of this State as surety;

(c) In an amount equal to one and one-half times the value of the vehicle, as determined by the state agency; and

(d) Conditioned to indemnify any:

(1) Prior owner or lienholder of the vehicle, and his or her successors in interest;

(2) Subsequent purchaser of the vehicle, and his or her successors in interest; or

(3) Person acquiring a security interest in the vehicle, and his or her successors in interest,

↪ against any expense, loss or damage because of the issuance of the salvage title or because of any defect in or undisclosed security interest in the applicant's right or title to the vehicle or the applicant's interest in the vehicle.

6. A right of action does not exist in favor of any person by reason of any action or failure to act on the part of the ~~Department~~ state agency or any officer or employee thereof in carrying out the provisions of subsections 3, 4 and 5, or in giving or failing to give any information concerning the legal ownership of a vehicle or the existence of a salvage title obtained pursuant to subsection 3.

Sec. 7. This act becomes effective:

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

2. On July 1, 2018, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Joint Resolution No. 17 of the 78th Session.

Resolution read third time.

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

Amendment No. 894.

SENATE JOINT RESOLUTION NO. 17 OF THE 78TH SESSION, AS AMENDED BY THE 79TH SESSION—SENATORS ROBERSON, HARRIS, FARLEY; HARDY AND SETTELMAYER

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to expand the rights guaranteed to victims of crime by adopting a victims' bill of rights.

Legislative Counsel's Digest:

Under the Nevada Constitution, the Legislature is required to provide by law for certain rights of the victims of crimes, in particular, the right to be informed of the status of criminal proceedings concerning those crimes, the right to be present at public hearings concerning those crimes and the right to be heard at all proceedings for the sentencing or release of persons convicted of those crimes. (Nev. Const. Art. 1, § 8)

This resolution proposes to amend the Nevada Constitution to eliminate the existing provisions of Article 1, Section 8, concerning victims' rights and to add a new section that sets forth an expanded list of such rights in the form of a victims' bill of rights. The new section is modeled after the victims' bill

of rights set forth in the California Constitution as it was amended in 2008 by what is commonly referred to as Marsy's Law. (Cal. Const. Art. 1, § 28)

Under the Nevada Constitution, in order for the Legislature to submit a resolution proposing state constitutional amendments to the voters for approval and ratification: (1) the Legislature must pass the resolution for a first time; and (2) the next Legislature also must pass the same resolution, without any legislative amendments, for a second time. (Nev. Const. Art. 16, § 1; *Selzer v. Synhorst*, 113 N.W.2d 724, 733 (Iowa 1962) ("A constitutional amendment so initiated by the legislature must be passed in the same form by two successive sessions of the legislature and then approved by a vote of the people."); *State ex rel. Owen v. Donald*, 151 N.W. 331, 342 (Wis. 1915) ("At the next session of the legislature each of the two houses must agree to the precise proposal agreed to at the previous session.") If the next Legislature amends the resolution and passes it as amended, the legislative amendments start anew the process of amending the Nevada Constitution. (*Coleman v. Pross*, 246 S.E.2d 613, 620 (Va. 1978))

This resolution was initially passed by the 2015 Legislature during the 78th Session and returned for consideration by the 2017 Legislature during the 79th Session to determine whether to pass the same resolution, without any legislative amendments, for a second time. (Nev. Const. Art. 16, § 1; NRS 218D.800) However, the 2017 Legislature amended this resolution. Therefore, if the 2017 Legislature passes this resolution as amended, it also must be passed by the next Legislature and then approved and ratified by the voters in an election before the proposed amendments to the Nevada Constitution become effective.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 23, be added to Article 1 of the Nevada Constitution to read as follows:

Sec. 23. 1. Each person who is the victim of a crime is entitled to the following rights:

(a) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment and abuse, throughout the criminal or juvenile justice process.

(b) To be reasonably protected from the defendant and persons acting on behalf of the defendant.

(c) To have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the defendant.

(d) To prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim's family.

(e) To refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to which the victim consents.

(f) To reasonably confer with the prosecuting agency, upon request, regarding the case.

(g) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other postconviction release proceedings, and to be present at all such proceedings.

(h) To be reasonably heard, upon request, at any public proceeding, including any delinquency proceeding, in any court involving release or sentencing, and at any parole proceeding.

(i) To the timely disposition of the case following the arrest of the defendant.

(j) To provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.

(k) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant and the release of or the escape by the defendant from custody.

(l) To full and timely restitution.

(m) To the prompt return of legal property when no longer needed as evidence.

(n) To be informed of all postconviction proceedings, to participate and provide information to the parole authority to be considered before the parole of the offender and to be notified, upon request, of the parole or other release of the offender.

(o) To have the safety of the victim, the victim's family and the general public considered before any parole or other postjudgment release decision is made.

(p) To have all monetary payments, money and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim.

(q) To be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.

2. A victim has standing to assert the rights enumerated in this section in any court with jurisdiction over the case. The court shall promptly rule on a victim's request. A defendant does not have standing to assert the rights of his or her victim. This section does not alter the powers, duties or responsibilities of a prosecuting attorney. A victim does not have the status of a party in a criminal proceeding.

3. *Except as otherwise provided in subsection 4, no person may maintain an action against this State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of this section or any statute enacted by the Legislature pursuant thereto. No such violation authorizes setting aside a conviction.*

4. *A person may maintain an action to compel a public officer or employee to carry out any duty required by this section or any statute enacted by the Legislature pursuant thereto.*

5. *The granting of these rights to victims must not be construed to deny or disparage other rights possessed by victims. A parole authority shall extend the right to be heard at a parole hearing to any person harmed by the offender.*

6. *The Legislature shall by law provide any other measure necessary or useful to secure to victims of crime the benefit of the rights set forth in this section.*

7. *In interpreting and applying the provisions of this section, a court may balance the rights of the victim set forth in this section against the needs of society for effective, efficient and orderly judicial administration of the criminal or juvenile justice process.*

8. *As used in this section, "victim" means any person directly and proximately harmed by the commission of a criminal offense under any law of this State. If the victim is less than 18 years of age, incompetent, incapacitated or deceased, the term includes the legal guardian of the victim or a representative of the victim's estate, member of the victim's family or any other person who is appointed by the court to act on the victim's behalf, except that the court shall not appoint the defendant as such a person.*

And be it further

Resolved, That Section 8 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or Attorney General of the State, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself.

2. ~~[The Legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:~~

~~—(a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;~~

~~—(b) Present at all public hearings involving the critical stages of a criminal proceeding; and~~

~~—(c) Heard at all proceedings for the sentencing or release of a convicted person after trial.~~

~~—3. Except as otherwise provided in subsection 4, no person may maintain an action against the State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the Legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.~~

~~—4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the Legislature pursuant to subsection 2.~~

~~—5.]~~ No person shall be deprived of life, liberty, or property, without due process of law.

~~[6.]~~ 3. Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Bill No. 52.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 52 adds a new chapter to the *Nevada Revised Statutes* governing the review and permitting of dissolved mineral resource exploration projects as defined in the bill. The measure includes provisions on limits on water use, penalties, and the adoption of regulations by the Commission on Mineral Resources in coordination with the Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Roll call on Assembly Bill No. 52:

YEAS—34.

NAYS—Ellison, Kramer, Krasner, Marchant, Pickard, Tolles, Wheeler—7.

EXCUSED—Hansen.

Assembly Bill No. 52 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 354.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 354, as amended, requires the Director of the Department of Employment, Training and Rehabilitation to provide the Director of the Legislative Counsel Bureau with a quarterly report containing the unemployment rate of residents of this state for whom the Department has information by county, and for each county, the unemployment rate disaggregated by demographic factors including age, race, and gender.

The bill also requires the Governor's Workforce Investment Board to coordinate efforts to reduce the unemployment rate of a demographic group if that group's unemployment rate meets certain criteria and provide a report to the Legislative Counsel Bureau describing its efforts. The bill further requires the Governor's Office of Workforce Innovation to submit an annual report on the statewide longitudinal data system to the Legislative Counsel Bureau.

The provisions of this bill related to the statewide longitudinal data system are effective on July 1, 2017, if the Legislature enacts and the Governor approves Senate Bill 516 of this session. The remaining provisions are effective upon passage and approval for the purpose of adopting regulations and performing other necessary administrative tasks and on July 1, 2017, for all other purposes.

Roll call on Assembly Bill No. 354:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 421.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 421 requires in a county whose population is 700,000 or more, currently Clark County, a sheriff, chief of police or town marshal to arrange for—and the Department of Health and Human Services to provide for the purpose of maintaining continuity of care—coordination and oversight of certain care provided to a prisoner while in custody and after the prisoner is released from custody. In addition, Assembly Bill 421 requires each such sheriff and the Director of the Department of Health and Human Services to report to the Legislative Committee on Health Care during the interim regarding such coordination and oversight of services.

In your Committee on Corrections, Parole, and Probation, there was testimony on this bill about how there is a vicious cycle for a lot of offenders, especially down in our part of the state. They have mental health issues and cycle in and out of Southern Nevada Developmental Health, do well for a period of time, and then find themselves perhaps not taking their medications, becoming homeless, not acting the way we would expect our fellow citizens to act in society. They get arrested and end up in one of our detention centers down in Clark County or in the cities, and they need a psychiatrist who is starting from ground zero, who does not know their mental health history, does not know what worked for them in the past and what did not work.

What we are hoping to achieve with this bill is a certain continuity of care for mental health treatment and for substance abuse treatment as well. Many of the folks who are arrested and end up in our detention centers are getting treatment for substance abuse addictions and hoping they will have better outcomes and will break this cycle of being arrested, being released, homelessness, back in Southern Nevada Developmental Health. We want to try to help our constituents who are finding themselves in these predicaments. I urge your support.

Roll call on Assembly Bill No. 421:

YEAS—36.

NAYS—Ellison, Krasner, Marchant, McArthur, Wheeler—5.

EXCUSED—Hansen.

Assembly Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 3.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 3 would require the Department of Agriculture to notify a school participating in the Breakfast After the Bell Program if the school has not maintained or increased breakfast participation rates for pupils who are eligible for free or reduced-price lunches under the National School Lunch Act and removes the existing statutory requirement for the Department to notify schools if participation rates do not increase at least 10 percent annually.

Senate Bill 3 would also require schools that receive such a notification to submit a statement to the Department identifying why participation in the program decreased and a corrective action plan that addresses the reasons identified in the statement.

The bill becomes effective July 1, 2017.

Roll call on Senate Bill No. 3:

YEAS—38.

NAYS—Krasner, Marchant, McArthur—3.

EXCUSED—Hansen.

Senate Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 84.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 84 reorganizes much of Chapter 281A, Ethics in Government, of *Nevada Revised Statutes* to separate procedures relating to the handling of advisory opinions from the ethics complaint process.

Roll call on Senate Bill No. 84:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 398.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 398 recognizes blockchain technology as a type of electronic record and includes the term “blockchain” within the definition of electronic record for the purposes of the Uniform Electronic Transactions Act. The bill also prohibits a local government from imposing taxes, fees, licensing, or permitting requirements or any other requirements on the use of a blockchain.

Roll call on Senate Bill No. 398:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 399.

Bill read third time.

Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:

Senate Bill 399 authorizes state and local governmental entities to accept a tribal identification card that is issued by a tribal government for the purpose of identifying a person if the tribal identification card meets certain requirements. Further, a business that accepts a driver’s license or identification card issued by the Department of Motor Vehicles for the purpose of identifying a person is required to accept a tribal identification card for the same purpose unless the business reasonably determines that a federal statute or regulation requires a different form of identification.

Roll call on Senate Bill No. 399:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 399 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 415.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 415, in its first reprint, provides for the submission of a ballot question at the November 2018 General Election seeking approval to amend the Sales and Use Tax Act of 1955 to provide an exemption for feminine hygiene products. If the ballot question is approved by the voters, these products would be exempt from all state and local sales and use taxes between January 1, 2019, and December 30, 2028.

Roll call on Senate Bill No. 415:

YEAS—39.

NAYS—Marchant, McArthur—2.

EXCUSED—Hansen.

Senate Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 460.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 460 revises provisions governing the Local Government Employee-Management Relations Board by increasing the membership of the Board from three to five members; increasing the number of members of the Board who may belong to the same political party from two to three members; requiring that at least three members of the Board reside in southern Nevada; requiring that whenever less than five members of the Board meet, not more than two of the members may be of the same political party; allowing a quorum of three members of the Board to hold hearings; and providing that a majority vote of the entire membership is required to take certain actions.

Roll call on Senate Bill No. 460:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 516.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Senate Bill 516 creates the Office of Workforce Innovation within the Office of the Governor, which is responsible and accountable to apprenticeship in Nevada and serves as the state's registration agency. The measure establishes the duties of the Office and the Executive Director.

The bill requires the State Apprenticeship Council to serve as the regulatory body in administering the provisions governing the state apprenticeship program. The measure changes the membership, procedures, and duties of the Council. Further, appeals to the Labor Commissioner of determinations of the Council regarding violations of the terms and conditions of programs or agreements are eliminated.

Roll call on Senate Bill No. 516:

YEAS—40.

NAYS—Daly.

EXCUSED—Hansen.

Senate Bill No. 516 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Joint Resolution 1 proposes to amend the *Nevada Constitution* by expressly providing for the State Board of Pardons Commissioners. The resolution also proposes to require the Board to meet at least quarterly, allow for any member to submit matters for consideration, and provide that a majority of the members is sufficient for any action taken by the Board.

Roll call on Senate Joint Resolution No. 1:

YEAS—33.

NAYS—Paul Anderson, Ellison, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—8.

EXCUSED—Hansen.

Senate Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Joint Resolution 3 proposes to amend the *Nevada Constitution* to provide certain rights to voters. Specifically, S.J.R. 3 proposes to add to the *Constitution* a list of rights for voters, many of which are set forth in *Nevada Revised Statutes* 293.2546. The Legislature may provide by law for the implementation of certain specified rights.

If approved in identical form during the 2019 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2020 General Election.

Roll call on Senate Joint Resolution No. 3:

YEAS—38.

NAYS—Krasner, Marchant, McArthur—3.

EXCUSED—Hansen.

Senate Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 23.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 23 authorizes the Division of Parole and Probation of the Department of Public Safety to establish and operate one or more independent reporting facilities to provide parolees or probationers with counseling, health care, or employment assistance services if so ordered. The bill further authorizes the Division to contract for any services necessary to operate such independent reporting facilities and authorizes the Division to adopt any regulations necessary to establish and operate such independent reporting facilities.

Roll call on Assembly Bill No. 23:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 122.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 122, as amended, removes the existing requirement that a person must be a citizen or lawful resident of the United States in order to be eligible for compensation as a victim of crime. The bill, as amended, revises the definition of “resident” and authorizes the State Board of Examiners to award compensation to victims of crime who were domiciled and physically present in Nevada during the six weeks preceding the date of the crime.

The bill, as amended, also authorizes compensation to be paid to a victim of a crime committed in this state even if the victim is not a resident of Nevada. The bill becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 122:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 122 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 124.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 124, as amended, requires the Commission on Professional Standards in Education to prescribe by regulation the Nevada Model Code of Educator Ethics for teachers, administrators, and all other persons employed by a school district or a charter school relating to interpersonal interactions and communications with pupils.

Assembly Bill 124, as amended, also creates the 13-member Nevada Educator Code of Ethics Advisory Group and requires the group to, among other things, study codes of ethics in other states and make recommendations to the Commission regarding the adoption of codes of ethics. The Commission must develop regulations regarding the Nevada Model Code of Educator Ethics based upon the recommendations of the advisory group and the board of trustees of each school district, and the governing body of each charter school must provide training to its employees on the Nevada Model Code of Educator Ethics.

Roll call on Assembly Bill No. 124:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 124 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 159.

Bill read third time.

Remarks by Assemblymen Swank, Edwards, Titus, and Watkins.

ASSEMBLYWOMAN SWANK:

Assembly Bill 159, as amended, prohibits hydraulic fracturing in the production or recovery of oil or gas in Nevada. The bill allows any permit for a well to be hydraulically fractured issued before the effective date of this bill by the Division of Minerals to remain valid for the period issued.

ASSEMBLYMAN EDWARDS:

I rise this evening opposed to Assembly Bill 159 and also opposed to the political statement that is dressed up as serious legislation. Nevada has a long history of successful, safe, and environmentally responsible minerals extraction. We already have some of the toughest and most well-structured regulations in the country on fracking. We are leaps and bounds ahead of most of the other states. A full ban is a political rallying cry for the far left and it is seriously damaging to us here in Nevada. There is one simple and undisputable fact: Voting for this legislation today is millions of dollars being taken away from Nevada students. I oppose that, especially when it is solely for political purposes to repay election year favors.

What is more, we have been working on diversifying our economy for years and we have made significant progress. Banning an entire industry from operating in this state prevents economic diversity and growth. Killing opportunities is not the way to create jobs for our constituents. Destroying school funding resources is not the way to help the most precious resource, our children. I hope my colleagues will join me in saying no to A.B. 159 and yes for Nevada.

ASSEMBLYWOMAN TITUS:

I also rise in opposition to Assembly Bill 159. This legislation will have extremely detrimental effects on schools, particularly in our rural districts which receive funding from exploration leases to fund the Distributive School Account. That money is necessary for these schools to continue to provide a quality education to students and also to play an active role in their community. In my district many of these schools also function as community centers—a place of coming together for education, entertainment, and community togetherness. Legislation like this is one more slap in the face to rural education, and I urge my colleagues to join me in voting no.

ASSEMBLYMAN WATKINS:

I rise, obviously, in support of this measure and want to bring some facts to light. This measure would not deprive our schools of millions of dollars. It would not deprive our schools of hundreds of thousands of dollars. It would not deprive our schools of tens of thousands of dollars. The fact is that only 17,000 barrels of oil have ever been produced in the entire history of this state from fracking. That is less than a half of a percent of the entire amount of oil produced. If you extrapolate those numbers, this fiscal impact is about \$10,000. Those are the facts. I urge your support.

Roll call on Assembly Bill No. 159:

YEAS—26.

NAYS—Paul Anderson, Daly, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

EXCUSED—Hansen.

Assembly Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 280.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 280, as amended, creates a 5 percent preference to bidders who are Nevada-based businesses, which must certify that its principal place of business is in Nevada or the majority of goods provided for in a state purchasing contract are produced in Nevada.

Roll call on Assembly Bill No. 280:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 362.

Bill read third time.

Remarks by Assemblywomen Swank and Tolles.

ASSEMBLYWOMAN SWANK:

Assembly Bill 362, as amended, incorporates in state law certain provisions of federal law designed to prevent persons who have engaged in sexual misconduct with a minor from obtaining new employment. The bill requires applicants for employment with a public school and certain independent contractors to provide employment history to the prospective employer. An applicant who knowingly provides false information or willfully fails to disclose information is subject to discipline and is guilty of a misdemeanor.

ASSEMBLYWOMAN TOLLES:

The CDC [Centers for Disease Control and Prevention] reports that one in four girls and one in six boys will be sexually abused before the age of 18. It is estimated that 93 percent of the time, it is by a close family member, a family friend, a trusted coach, mentor, or teacher. This bill helps to close the communication loophole among teachers and districts and schools to ensure that we are keeping our kids safe. So for the one-in-four and the one-in-six, this is for you. I urge your support.

Roll call on Assembly Bill No. 362:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 440.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 440, as amended, authorizes a proceeding for the involuntary court-ordered admission of a person who is the defendant in a criminal proceeding in the district court to a program of community-based or outpatient services to be commenced by the district court on its own motion or by motion of the defendant or the district attorney if certain conditions are met. The bill authorizes that the Division of Public and Behavioral Health may take a clinical determination that placement in a program of community-based or outpatient services is appropriate. The bill specifies the circumstances under which the court may suspend the criminal proceedings against a defendant and order the defendant to a program of community-

based or outpatient services. If the defendant successfully completes the program, the district court is authorized to dismiss the criminal charges against the defendant with prejudice.

The act becomes effective October 1, 2017.

Roll call on Assembly Bill No. 440:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 512.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 512 extends the expiration date requiring a court-imposed \$100 fee for driving under the influence of intoxicating liquor or a controlled substance from June 30, 2017, to June 30, 2019, to continue support for specialty court programs. This bill becomes effective upon passage and approval.

Roll call on Assembly Bill No. 512:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 512 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 514.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Under existing law, a prisoner who is eligible for parole may not be released from prison until the Division of Parole and Probation of the Department of Public Safety approves the prisoner's proposed plan for placement upon release. Assembly Bill 514 authorizes the Division, if resources are available, to pay all or a portion of the cost of an indigent prisoner's transitional housing if the prisoner's proposed placement plan indicates that the prisoner will reside in transitional housing upon his or her release. The act becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 514:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 514 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 25.

Bill read third time.

Remarks by Assemblyman Marchant.

ASSEMBLYMAN MARCHANT:

Senate Bill 25 abolishes the Nevada Council for the Prevention of Domestic Violence and transfers the duties of the Council and any subcommittees of the Council to the Committee on Domestic Violence, and it revises the composition of the Committee. The bill transfers to the Committee the duty to review, under certain circumstances, the death of a victim of a crime that constitutes domestic violence and removes that duty from the Attorney General.

The bill transfers from the Attorney General to the Division of Child and Family Services, Department of Health and Human Services, the authority to issue a fictitious address to a victim or the parent or guardian of a victim of domestic violence, human trafficking, sexual assault, or stalking.

The requirement to adopt regulations and to certify programs relating to treatment of persons who commit domestic violence is transferred from the Committee to the Department's Division of Public and Behavioral Health. This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 25:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 501.

Bill read third time.

Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:

Senate Bill 501 extends the prospective expiration of the Consumer Affairs Unit within the Department of Business and Industry from June 30, 2017, to June 30, 2019.

Roll call on Senate Bill No. 501:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 512.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 512 requires the State Land Registrar to establish by regulation fees for the use of certain state lands. The bill also provides that the proceeds of certain fees related to navigable bodies of water that are in excess of \$65,000 must be accounted for separately and used to carry out programs to preserve, protect, restore, and enhance the natural environment of the Lake Tahoe Basin.

Roll call on Senate Bill No. 512:

YEAS—33.

NAYS—Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Titus, Wheeler—8.

EXCUSED—Hansen.

Senate Bill No. 512 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Senate Bill No. 514 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 232 and 357 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 232.

Bill read third time.

The following amendment was proposed by Assemblywoman Bustamante Adams:

Amendment No. 959.

AN ACT relating to domestic workers; enacting the Domestic Workers' Bill of Rights; providing for the mandatory payment of wages and , under certain circumstances, overtime wages for certain hours worked, limitations on deductions for food and lodging, rest breaks and days off; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that employees must be paid a minimum wage and must be paid overtime for certain hours. (NRS 608.018, 608.250; Nev. Const. Art. 15, § 16) **Section 6** of this bill enacts the Domestic Workers' Bill of Rights. **Section 6** defines a "domestic worker" to mean a natural person who is paid by an employer to perform work of a domestic nature and requires that an employer of a domestic worker supply the domestic worker with certain written documentation of the conditions of his or her employment and his or her rights under the law. **Section 6** also requires that a domestic worker be compensated for all hours during which he or she is required to be on duty and is required to remain in the employer's household, except under certain circumstances in which the domestic worker is employed at a residential facility for a group of certain persons who require supervision, care or other assistance. **Section 6** requires that a domestic worker who is paid less than one and one-half times the minimum hourly wage ~~and who does not reside in the employer's household~~ must be paid overtime wages ~~for~~ under certain ~~hours; however, per the Labor Commissioner, a domestic worker who resides in the employer's household is only entitled to his or her regular wages for all hours worked.~~ circumstances. **Section 6** further requires that a domestic worker be allowed at least 1 day off per week and 2 consecutive

days off at least once per month. **Section 6** also prohibits an employer from limiting or monitoring a domestic worker's private communications or taking or holding such a worker's personal documents. **Section 1** of this bill sets limits on the amount an employer may deduct from a worker's pay for lodging provided by the employer. **Section 2** of this bill revises the amounts an employer may deduct from a worker's pay for meals. Existing law provides that children under the age of 16 years employed in domestic service, farm labor or motion picture performances are exempt from limitations on working hours. (NRS 609.240) **Section 3** of this bill deletes the exemption for children employed in domestic service.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of lodging. In no case may the value of the lodging be computed at more than five times the statutory minimum hourly wage for each week that lodging is provided to the employee.

2. The monetary limitations on the value of lodging specified in subsection 1 do not apply to agricultural employees.

Sec. 1.5. NRS 608.018 is hereby amended to read as follows:

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

(a) More than 40 hours in any scheduled week of work; or

(b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

(a) ~~Employees~~ **Except as otherwise provided in paragraph (c), employees** who are not covered by the minimum wage provisions of NRS 608.250;

(b) Outside buyers;

(c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;

(d) Employees who are employed in bona fide executive, administrative or professional capacities;

(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(g) Employees of a railroad;

(h) Employees of a carrier by air;

(i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(j) Drivers of taxicabs or limousines;

(k) Agricultural employees;

(l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year;

(m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; ~~and~~

(n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply ~~to~~; and

(o) A domestic worker who resides in the household where he or she works if the domestic worker and his or her employer agree in writing to exempt the domestic worker from the requirements of subsections 1 and 2.

4. As used in this section, "domestic worker" has the meaning ascribed to it in section 6 of this act.

Sec. 2. NRS 608.155 is hereby amended to read as follows:

608.155 1. A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of meals. In no case shall the value of the meals be computed at more than ~~[\$1.50]~~ **100 percent of the statutory minimum hourly wage** per day. In no case shall the value of the meals consumed by such employee be computed or valued at more than ~~[35 cents]~~ **25 percent of the statutory minimum hourly wage** for each breakfast actually consumed, ~~[45 cents]~~ **25 percent of the statutory minimum hourly wage** for each lunch actually consumed, and ~~[70 cents]~~ **50 percent of the statutory minimum hourly wage** for each dinner actually consumed.

2. The monetary limitations on the value of meals, contained in subsection 1, do not apply to agricultural employees.

Sec. 3. NRS 609.240 is hereby amended to read as follows:

609.240 1. No child under the age of 16 years may be employed, permitted or suffered to work at any gainful occupation, other than ~~domestic service,~~ employment as a performer in the production of a motion picture or work on a farm, more than 48 hours in any 1 week, or more than 8 hours in any 1 day.

2. The presence of a child in any establishment during working hours is prima facie evidence of employment of the child therein.

Sec. 4. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. *This section and section 6 of this act may be cited as the Domestic Workers' Bill of Rights.*

Sec. 6. 1. *The Legislature hereby declares that a domestic worker must be afforded the following rights and protections:*

(a) *An employer shall provide to a domestic worker, when the domestic worker begins his or her employment, a written employment agreement outlining the conditions of his or her employment. If the domestic worker is not able to understand the provisions of the written agreement, the employer shall ensure that those provisions are explained to the domestic worker in a language that the domestic worker understands. The employment agreement must include, without limitation:*

- (1) The full name and address of the employer;*
- (2) The name of the domestic worker and a description of the duties for which he or she is being employed;*
- (3) Each place where the domestic worker is required to work;*
- (4) The date on which the employment will begin;*
- (5) The period of notice required for either party to terminate the employment or, if the employment is for a specified period, the date on which the employment will end;*
- (6) The ordinary workdays and hours of work required of the domestic worker, including any breaks;*
- (7) The rate of pay, rate and conditions of overtime pay and any other payment or benefits, including, without limitation, health insurance, workers' compensation insurance or paid leave, which the domestic worker is entitled to receive;*
- (8) The frequency and method of pay;*
- (9) Any deductions to be made from the domestic worker's wages;*
- (10) If the domestic worker is to reside in the employer's household, the conditions under which the employer may enter the domestic worker's designated living space; and*

(11) A notice of all applicable state and federal laws pertaining to the employment of domestic workers. A copy of the notice provided in subsection 3 will satisfy the requirement to comply with this subparagraph.

(b) *Except as otherwise provided in this section and subject to the provisions of chapter 608 of NRS, a domestic worker must, for all of his or her working time, be paid at least the minimum hourly wage published pursuant to Section 16 of Article 15 of the Nevada Constitution.*

(c) ~~*Except as otherwise provided in NRS 608.018, a domestic worker who is paid less than one and one-half times the minimum hourly wage and who does not reside in the employer's household must be paid not less than one and one-half times the domestic worker's regular rate of wages for all working time in excess of 8 hours in a workday or 40 hours in a week of work as provided in accordance with the provisions of NRS*~~

~~608.018. *A domestic worker who resides in the employer's household is not entitled to pay in excess of the minimum hourly wage for any working time in excess of 8 hours in a workday or 40 hours in a week of work.*~~

(d) Except as otherwise provided in NRS 608.0195, if a domestic worker is required to be on duty, he or she must be paid for all working time, including, without limitation, sleeping time and meal breaks.

(e) If a domestic worker is hired to work for 40 hours per week or more, his or her employer must provide a period of rest of at least 24 consecutive hours in each calendar week and at least 48 consecutive hours during each calendar month. The domestic worker may agree in writing to work on a scheduled day of rest but must be compensated for such time pursuant to this section.

(f) An employer may deduct from the wages of a domestic worker an amount for food and beverages supplied by the employer if the domestic worker freely and voluntarily accepts such food and beverages and provides written consent for such a deduction. An employer must not make a deduction for food and beverages supplied by the employer if a domestic worker cannot easily bring or prepare meals on the premises. Any deduction for food and beverages pursuant to this paragraph must not exceed the limits set forth in NRS 608.155.

(g) An employer may deduct from the wages of a domestic worker an amount for lodging if the domestic worker freely and voluntarily accepts such lodging and provides written consent for such a deduction. An employer may not make a deduction for lodging if the domestic worker is required to reside on the employer's premises as a condition of his or her employment. Any deduction for lodging pursuant to this paragraph must not exceed the limits set forth in section 1 of this act.

(h) If a domestic worker is required to wear a uniform, the employer may not deduct from his or her wages the cost of the uniform or its care.

(i) An employer shall not restrict, interfere with or monitor a domestic worker's private communications or take any of the domestic worker's documents or other personal effects.

(j) A domestic worker may request a written evaluation of his or her work performance from the employer 3 months after his or her employment begins and annually thereafter.

(k) If a domestic worker resides in the employer's household and the employer terminates his or her employment without cause, the employer shall provide written notice and at least 30 days of lodging to the domestic worker, either on-site or in comparable off-site conditions.

(l) An employer shall keep a record of the wages and hours of the domestic worker as required by NRS 608.115.

2. The provisions of this section are not intended to prevent an employer from providing greater wages and benefits than those required by this section.

3. *The Labor Commissioner shall adopt regulations to carry out the provisions of this section and shall post on his or her Internet website, if any, a multilingual notice of employment rights provided under this section and any applicable state and federal laws pertaining to the employment of domestic workers.*

4. *As used in this section, unless the context otherwise requires:*

(a) *“Domestic worker” means a natural person who is paid by an employer to perform work of a domestic nature for the employer’s household, including, without limitation, housekeeping, housecleaning, cooking, laundering, nanny services, caretaking of sick, convalescing or elderly persons, gardening or chauffeuring. The term:*

(1) *Includes a natural person who is employed by a third-party service or agency; and*

(2) *Does not include a natural person who provides services on a casual, irregular or intermittent basis.*

(b) *“Employer” means a person who employs a domestic worker to work for the employer’s household.*

(c) *“Household” means the premises of an employer’s residence and includes any living quarters on the employer’s property.*

(d) *“On duty” means any period during which a domestic worker is working or is required to remain on the employer’s property.*

(e) *“Period of rest” means a period during which the domestic worker has complete freedom from all duties and is free to leave the employer’s household or stay within the household solely for personal pursuits.*

(f) *“Working time” means all compensable time, other than periods of rest, during which a domestic worker is on duty, regardless of whether the domestic worker is actually working.*

Sec. 7. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 357.

Bill read third time.

The following amendment was proposed by Assemblyman McCurdy II:

Amendment No. 971.

AN ACT relating to apprentices; prohibiting a public body from awarding certain contracts for a public work to a contractor unless the contractor complies with certain requirements relating to the use of apprentices on

public works or pays a monetary penalty; prohibiting a contractor on certain public works from awarding subcontracts for more than 5 percent of the value of the public work to a subcontractor unless the subcontractor complies with certain requirements relating to the use of apprentices on public works or pays a monetary penalty; revising provisions relating to apprenticeship programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Apprenticeship Council and requires the Council to establish standards for programs of apprenticeship. (NRS 610.030, 610.090, 610.095) The purposes of such programs include, without limitation: (1) the creation of the opportunity for persons to obtain training that will equip those persons for profitable employment and citizenship; and (2) the establishment of an organized program for the voluntary training of those persons by providing facilities for training and guidance in the arts and crafts of industry and trade. (NRS 610.020) Existing law sets forth the requirements for a public body which sponsors or finances a public work to award a contract to a contractor for the construction of the public work. (Chapter 338 of NRS) Such requirements include, without limitation: (1) the payment of the prevailing wage in the county in which the public work is located; and (2) the establishment of certain fair employment practices for contractors in connection with the performance of work under the contract awarded by the public body. (NRS 338.020, 338.125)

Section 4 of this bill prohibits a public body from, on or after February 1, 2019, awarding a contract for a public work for which the estimated cost exceeds \$1,000,000 to a contractor unless the contractor: (1) ~~ensured that in the immediately preceding calendar year,]~~ complied with certain requirements relating to the use of apprentices ~~[of that contractor performed not less than 3 percent, or a higher percentage established by regulation of the Labor Commissioner, of the total hours of labor performed in each recognized class of worker for all contracts for]~~ on public works ~~[awarded to]~~ performed by the contractor; or (2) paid a monetary penalty imposed by the Labor Commissioner. **Section 4** also prohibits a contractor awarded a contract for a public work on or after February 1, 2019, for which the estimated cost exceeds \$1,000,000 from awarding a subcontract for more than 5 percent of the value of that public work to a subcontractor unless the subcontractor satisfied the same requirement for the use of apprentices on public works or paid a monetary penalty imposed by the Labor Commissioner. **Section 4** authorizes the Labor Commissioner to grant an exemption from this requirement if a public work is performed in a county whose population is less than 100,000 or a city whose population is less than 60,000 and the Labor Commissioner finds that there is a lack of qualified apprentices ~~[in a recognized class of worker]~~ from any available source in the geographic area in which the public work will be performed. **Section 4** also excludes from those requirements contractors and subcontractors who

employ fewer than a specified number of employees at the site of a public work.

Section 4 also requires: (1) the Labor Commissioner to issue a certificate of compliance to contractors and subcontractors who complied with the requirements of that section relating to the use of apprentices; and (2) a public body to verify a contractor's compliance with the requirements for apprentice labor before awarding a contract for certain public works by obtaining the identification number included on the certificate of compliance issued to the contractor or subcontractor.

Finally, **section 4** requires all monetary penalties imposed on a contractor or subcontractor for failure to comply with the requirements of that section to be paid to the State Director of Apprenticeships and distributed to programs for the recruitment, education and training of construction workers and the placement of such workers in employment.

Section 6.85 of this bill requires an apprenticeship program to submit a quarterly report to the State Apprenticeship Council which contains the: (1) number of apprentices enrolled in the program; (2) enrollment capacity of the program; and (3) number of apprentices who completed the program in the period covered by the report. **Section 6.85** further provides that on or before February 1, 2021, the State Apprenticeship Council is required to submit to the Director of the Legislative Counsel Bureau a report on the availability and use of apprentices for transmission to the 2021 Legislative Session.

Section 6.9 requires an apprenticeship program in which the number of apprentices enrolled is less than 40 percent of the enrollment capacity of the program to submit to the State Apprenticeship Council a strategic plan to recruit and retain apprentices and a monthly report concerning the progress of the program in recruiting and retaining apprentices.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4 or 5, on or after February 1, 2019, a public body shall not award a contract for a public work for which the estimated cost exceeds \$1,000,000 to a contractor unless:

(a) For the immediately preceding calendar year the contractor ensured that : ~~for each recognized class of worker an apprentice performed.~~

(1) ~~Not~~ An apprentice performed not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor performed by that recognized class of worker and reported by the

contractor to public bodies for all contracts or subcontracts for horizontal construction on a public work in this State which were awarded to the contractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(2) ~~[Not]~~ For each recognized class of worker, an apprentice performed not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor performed by that recognized class of worker and reported by the contractor to public bodies for all contracts or subcontracts for vertical

construction on a public work in this State which were awarded to the contractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(b) The contractor has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 6.

2. Except as otherwise provided in subsection 4 or 5, a contractor awarded a contract for a public work on or after February 1, 2019, for which the estimated cost exceeds \$1,000,000 may not award a subcontract for more than 5 percent of the value of that public work to a subcontractor unless:

(a) For the immediately preceding calendar year the subcontractor ensured that ; ~~[for each recognized class of worker an apprentice performed;]~~

(1) ~~[Not]~~ An apprentice performed not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor ~~[performed by that recognized class of worker and]~~ reported by the subcontractor to public bodies for all contracts or subcontracts for horizontal construction on a public work in this State which were awarded to the subcontractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(2) ~~[Not]~~ For each recognized class of worker, an apprentice performed not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor performed by that recognized class of worker and reported by the subcontractor to public bodies for all contracts or subcontracts for vertical construction on a public work in this State which were awarded to the subcontractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(b) The subcontractor has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 6.

3. Except as otherwise provided in subsection 4 or 5, before awarding a contract for a public work for which the estimated cost exceeds \$1,000,000, a public body must obtain the identification number of the certificate of compliance issued to each contractor pursuant to subsection 8 submitting a

bid for the contract and verify whether the award of the contract would comply with the provisions of subsection 1.

4. A public body may submit a written request to the Labor Commissioner for an exemption from the requirements of subsection 1 for a public work. If a public body submits such a request, the public body shall not request bids for or enter into a contract for which the public body submitted the request until the Labor Commissioner approves or denies the request pursuant to this subsection. Not later than 90 days after receiving a request pursuant to this subsection, the Labor Commissioner shall approve or deny the request in writing and notify the public body of the approval or denial of the request. The Labor Commissioner shall conduct a public hearing on each request, at which any interested party may appear and provide evidence, and issue a written decision to approve or deny a request. The written decision of the Labor Commissioner is a public record and a copy of the decision must be included in any bid documents furnished by the public body. The Labor Commissioner may grant a request for an exemption submitted pursuant to this subsection only if the Labor Commissioner finds that the public work will be performed in a county whose population is less than 100,000 or a city whose population is less than 60,000 and there is a demonstrated lack of qualified apprentices ~~in a recognized class of worker~~ from any available source in the specific geographic area in which the public work for which an exemption is requested will be performed. If the Labor Commissioner grants an exemption to a public body pursuant to this subsection, the work performed by a contractor or subcontractor on the public work for which the exemption was granted must not be considered when determining whether the contractor or subcontractor satisfied the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable.

5. The criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, do not apply to:

(a) A contractor or subcontractor which proposes to perform, or has been awarded a contract to perform, horizontal construction on a public work and which employs fewer than 25 employees to perform work on the site of the public work; or

(b) A contractor or subcontractor which proposes to perform, or has been awarded a contract to perform, vertical construction on a public work and which employs fewer than 6 employees to perform work on the site of the public work.

↪ Any work performed by a contractor or subcontractor on a public work described in paragraph (a) or (b), as applicable, must not be considered in determining whether the contractor or subcontractor satisfied the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable.

6. Each calendar year, the Labor Commissioner shall:

(a) Determine the percentage of total hours of labor which were performed by apprentices during the calendar year on each public work to which the provisions of NRS 338.020 to 338.090, inclusive, apply;

(b) Determine whether a contractor or subcontractor satisfies the requirements of subsection 1 or 2, as applicable, or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable;

(c) If applicable, determine the number of hours by which each contractor or subcontractor failed to comply with those requirements; and

(d) If a contractor or subcontractor does not satisfy the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, establish the amount of a monetary penalty which must be paid by a contractor or subcontractor to remain qualified to be awarded a contract for a public work for which the estimated cost exceeds \$1,000,000. The monetary penalty must be payable to the State Director of Apprenticeship and must be established as follows:

(1) For a contract to perform horizontal construction on a public work on or after January 1, 2018, a contractor or subcontractor that failed to comply with the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable, is required to pay a monetary penalty of not less than \$2 but not more than \$6 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the applicable criteria. In determining the amount of the monetary penalty imposed on a contractor or subcontractor pursuant to this subparagraph, the Labor Commissioner shall consider all relevant facts and circumstances, including, without limitation, the amount by which the contractor or subcontractor failed to comply with the applicable criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, and whether the contractor or subcontractor has willfully or repeatedly failed to comply with such applicable criteria.

(2) For a contract to perform vertical construction on a public work on or after January 1, 2018, a contractor or subcontractor that failed to comply with the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable, is required to pay a monetary penalty of not less than \$2 but not more than \$6 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the applicable criteria. In determining the amount of the monetary penalty imposed on a contractor or subcontractor pursuant to this subparagraph, the Labor Commissioner shall consider all relevant facts and circumstances, including, without limitation, the amount by which the contractor or

subcontractor failed to comply with the applicable criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, and whether the contractor or subcontractor has willfully or repeatedly failed to comply with such applicable criteria.

↪ Any decision of the Labor Commissioner pursuant to this paragraph is subject to judicial review pursuant to chapter 233B of NRS.

7. All money which is collected by the State Director of Apprenticeship for monetary penalties imposed pursuant to subsection 6 must be distributed by the State Director of Apprenticeship only to programs for the recruitment, education and training of construction workers and placement of such workers in employment.

8. The Labor Commissioner shall:

(a) Issue a certificate of compliance containing an identification number to each contractor or subcontractor who complies with the applicable criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, or who pays the monetary penalty imposed on the contractor or subcontractor pursuant to subsection 6.

(b) Maintain on the Internet website of the Labor Commissioner a list of contractors and subcontractors who have been issued a certificate of compliance.

9. During each calendar year beginning on or after January 1, 2020, the Labor Commissioner may, with the approval of the State Apprenticeship Council, adopt regulations to revise by not more than 2 percentage points the percentage of total hours of labor on a public work which must be performed by apprentices for the following calendar year.

10. As used in this section:

(a) "Apprentice" has the meaning ascribed to it in NRS 610.010.

(b) "Horizontal construction" means the construction of any fixed work other than vertical construction except as specifically provided herein, including, without limitation, fixed work relating to irrigation, drainage, water supply, flood control, a harbor, a railroad, a highway, a tunnel, a sewer, a sewage disposal plant or water treatment facility and any ancillary vertical construction which is a component thereof, a bridge, an inland waterway, a pipeline for the transmission of petroleum or any other liquid or gaseous substance, a pier and any fixed work incidental thereto. The term includes the construction of an airport or airway, but does not include the construction of any terminal or other building of an airport or airway.

(c) "Recognized class of worker" means a class of worker recognized by the Labor Commissioner as being a distinct craft or type of work for purposes of establishing prevailing rates of wages pursuant to NRS 338.020 to 338.090, inclusive. The term includes a class of worker for which the Labor Commissioner has traditionally established a prevailing rate of wages pursuant to NRS 338.020 to 338.090, inclusive, and any other

class of worker the Labor Commissioner determines to be a distinct craft or type of work either on his or her own accord or after conducting a hearing pursuant to NRS 338.030.

(d) "Vertical construction" means the construction or remodeling of any building, structure or other improvement which is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and any improvement appurtenant thereto.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive ~~[-]~~, **and section 4 of this act.**

2. In addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, violates any provision of NRS 338.010 to 338.130, inclusive, **except section 4 of this act**, or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of not more than \$5,000 for each such violation.

3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

4. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.

Sec. 6.3. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864 ~~[-]~~ **and section 4 of this act**, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

☛ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds \$5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public

body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 6.7. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446 ~~§~~ *and section 4 of this act*, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

☛ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including,

without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds \$5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 6.8. Chapter 610 of NRS is hereby amended by adding thereto the provisions set forth as sections 6.85 and 6.9 of this act.

Sec. 6.85. 1. *A program shall submit a quarterly report to the State Apprenticeship Council which contains the following information:*

(a) The number of apprentices enrolled in the program;

(b) The enrollment capacity of the program; and

(c) The number of apprentices who completed the program in the period covered by the report.

2. *Not later than February 1, 2021, the State Apprenticeship Council shall submit to the Director of the Legislative Counsel Bureau a report on the availability and use of apprentices for transmission to the next regular session of the Legislature. The report must include a summary of the*

information collected by the State Apprenticeship Council and any recommendations for legislation.

Sec. 6.9. 1. *If, at any time, the number of apprentices enrolled in a program is less than 40 percent of the enrollment capacity of the program, the program must submit to the State Apprenticeship Council:*

(a) A strategic plan to recruit and retain apprentices; and

(b) A monthly report concerning the progress of the program in recruiting and retaining apprentices until such time as the State Apprenticeship Council determines that such monthly reports are not necessary.

2. *The State Apprenticeship Council may revoke the registration of a program that fails to comply with any requirement of subsection 1.*

Sec. 7. (Deleted by amendment.)

Sec. 8. This act becomes effective on January 1, 2018.

Assemblyman McCurdy moved the adoption of the amendment.

Remarks by Assemblyman McCurdy.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 291 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 291.

Bill read third time.

The following amendment was proposed by Assemblywoman Titus:

Amendment No. 985.

SUMMARY—Revises provisions relating to health ~~care~~ records. (BDR 54-350)

AN ACT relating to health ~~care~~ records; requiring a custodian of health care records to perform certain duties; requiring a custodian of health care records to make certain health care records available for inspection by a coroner or medical examiner under certain circumstances; revising the civil and criminal penalties for a custodian who violates certain requirements; authorizing the Board of Medical Examiners to take possession of the health care records of a licensee's patients under certain circumstances; **revising provisions relating to the completion of a death certificate**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a physician or other provider of health care to: (1) retain the health care records of patients for at least 5 years; (2) make available to investigators certain health care records of a patient who is

suspected of having operated a motor vehicle while intoxicated; (3) maintain a record of information provided by a patient relating to health insurance coverage; and (4) provide to the Department of Corrections the health care records of an offender confined at the state prison. (NRS 629.051, 629.065, 629.066, 629.068) **Sections 4 and 7-9** of this bill require the custodian of the relevant health care records to perform those duties. **Section 1** of this bill defines the custodian of health care records as any person having primary custody of those records or a facility that maintains the health care records of patients.

Existing law requires a provider of health care to make health care records available for inspection by a patient, certain representatives of a patient and certain government officials. (NRS 629.061) **Section 5** of this bill requires the custodian of health care records to make the records available for inspection, and includes in the definition of “health care records,” for the purposes of that section, any records that reflect the amount charged for medical services or care provided to a patient. **Section 5** further requires the custodian of health care records to make health care records available for inspection by a coroner or medical examiner in the performance of his or her duties.

A custodian of the health care records of a provider of health care is prohibited by existing law from preventing the provider from inspecting or obtaining copies of the records. If the custodian ceases to do business in this State, the custodian must deliver the records or copies of the records to the provider. Any violation of those requirements is a gross misdemeanor and subjects the custodian to a potential civil penalty of not less than \$10,000, to be recovered in a civil action. (NRS 629.063) **Section 6** of this bill provides that only a custodian of health care records who is not licensed under certain provisions of NRS and who violates the foregoing requirements is guilty of a gross misdemeanor. **Section 6** also revises the civil penalty provisions so that \$5,000 is the maximum penalty that may be collected for each violation as applied to a patient’s entire health care record.

Existing law requires certain providers of health care to retain the health care records of patients for 5 years after their receipt or production. (NRS 629.051) **Section 9.5** of this bill authorizes the Board of Medical Examiners to take possession of the health care records of a licensee’s patients in the event of the licensee’s death, disability, incarceration or other incapacitation that renders the licensee unable to continue his or her practice. **Section 9.5** further authorizes the Board to provide a patient’s records to the patient or to the patient’s subsequent provider of health care. **Section 9.5** also requires that certain disclosures regarding such records be provided to patients.

Existing law requires a funeral director or person acting as undertaker to present a death certificate to an attending physician or the health officer or coroner for the medical certificate of the cause of death and certain other information. (NRS 440.470) Section 12.3 of this bill provides an exception to the requirement of presenting the death

certificate to an attending physician or attending advanced practice registered nurse if the attending physician or attending advanced practice registered nurse initiated the record of death and provided the required information at the time of death.

Section 12.7 of this bill authorizes a physician, advanced practice registered nurse, health officer or coroner to sign an uncompleted death certificate after completing the portions of the death certificate applicable to the physician, advanced practice registered nurse, health officer or coroner.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. “Custodian of health care records” or “custodian” means:

(a) Any person having primary custody of health care records pursuant to this chapter; or

(b) Any facility that maintains the health care records of patients.

2. For the purposes of this section, a provider of health care shall not be deemed to have primary custody of health care records or to be the operator of a facility that maintains the health care records of patients:

(a) Solely by reason of the status of the provider as a member of a group of providers of health care; or

(b) If another person is employed or retained to maintain custody of the health care records of the provider.

Sec. 2. NRS 629.011 is hereby amended to read as follows:

629.011 As used in this chapter, unless the context otherwise requires, **the** words and terms defined in NRS 629.021, 629.026 and 629.031 **and section 1 of this act** have the meanings ascribed to them in those sections.

Sec. 3. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. “Provider of health care” means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A registered physical therapist;

- (l) An occupational therapist;
- (m) A podiatric physician;
- (n) A licensed psychologist;
- (o) A licensed marriage and family therapist;
- (p) A licensed clinical professional counselor;
- (q) A music therapist;
- (r) A chiropractor;
- (s) An athletic trainer;
- (t) A perfusionist;
- (u) A doctor of Oriental medicine in any form;
- (v) A medical laboratory director or technician;
- (w) A pharmacist;
- (x) A licensed dietitian;
- (y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
- (z) An alcohol and drug abuse counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
- (aa) An alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS; or
- (bb) A medical facility as the employer of any person specified in this subsection.

2. ~~{For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.~~

~~—3.}~~ For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

- (a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and
- (b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 4. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each ~~{provider}~~ **custodian** of health care **records** shall retain the health care records of ~~{his or her}~~ patients as part of ~~{his or her}~~ **the** regularly maintained records **of the custodian** for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records may be created, authenticated and stored in a computer system which meets the requirements of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

2. A provider of health care shall post, in a conspicuous place in each location at which the provider of health care performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.

3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.

4. If a provider of health care fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider of health care next performs health care services for the patient.

5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.

6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.

7. A ~~provider~~ **custodian** of health care **records** shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. The provisions of this section do not apply to a pharmacist.

9. The State Board of Health shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

Sec. 5. NRS 629.061 is hereby amended to read as follows:

629.061 1. Each ~~provider~~ **custodian** of health care **records** shall make the health care records of a patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

(d) The parent or guardian of a deceased patient who died before reaching the age of majority;

(e) An investigator for the Attorney General or a grand jury investigating an alleged violation of NRS 200.495, 200.5091 to 200.50995, inclusive, or 422.540 to 422.570, inclusive;

(f) An investigator for the Attorney General investigating an alleged violation of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,

inclusive, or any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of benefits for industrial insurance; ~~for~~

(g) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law ~~[-]~~; *or*

(h) Any coroner or medical examiner to identify a deceased person, determine a cause of death or perform other duties as authorized by law.

2. The records described in subsection 1 must be made available at a place within the depository convenient for physical inspection. Except as otherwise provided in subsection 3, if the records are located:

(a) Within this State, the ~~provider~~ *custodian of health care records* shall make any records requested pursuant to this section available for inspection within 10 working days after the request.

(b) Outside this State, the ~~provider~~ *custodian of health care records* shall make any records requested pursuant to this section available in this State for inspection within 20 working days after the request.

3. If the records described in subsection 1 are requested pursuant to paragraph (e), (f), ~~for~~ (g) *or (h)* of subsection 1 and the investigator, grand jury, ~~for~~ authorized representative, *coroner or medical examiner*, as applicable, declares that exigent circumstances exist which require the immediate production of the records, the ~~provider~~ *custodian of health care records* shall make any records which are located:

(a) Within this State available for inspection within 5 working days after the request.

(b) Outside this State available for inspection within 10 working days after the request.

4. Except as otherwise provided in subsection 5, the ~~provider~~ *custodian* of health care *records* shall also furnish a copy of the records to each person described in subsection 1 who requests it and pays the actual cost of postage, if any, the costs of making the copy, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy.

5. The ~~provider~~ *custodian* of health care *records* shall also furnish a copy of any records that are necessary to support a claim or appeal under any provision of the Social Security Act, 42 U.S.C. §§ 301 et seq., or under any federal or state financial needs-based benefit program, without charge, to a patient, or a representative with written authorization from the patient, who requests it, if the request is accompanied by documentation of the claim or appeal. A copying fee, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes, may be charged by the ~~provider of health care~~ *custodian* for furnishing a second copy of the records to support the same claim or appeal. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy. The ~~provider of health~~

~~care]~~ **custodian** shall furnish the copy of the records requested pursuant to this subsection within 30 days after the date of receipt of the request, and the ~~[provider of health care]~~ **custodian** shall not deny the furnishing of a copy of the records pursuant to this subsection solely because the patient is unable to pay the fees established in this subsection.

6. Each person who owns or operates an ambulance in this State shall make the records regarding a sick or injured patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

(d) The parent or guardian of a deceased patient who died before reaching the age of majority; or

(e) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

➡ The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. The person who owns or operates an ambulance shall also furnish a copy of the records to each person described in this subsection who requests it and pays the actual cost of postage, if any, and the costs of making the copy, not to exceed 60 cents per page for photocopies. No administrative fee or additional service fee of any kind may be charged for furnishing a copy of the records.

7. Records made available to a representative or investigator must not be used at any public hearing unless:

(a) The patient named in the records has consented in writing to their use; or

(b) Appropriate procedures are utilized to protect the identity of the patient from public disclosure.

8. Subsection 7 does not prohibit:

(a) A state licensing board from providing to a provider of health care or owner or operator of an ambulance against whom a complaint or written allegation has been filed, or to his or her attorney, information on the identity of a patient whose records may be used in a public hearing relating to the complaint or allegation, but the provider of health care or owner or operator of an ambulance and the attorney shall keep the information confidential.

(b) The Attorney General from using health care records in the course of a civil or criminal action against the patient or provider of health care.

9. A provider of health care, **custodian of health care records** or owner or operator of an ambulance and his or her agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

10. For the purposes of this section:

(a) “Guardian” means a person who has qualified as the guardian of a minor pursuant to testamentary or judicial appointment, but does not include a guardian ad litem.

(b) ***“Health care records” has the meaning ascribed to it in NRS 629.021, but also includes any billing statement, ledger or other record of the amount charged for medical services or care provided to a patient.***

(c) “Living trust” means an inter vivos trust created by a natural person:

(1) Which was revocable by the person during the lifetime of the person; and

(2) Who was one of the beneficiaries of the trust during the lifetime of the person.

~~[(c)]~~ (d) “Parent” means a natural or adoptive parent whose parental rights have not been terminated.

~~[(d)]~~ (e) “Personal representative” has the meaning ascribed to it in NRS 132.265.

Sec. 6. NRS 629.063 is hereby amended to read as follows:

629.063 1. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any other federal law or regulation:

(a) A custodian of health care records having custody of any health care records of a provider of health care pursuant to this chapter shall not prevent the provider of health care from physically inspecting the health care records or receiving copies of those records upon request by the provider of health care in the manner specified in NRS 629.061.

(b) If a custodian of health care records specified in paragraph (a) ceases to do business in this State, the custodian of health care records shall, within 10 days after ceasing to do business in this State, deliver the health care records ~~to~~ **created by** the provider of health care, or copies thereof, to the provider of health care.

2. A custodian of health care records who ***is not otherwise licensed pursuant to title 54 of NRS and*** violates a provision of this section is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$25,000 for each violation, or by both fine and imprisonment.

3. In addition to any criminal penalties imposed pursuant to subsection 2, a custodian of health care records who violates a provision of this section is subject to a civil penalty of not ~~less~~ **more** than ~~[\$10,000]~~ **\$5,000** for each violation ~~[-] as applied to a patient’s entire health care record,~~ to be recovered in a civil action brought in the district court in the county in which the provider of health care’s principal place of business is located or in the district court of Carson City.

4. As used in this section, “custodian of health care records” ~~means any person having custody of any health care records pursuant to this chapter. The term~~ does not include:

- (a) A facility for hospice care, as defined in NRS 449.0033;
- (b) A facility for intermediate care, as defined in NRS 449.0038;
- (c) A facility for skilled nursing, as defined in NRS 449.0039;
- (d) A hospital, as defined in NRS 449.012; or
- (e) A psychiatric hospital, as defined in NRS 449.0165.

Sec. 7. NRS 629.065 is hereby amended to read as follows:

629.065 1. Each ~~provider~~ **custodian** of health care **records** shall, upon request, make available to a law enforcement agent or district attorney the health care records of a patient which relate to a test of the blood, breath or urine of the patient if:

(a) The patient is suspected of having violated NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and

(b) The records would aid in the related investigation.

➡ To the extent possible, the ~~provider of health care~~ **custodian** shall limit the inspection to the portions of the records which pertain to the presence of alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood, breath or urine of the patient.

2. The records must be made available at a place within the depository convenient for physical inspection. Inspection must be permitted at all reasonable office hours and for a reasonable length of time. The ~~provider~~ **custodian** of health care **records** shall also furnish a copy of the records to each law enforcement agent or district attorney described in subsection 1 who requests the copy and pays the costs of reproducing the copy.

3. Records made available pursuant to this section may be presented as evidence during a related administrative or criminal proceeding against the patient.

4. A ~~provider~~ **custodian** of health care **records** and his or her agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

5. As used in this section, "prohibited substance" has the meaning ascribed to it in NRS 484C.080.

Sec. 8. NRS 629.066 is hereby amended to read as follows:

629.066 1. After a patient provides to a provider of health care, and the provider of health care accepts from the patient, any information regarding a health care plan for the purpose of paying for a service which has been or may be rendered to the patient:

(a) The ~~provider~~ **custodian** of health care **records of the patient** shall maintain a record of the information provided by the patient; and

(b) If the provider of health care fails to submit any claim for payment of any portion of any charge pursuant to the terms of the health care plan, the provider of health care shall not request or require payment from the patient of any portion of the charge beyond the portion of the charge which the patient would have been required to pay pursuant to the terms of the health

care plan if the provider of health care had submitted the claim for payment pursuant to the terms of the health care plan.

2. The provisions of paragraph (b) of subsection 1 do not apply to a claim if the patient provides information to the provider of health care which is inaccurate, outdated or otherwise causes the provider of health care to submit the claim in a manner which violates the terms of the health care plan.

3. Any provision of any agreement between a patient and a provider of health care which conflicts with the provisions of this section is void.

4. As used in this section, “health care plan” has the meaning ascribed to it in NRS 679B.520.

Sec. 9. NRS 629.068 is hereby amended to read as follows:

629.068 1. A ~~provider~~ **custodian** of health care **records** shall, upon request of the Director of the Department of Corrections or the designee of the Director, provide the Department of Corrections with a complete copy of the health care records of an offender confined at the state prison.

2. Records provided to the Department of Corrections must not be used at any public hearing unless:

(a) The offender named in the records has consented in writing to their use; or

(b) Appropriate procedures are utilized to protect the identity of the offender from public disclosure.

3. A ~~provider~~ **custodian** of health care **records** and ~~an~~ any agent or employee of ~~a provider of health care~~ **the custodian** are immune from civil liability for a disclosure made in accordance with the provisions of this section.

Sec. 9.5. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a licensee becomes unable to practice because of death, disability, incarceration or any other incapacitation, the Board may take possession of the health care records of patients of the licensee kept by the custodian of health care records pursuant to NRS 629.051 to:

(a) Make the health care records of a patient available to the patient either directly or through a third-party vendor; or

(b) Forward the health care records of a patient to the patient’s subsequent provider of health care.

2. A licensee shall post, in a conspicuous place in each location at which the licensee provides health care services, a sign which discloses to patients that their health care records may be accessed by the Board pursuant to subsection 1.

3. When a licensee provides health care services for a patient for the first time, the licensee shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be accessed by the Board pursuant to subsection 1.

4. The Board shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the sign and written statement required by this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

5. As used in this section:

(a) "Custodian of health care records" has the meaning ascribed to it in section 1 of this act.

(b) "Health care records" has the meaning ascribed to it in NRS 629.021.

Sec. 10. NRS 630.3062 is hereby amended to read as follows:

630.3062 **1.** The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

~~{1-}~~ *(a)* Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

~~{2-}~~ *(b)* Altering medical records of a patient.

~~{3-}~~ *(c)* Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or knowingly or willfully obstructing or inducing another to obstruct such filing.

~~{4-}~~ *(d)* Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061 ~~{-~~

~~{5-}~~, *if the licensee is the custodian of health care records with respect to those records.*

(e) Failure to comply with the requirements of NRS 630.3068.

~~{6-}~~ *(f)* Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

~~{7-}~~ *(g)* Failure to comply with the requirements of NRS 453.163 or 453.164.

2. As used in this section, "custodian of health care records" has the meaning ascribed to it in section 1 of this act.

Sec. 11. NRS 631.3485 is hereby amended to read as follows:

631.3485 **1.** The following acts, among others, constitute unprofessional conduct:

~~{1-}~~ *(a)* Willful or repeated violations of the provisions of this chapter;

~~{2-}~~ *(b)* Willful or repeated violations of the regulations of the State Board of Health, the State Board of Pharmacy or the Board of Dental Examiners of Nevada;

~~{3-}~~ *(c)* Failure to pay the fees for a license; or

~~{4-}~~ *(d)* Failure to make the health care records of a patient available for inspection and copying as provided in NRS 629.061 ~~{-~~, *if the dentist or dental hygienist is the custodian of health care records with respect to those records.*

2. As used in this section, "custodian of health care records" has the meaning ascribed to it in section 1 of this act.

Sec. 12. NRS 633.131 is hereby amended to read as follows:

633.131 1. “Unprofessional conduct” includes:

(a) Knowingly or willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine or to practice as a physician assistant, or in applying for the renewal of a license to practice osteopathic medicine or to practice as a physician assistant.

(b) Failure of a person who is licensed to practice osteopathic medicine to identify himself or herself professionally by using the term D.O., osteopathic physician, doctor of osteopathy or a similar term.

(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to communicate with an osteopathic physician in his or her professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine or in practice as a physician assistant, or the aiding or abetting of any unlicensed person to practice osteopathic medicine or to practice as a physician assistant.

(e) Advertising the practice of osteopathic medicine in a manner which does not conform to the guidelines established by regulations of the Board.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or

(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) Habitual drunkenness or habitual addiction to the use of a controlled substance.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body, other than the use of silicone oil to repair a retinal detachment.

(j) Knowingly or willfully disclosing a communication privileged pursuant to a statute or court order.

(k) Knowingly or willfully disobeying regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or knowingly or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061 ~~to~~, ***if the licensee is the custodian of health care records with respect to those records.***

(r) Providing false, misleading or deceptive information to the Board in connection with an investigation conducted by the Board.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each person; or

(c) For a person licensed to practice osteopathic medicine pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

3. As used in this section, "custodian of health care records" has the meaning ascribed to it in section 1 of this act.

Sec. 12.3. NRS 440.470 is hereby amended to read as follows:

440.470 The funeral director or person acting as undertaker shall present the certificate to the attending physician ~~or~~ **or attending advanced practice registered nurse,** if any, or to the health officer or coroner, for the medical certificate of the cause of death and other particulars necessary to complete the record ~~or~~ **unless the attending physician or attending advanced practice registered nurse initiated the record of death and provided the required information at the time of death.**

Sec. 12.7. NRS 440.735 is hereby amended to read as follows:

440.735 ~~to~~

1. Except as otherwise provided in subsection 2, it is unlawful for any person to affix his or her signature to an uncompleted death certificate.

2. A physician, advanced practice registered nurse, health officer or coroner may affix his or her signature to an uncompleted death certificate after completing the portions of the death certificate applicable to the physician, advanced practice registered nurse, health officer or coroner.

Sec. 13. This act becomes effective on July 1, 2017.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 101 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 25, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada
Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 101 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 101 ("AB 101"), which is entitled:

AN ACT relating to wildlife; requiring the Board of Wildlife Commissioners to establish policies for the conservation of certain wildlife; revising the authorized uses of the fees for the processing of an application for a game tag; requiring the Commission to establish policies for certain programs, activities and research relating to predatory wildlife; requiring the Department of Wildlife to submit a report on certain programs, activities, and research relating to predatory wildlife; and providing other matters properly related thereto.

AB 101 purportedly furthers an important objective, namely the conservation of Nevada's fish and wildlife species and their habitat. There can be no question regarding the vital importance of protecting Nevada's animal populations. This is why my administration introduced Assembly Bill 82 during the 2015 Legislative Session, which expanded the permissible uses of all funds deposited to the Wildlife Account to include "the protection, propagation, and management of wildlife." (NRS 501.356 (4)(a)). Nevada must effectively conserve, protect, and manage its wildlife.

AB 101 further expands the permissible uses of Wildlife Account Funds generated by the sale of game tag fees. While attempts to enhance wildlife conservation efforts should be applauded, there appears to be no clear justification for the revisions proposed through this legislation, which was opposed by legislators from both political parties. Furthermore, it is far from clear that the revisions proposed by AB 101 will result in any meaningful improvements upon current methods and policies for managing or protecting wildlife and wildlife habitat in our state.

For these reasons, I veto this bill and return it without my signature or approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 101 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 154 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 25, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada
Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 154 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 154 ("AB 154"), which is entitled:

AN ACT relating to prevailing wages; revising provisions governing the payment of prevailing wages; and providing other matters properly relating thereto.

During the 2015 Legislative Session, the Legislature passed both Senate Bill 207 ("SB 207") and Assembly Bill 172 ("AB 172") with overwhelming bipartisan support. The Legislature also passed Senate Bill 119 ("SB 119") on a straight-line partisan vote. All three bills became law.

Given pressing construction needs, SB 119 and SB 207 were passed early in the Session. SB 207 authorized a "bond rollover," which allowed for billions of dollars in new school construction and repairs. SB 119 removed all school construction from the requirements to pay a prevailing wage. The goal was to stretch these scarce, school-construction dollars as far as possible, while making sure that taxpayers were protected from above-market construction costs.

With SB 119's reforms in place, the Legislature then entered into broader discussions regarding prevailing wage requirements on all public projects. AB 172 was the result of those negotiations. And in exchange for reasonable, bipartisan changes to the law as a whole, school construction was again made subject to prevailing wage - though at 90% of that wage.

Simply put, stakeholders and lawmakers compromised in 2015 to propose moderate, but necessary reforms that I supported. There is no superseding change today that justifies the rollback of this compromise.

Since the implementation of the bi-partisan reforms of 2015, the justifications for preserving the 90% cap on prevailing wage have only become stronger. Not only have taxpayers seen the benefits of this law, but voters in Nevada's second largest county, Washoe, also approved in 2016 a sales tax increase for school repairs and construction. I supported that effort. To add costs to Washoe school construction *after* the voters approved the tax is not appropriate.

For these reasons, I veto Assembly Bill 154.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 154 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 271 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 25, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada
Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 271 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 271 ("AB 271"), which is entitled:

AN ACT relating to local governments; revising provisions relating to collective bargaining between local government employers and employee organizations; and providing other matters properly relating thereto.

The intent of this bill has merit, and I thank the sponsor for continuing the long-running and important conversation as to how best to protect Nevada's hardworking public servants. Although the bill is well-intended, I cannot support it, because it reverses a bipartisan compromise from the 2015 Legislative Session.

In 2015, the Legislature passed Senate Bill 241 ("SB 241") with overwhelming bipartisan support. SB 241 enacted reasonable reforms to the laws governing public sector collective bargaining. The negotiations and consensus behind that bill are an example of legislation done right. Everyone came to the table - labor and management, Republicans and Democrats, liberals and conservatives. To that end, stakeholders and lawmakers advanced common-sense reforms that had almost no opposition.

AB 271 rolls back some of SB 241's key provisions and passed on partisan lines, reflecting the lack of consensus that accompanied SB 241. There is no evidence that SB 271 is necessary to repeal an important bipartisan reform adopted two years ago.

For these reasons, I veto Assembly Bill 271.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 271 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 364 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 25, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada
Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 364 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 364 ("AB 364"), which is entitled:

AN ACT relating to public highways; directing the Department of Transportation , in cooperation with Clark County, the City of Las Vegas, the City of Henderson and the Regional Transportation Commission of Southern Nevada, to conduct an interim study concerning roadway traffic and safety in the urban eastern part of Clark County; and providing other matters properly relating thereto.

The intent behind AB 364 has merit. Southern Nevada has long-term transportation and infrastructure needs that require continual attention. However, AB 364's proposed solution is duplicative and unnecessary.

The Nevada Transportation Board of Directors oversees and governs the Nevada Department of Transportation ("NDOT"). The Board and NDOT are tasked with establishing and implementing statewide transportation policy. The transportation issues that AB 364 seeks to review are ones that NDOT has and will continue to examine. Indeed, the area described in the bill has already been considered in an NDOT traffic study.

As such, AB 364 is redundant, and also intrudes upon policy issues properly reserved to both the executive branch of state government and the Nevada Transportation Board of Directors

For these reasons, I veto Assembly Bill 364.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 364 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 438 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 25, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada
Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 438 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 438 ("AB 438"), which is entitled:

AN ACT relating to controlled substances; establishing the crimes of level 1 and level 2 drug possession; revising provisions relating to the reduction or suspension of the sentence of a person convicted of certain offenses involving a controlled substance; reducing the penalty for a violation of the prohibition against using or being under the influence of a controlled substance; and providing other matters properly related thereto.

Although well intentioned, AB 438 threatens to endanger the safety of Nevada's communities by significantly modifying penalties for serious criminal drug offenses. If enacted, this legislation would increase the likelihood of reduced or suspended sentences for criminal drug offenders who knowingly or intentionally sell or manufacture Schedule I drugs, including heroin. Schedule I drugs such as heroin, LSD, and ecstasy have been defined by the U.S. Drug Enforcement Administration as having "no currently accepted medical use" and a "high potential for abuse." (21 U.S.C. § 812(b)(1)). To create an environment in which the prevalence of these dangerous substances might be even slightly increased would represent a clear step in the wrong direction, and undermine efforts to promote safe and livable communities in Nevada.

Assembly Bill 438 would also increase the likelihood that drug offenders who intentionally sell, possess, or manufacture controlled substances such as flunitrazepam and GHB, more commonly referred to as "date rape" drugs, would face reduced or suspended sentences. Under current law, criminal drug defendants must cooperate with and assist law enforcement efforts to investigate and prosecute criminal activity in order to be eligible for a reduced or suspended sentence. AB 438 would eliminate this requirement for some criminal

drug offenders, thereby eliminating an incentive for such offenders to cooperate with law enforcement and rendering an important law enforcement tool less effective.

Moreover, at a time when our state is grappling with the tragic and deadly effects of a growing prescription drug abuse and overdose epidemic, any reduction in criminal penalties for the unlawful use of prescription drugs would clearly send the wrong message while undermining a statewide effort to combat and eliminate prescription drug abuse, misuse, and overdose. This serious problem has affected far too many Nevada families, and now is not the time to minimize or reduce penalties for crimes associated with the unlawful use of prescription drugs.

For these reasons, I veto this bill and return it without my signature or approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 438 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 445 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 25, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada
Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 445 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 445 ("AB 445"), which is entitled:

AN ACT relating to transportation network companies; prohibiting an insurer from refusing to provide coverage under a policy of motor vehicle insurance because the insured is a driver for a transportation network company; reducing the minimum amount of coverage required for certain transportation network company insurance; requiring transportation network company insurance to provide medical payments coverage; prohibiting a driver for a transportation network company from refusing to complete transportation services after accepting a passenger for transportation; providing penalties; and providing other matters properly relating thereto.

AB 445 has some merit. In particular, the language clarifying and possibly expanding insurance protections for consumers of transportation network companies appears worthy of support. However, there are provisions in the bill that I will not support.

Unfortunately, the bill also contains provisions that decrease insurance coverage that protects consumers, pedestrians, and other drivers. Currently, transportation network companies or their drivers must maintain insurance in an amount not less than \$1,500,000. AB 445 reduces that requirement to \$1,000,000. Such a reduction would have serious consequences for public safety and victim compensation.

For this reason, I veto Assembly Bill 445.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 445 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

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

Assembly in recess at 10:19 p.m.

ASSEMBLY IN SESSION

At 11:22 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 65, 149, 226, 251, 400, 468, and 448 be taken from the Chief Clerk's desk and placed on the of General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 226, 452, and 149 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 400 be taken from its positions on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 226.

Bill read third time.

The following amendment was proposed by Assemblyman Carrillo:

Amendment No. 943.

AN ACT relating to transportation network companies; **authorizing an independent contractor who leases a taxicab to use the taxicab in accordance with an agreement with a transportation network company;** requiring a driver to ~~provide to a transportation network company certain information relating to his or her state business registration; requiring a transportation network company to terminate an agreement with a driver who fails to comply with the requirement to provide such information to the company;~~ **obtain a driver's permit before providing transportation services in affiliation with a transportation network company; revising requirements for a motor vehicle operated by a driver to provide transportation services;** requiring the Nevada Transportation Authority to provide certain information to the Secretary of State for the purpose of

enforcing the provisions of law governing ~~the~~ a state business ~~registration~~; license; providing for the confidentiality of the information provided to the Secretary of State; revising requirements for transportation network company insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the holder of a certificate of public convenience and necessity to lease a taxicab to an independent contractor, who may only use the taxicab in a manner authorized by the certificate. (NRS 706.88396) Section 1.2 of this bill expands existing law by authorizing the independent contractor to use the taxicab to provide transportation services pursuant to an agreement with a transportation network company. Sections 1.1 and 1.6-1.9 of this bill make conforming changes.

Existing law authorizes a transportation network company to enter into an agreement with one or more drivers to receive connections to potential passengers using the digital network or software application service of the company under certain circumstances. (NRS 706A.160) **Section 2** of this bill requires a driver ~~affiliated with a transportation network company to provide verification to the transportation network company that the driver holds a valid state business registration: (1) not later than 6 months after the driver is allowed to receive connections to potential passengers pursuant to the agreement with the company; and (2) annually thereafter on or before the anniversary date of that agreement. Under section 2, the verification may consist of providing to the company the business identification number assigned to the driver by the Secretary of State upon issuance of a state business registration. Finally, section 2 requires a transportation network company to terminate an agreement with a driver who fails to provide verification that he or she holds a valid state business registration as required by section 2.~~ to obtain a driver's permit from the Nevada Transportation Authority before providing transportation services in affiliation with a transportation network company in a manner generally consistent with the requirement to obtain such a permit for persons who drive a motor vehicle for a taxicab motor carrier. (NRS 706.462) Sections 1.4 and 1.5 of this bill make conforming changes.

Existing law imposes certain requirements upon a motor vehicle operated by a driver to provide transportation services. (NRS 706A.180) Section 2.1 of this bill requires such a vehicle to be registered in the name of the driver or, if operated pursuant to a lease authorized by section 1.2, the name of the lessor. Section 2.1 further requires such a vehicle to have the name or logo of each transportation network company with which the driver is affiliated marked or otherwise attached to the front and rear of the vehicle. Finally, section 2.1 requires such a vehicle to have a vehicle permit issued by the Nevada Transportation Authority affixed to the vehicle.

Existing law requires a transportation network company to maintain certain records relating to the business of the company and to make those records available for inspection by the Nevada Transportation Authority as necessary to investigate complaints. (NRS 706A.230) **Section 2.3** of this bill requires the Authority to provide to the Secretary of State the name of each driver affiliated with a transportation network company and such other information as the Secretary of State deems necessary to enforce existing law relating to a state business ~~(registration)~~ license. Under **section 2.3**, the Secretary of State and any employee of the Secretary of State is required to keep such information confidential to the same extent that the Authority is required to keep the information confidential.

Existing law establishes certain requirements for transportation network company insurance coverage against tort liabilities that must be continuously provided by a driver or transportation network company, which vary depending on the activities of the driver. (NRS 690B.470) Section 2.5 of this bill revises these requirements to instead require that: (1) coverage in an amount of not less than \$1,500,000 for bodily injury or death of one or more persons and injury to or destruction of property of others in any one accident or motor vehicle crash must be provided during any period in which the driver is providing transportation services; and (2) coverage in an amount not less than \$300,000 for bodily injury or death of one or more persons and injury to or destruction of property of others in any one accident or motor vehicle crash must be provided during any period in which the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services.

Under **section ~~[2.7.] 2.9 of this bill,~~** any driver who ~~[has an agreement]~~ **provides transportation services in affiliation** with a transportation network company ~~[that is in effect on October 1, 2017, is required to provide the first verification that he or she holds a valid state business registration on or before the anniversary date of his or her registration.]~~ **may continue to do so without obtaining a driver's permit until October 1, 2017.**

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

Section 1. (Deleted by amendment.)

Sec. 1.1. NRS 706.759 is hereby amended to read as follows:

706.759 1. ~~[A]~~ **Except as otherwise provided in subsection 3, a** person who drives a taxicab as an employee of a person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business shall not act as a driver as defined in NRS 706A.040:

- (a) Using the taxicab provided by his or her employer; or
- (b) During any time for which the person receives wages from his or her employer for duties which include driving a taxicab.

2. A person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business may terminate the employment of a person who violates the provisions of subsection 1.

3. The provisions of subsection 1 do not apply to an independent contractor who leases a taxicab pursuant to NRS 706.88396.

Sec. 1.2. NRS 706.88396 is hereby amended to read as follows:

706.88396 1. A certificate holder may, upon approval from the Taxicab Authority, lease a taxicab to an independent contractor who is not a certificate holder. A certificate holder may lease only one taxicab to each independent contractor with whom the person enters into a lease agreement. The taxicab may be used ~~only in~~ **without limitation:**

(a) In a manner authorized by the certificate holder's certificate of public convenience and necessity ~~;~~ **; or**

(b) By the independent contractor to provide transportation services in accordance with an agreement with a transportation network company entered into pursuant to chapter 706A of NRS.

2. A certificate holder who enters into a lease agreement with an independent contractor pursuant to this section shall submit a copy of the agreement to the Taxicab Authority for its approval. The agreement is not effective until approved by the Taxicab Authority.

3. A certificate holder who leases a taxicab to an independent contractor is jointly and severally liable with the independent contractor for any violation of the provisions of this chapter or the regulations adopted pursuant **thereto or, if applicable, chapter 706A of NRS or the regulations adopted pursuant** thereto, and shall ensure that the independent contractor complies with such provisions and regulations.

4. The Taxicab Authority or any of its employees may intervene in a civil action involving a lease agreement entered into pursuant to this section.

Sec. 1.3. Chapter 706A is hereby amended by adding thereto the provisions set forth as sections 1.4 and 1.5 of this act.

Sec. 1.4. 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a driver's permit pursuant to NRS 706A.160 shall include the social security number of the applicant in the application submitted to the Authority.

(b) An applicant for the issuance or renewal of a driver's permit shall submit to the Authority the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Authority shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the driver's permit; or

(b) A separate form prescribed by the Authority.

3. A driver's permit may not be issued or renewed by the Authority if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Authority shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 1.5. 1. If the Authority receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a driver's permit, the Authority shall deem the driver's permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Authority receives a letter issued to the holder of the driver's permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the driver's permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Authority shall reinstate a driver's permit that has been suspended by a district court pursuant to NRS 425.540 if the Authority receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose driver's permit was suspended stating that the person whose driver's permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 1.6. NRS 706A.040 is hereby amended to read as follows:

706A.040 "Driver" means a natural person who:

1. Operates a motor vehicle ~~that~~;

(a) That is owned ~~by~~ or leased ~~for otherwise authorized for use~~ by the person ~~by~~ and registered with the Department of Motor Vehicles in the name of the person; or

(b) As an independent contractor pursuant to a lease authorized by NRS 706.88396; and

2. Enters into an agreement with a transportation network company to receive connections to potential passengers ~~and related services~~ from a transportation network company and provide transportation services to such passengers in exchange for the payment of a fee to the transportation network company.

Sec. 1.7. NRS 706A.075 is hereby amended to read as follows:

706A.075 1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.

2. A transportation network company which holds a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 704 of NRS relating to public utilities; and

(b) ~~(The)~~ Except as otherwise provided in NRS 706.88396, the provisions of chapter 706 of NRS,

↪ to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 1.8. NRS 706A.110 is hereby amended to read as follows:

706A.110 1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. A driver shall not provide transportation services unless the driver and the company with which the driver is affiliated ~~holds~~ each hold a valid permit issued by the Authority pursuant to this chapter.

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies and drivers who operate or wish to operate within this State. ~~(The)~~ Except as otherwise provided in NRS 706.8818 and 706.88396, the Authority shall not apply any provision of chapter 706 of NRS to a transportation network company or a driver who operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 1.9. NRS 706A.130 is hereby amended to read as follows:

706A.130 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to

receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) ~~Does~~ **Except as otherwise provided in NRS 706.88396, does** not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to NRS 706A.120 and meets the requirements for the issuance of a permit.

Sec. 2. NRS 706A.160 is hereby amended to read as follows:

706A.160 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

2. Before a transportation network company allows a ~~person~~ **driver** to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company, the company must ~~;~~

~~(a) Require the person to submit an application to the company, which must include, without limitation:~~

~~—(1) The name, age and address of the applicant.~~

~~—(2) A copy of the driver's license of the applicant.~~

~~—(3) A record of the driving history of the applicant.~~

~~—(4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.~~

~~—(5) Proof that the applicant has complied with the requirements of NRS 485.185.~~

~~(b) At the time of application and not less than once every 3 years thereafter,~~ **ensure that the driver holds a valid driver's permit issued by the Authority pursuant to this section.**

3. The Authority shall issue a driver's permit to each applicant who satisfies the requirements of this section. Before issuing a driver's permit, the Authority shall:

(a) Require the transportation network company with which the applicant is employed or under a contract or has an offer of employment or a contract that is contingent on the applicant obtaining a driver's permit to conduct or contract with a third party to conduct an investigation of the criminal history of the applicant, which must include, without limitation:

(1) A review of a commercially available database containing criminal records from each state which are validated using a search of the primary source of each record ~~;~~ and

(2) A search of a database containing the information available in the sex offender registry maintained by each state ~~;~~

~~— (e) At the time of application and not less than once every year thereafter, obtain and review a complete record of the driving history of the applicant.~~

~~— 3. A transportation network company],~~

~~↪ and provide the results of such an investigation to the Authority.~~

~~— (b) Require proof that the applicant has entered into an agreement with a transportation network company to provide transportation services in exchange for the payment of a fee by the applicant to the company which is contingent on the applicant obtaining a driver's permit pursuant to this section and has a valid license issued pursuant to NRS 483.340 which authorizes the applicant to drive in this State any motor vehicle that is within the scope of such an agreement.~~

~~— (c) Require proof that the motor vehicle which will be operated by the applicant to provide transportation services is registered in the name of the applicant unless the applicant will operate the motor vehicle as an independent contractor pursuant to a lease authorized by NRS 706.88396.~~

~~— (d) Require proof that the applicant has obtained all applicable state and local business licenses.~~

~~4. The Authority may [enter into an agreement with] refuse to issue a [driver] driver's permit if:~~

~~(a) The applicant is not at least 19 years of age.~~

~~(b) The applicant [possesses a valid driver's license issued by the Department of Motor Vehicles unless the applicant is exempt from the requirement to obtain a Nevada driver's license pursuant to NRS 483.240.~~

~~— (c) The applicant provides proof that the motor vehicle operated by him or her is registered with the Department of Motor Vehicles unless the applicant is exempt from the requirement to register the motor vehicle in this State pursuant to NRS 482.385.~~

~~— (d) The applicant provides proof that the motor vehicle operated by him or her is operated and maintained in compliance with all applicable federal, state and local laws.~~

~~— (e) The applicant provides proof that he or she currently is in compliance with the provisions of NRS 485.185.~~

~~— (f) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of three or more violations of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a misdemeanor.~~

~~— (g) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a gross misdemeanor or felony.~~

~~— (h) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of federal, state or local law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.~~

~~— (i) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any crime involving an act of terrorism, an act of violence, a sexual offense, fraud, theft, damage to property of another or the use of a motor vehicle in the commission of a felony;~~

~~— (j) The name of the applicant does not appear in the database searched pursuant to subparagraph (2) of paragraph (b) of subsection 2.}~~

~~4. A driver shall, not later than 6 months after a transportation network company allows the driver to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company and annually thereafter, on or before the anniversary date of that agreement, provide to the company verification that the driver holds a valid state business registration pursuant to chapter 76 of NRS. Such verification may consist of the business identification number assigned by the Secretary of State to the driver upon compliance with the provisions of chapter 76 of NRS.~~

~~5. A transportation network company shall terminate an agreement with any driver who:~~

~~— (a) Fails to submit to the transportation network company a change in his or her address, driver's license or motor vehicle registration within 30 days after the date of the change;~~

~~— (b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history;~~

~~— (c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not less than once each year and an investigation of his or her criminal history not less than once every 3 years;~~

~~— (d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company;~~

~~— (e) Fails to comply with the provisions of subsection 4.} has been convicted of:~~

(1) A felony, other than a sexual offense, in this State or any other jurisdiction within the 5 years immediately preceding the date of the application;

(2) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application; or

(3) A violation of NRS 484C.110 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct within the 3 years immediately preceding the date of the application.

(c) If the Authority determines that the issuance of the driver's permit would be detrimental to public health, welfare or safety.

5. A driver's permit issued pursuant to this section is valid for not longer than 3 years, but lapses if the driver ceases to have an agreement with the transportation network company identified in the application for

the original or renewal permit. A driver must notify the Authority within 10 days after the lapse of a permit and obtain a new permit pursuant to this section before providing transportation services pursuant to an agreement with a different transportation network company.

Sec. 2.1. NRS 706A.180 is hereby amended to read as follows:

706A.180 1. A transportation network company shall not allow a driver to be connected to potential passengers using the digital network or software application service of the company if the motor vehicle operated by the driver to provide transportation services:

(a) Is not in compliance with all federal, state and local laws concerning the operation and maintenance of the motor vehicle.

(b) Has less than four doors.

(c) Is designed to carry more than eight passengers, including the driver.

(d) Is a farm tractor, mobile home, recreational vehicle, semitractor, semitrailer, trailer, bus, motorcycle or tow car.

(e) Is not registered with the Department of Motor Vehicles in the name of the driver or, for a motor vehicle operated by a driver pursuant to a lease authorized by NRS 706.88396, the name of the lessor.

(f) Does not have a vehicle permit described in subsection 5 affixed to the motor vehicle.

2. A transportation network company shall ~~inspect or~~ cause to be inspected every motor vehicle used by a driver to provide transportation services before allowing the driver to use the motor vehicle to provide transportation services and not less than once each year thereafter.

3. The inspection required by subsection 2 must include, without limitation, an inspection of the foot and emergency brakes, steering, windshield, rear window, other glass, windshield wipers, headlights, tail lights, turn indicator lights, braking lights, front seat adjustment mechanism, doors, horn, speedometer, bumpers, muffler, exhaust, tires, rear view mirrors and safety belts of the vehicle which ensures the proper functioning of each component.

4. The motor vehicle operated by a driver must be marked with or have otherwise attached to the front and rear of the motor vehicle the name or logo of each transportation network company with which the driver is affiliated. The name or logo of each transportation network company must be at least 3 inches in height and be visible from a distance of at least 50 feet. The name or logo of each transportation network company must be distinct.

5. The vehicle permit required pursuant to paragraph (f) of subsection 1 must:

(a) Contain the letters "TNC" and a unique number issued by the Authority.

(b) Identify the motor vehicle for which the vehicle permit was issued.

(c) Identify the driver of the motor vehicle.

(d) Contain such other information as the Department of Motor Vehicles determines necessary.

Sec. 2.3. NRS 706A.230 is hereby amended to read as follows:

706A.230 1. A transportation network company shall maintain the following records relating to the business of the company for a period of at least 3 years after the date on which the record is created:

- (a) Trip records;
- (b) Driver records and vehicle inspection records;
- (c) Records of each complaint and the resolution of each complaint; and
- (d) Records of each accident or other incident that involved a driver and was reported to the transportation network company.

2. Each transportation network company shall make its records available for inspection by the Authority upon request and only as necessary for the Authority to investigate complaints. This subsection does not require a company to make any proprietary information available to the Authority. ~~[Any]~~ ***Except as otherwise provided in subsection 3, any*** records provided to the Authority are confidential and must not be disclosed other than to employees of the Authority.

3. The Authority shall disclose to the Secretary of State the name of each driver and such other information as the Secretary of State determines necessary to enforce the provisions of chapter 76 of NRS. If the Secretary of State obtains any confidential information pursuant to this subsection, the Secretary of State, and any employee of the Secretary of State engaged in the administration of chapter 76 of NRS or charged with the custody of any records or files relating to the administration of chapter 76 of NRS, shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the Authority.

Sec. 2.5. NRS 690B.470 is hereby amended to read as follows:

690B.470 1. Every transportation network company or driver shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375:

(a) In an amount of not less than \$1,500,000 for bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident or motor vehicle crash that occurs while the driver is providing transportation services;

(b) In an amount of not less than ~~[\$50,000]~~ ***\$300,000*** for bodily injury to or death of one ~~[person]~~ ***or more persons and injury to or destruction of property of others*** in any one accident or motor vehicle crash that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive

requests for transportation services but is not otherwise providing transportation services. ~~1. f.~~

~~(c) Subject to the minimum amount for one person required by paragraph (b), in an amount of not less than \$100,000 for bodily injury to or death of two or more persons in any one accident or motor vehicle crash that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services; and~~

~~(d) In an amount of not less than \$25,000 for injury to or destruction of property of others in any one accident or motor vehicle crash that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services.~~

↪ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

2. The transportation network company insurance required by subsection 1 may be provided through one or a combination of insurance policies provided by the transportation network company or the driver, or both.

3. Every transportation network company shall continuously provide, during any period in which the driver is ~~providing transportation services,~~ logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, which meets the requirements of subsection 1 as primary insurance if the insurance provided by the driver:

(a) Lapses; or

(b) Fails to meet the requirements of subsection 1.

4. Notwithstanding the provisions of NRS 485.185 and 485.186 which require the owner or operator of a motor vehicle to provide insurance, transportation network company insurance shall be deemed to satisfy the requirements of NRS 485.185 or 485.186, as appropriate, regardless of whether the insurance is provided by the transportation network company or the driver, or both, if the transportation network company insurance otherwise satisfies the requirements of NRS 485.185 or 485.186, as appropriate.

5. In addition to the coverage required pursuant to subsection 1, a policy of transportation network company insurance may include additional coverage, including, without limitation, coverage for medical payments,

coverage for uninsured or underinsured motorists, comprehensive coverage and collision coverage.

6. An insurer who provides transportation network company insurance shall not require a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, to deny a claim before the transportation network company insurance provides coverage for a claim.

7. An insurer who provides transportation network company insurance has a duty to defend and indemnify the driver and the transportation network company.

8. An insurer who provides transportation network company insurance which includes comprehensive coverage or collision coverage for the operation of a motor vehicle against which a lienholder holds a lien shall issue any payment for a claim under such coverage:

- (a) Directly to the person who performs repairs upon the vehicle; or
- (b) Jointly to the owner of the vehicle and the lienholder.

9. A transportation network company that provides transportation network company insurance for a motor vehicle is not deemed to be the owner of the motor vehicle.

~~Sec. 2.7. 1. Notwithstanding the provisions of NRS 706A.160, as amended by section 2 of this act, a person who, on or before October 1, 2017, entered into an agreement with a transportation network company to receive connections to potential passengers which is in effect on October 1, 2017, must, on or before the anniversary date of the agreement, provide to the company verification that the person holds a valid state business registration pursuant to chapter 76 of NRS. Such verification may consist of the business identification number assigned by the Secretary of State to the person entering into an agreement with the company upon compliance with the provisions of chapter 76 of NRS.~~

~~2. As used in this section, "transportation network company" and "company" have the meaning ascribed to them in NRS 706A.050.] (Deleted by amendment.)~~

Sec. 2.9. 1. Notwithstanding the amendatory provisions of this act, a person who provides transportation services as a driver in affiliation with a transportation network company on or before July 1, 2017, may continue to do so without obtaining a driver's permit pursuant to NRS 706A.160, as amended by section 2 of this act, until October 1, 2017.

2. As used in this section:

- (a) "Driver" has the meaning ascribed to it in NRS 706A.040.**
- (b) "Transportation network company" has the meaning ascribed to it in NRS 706A.050.**
- (c) "Transportation services" has the meaning ascribed to it in NRS 706A.060.**

Sec. 3. (Deleted by amendment.)

Sec. 4. 1. This act becomes effective on July 1, 2017.

2. Sections 1.4 and 1.5 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

Assemblyman Carrillo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Senate Bill No. 226 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 452.

Bill read third time.

The following amendment was proposed by Assemblyman Carrillo:

Amendment No. 978.

AN ACT relating to certificates of title; authorizing the Department of Motor Vehicles to issue a new certificate of title or a state agency to issue a salvage title for a vehicle to a person who is unable to provide a certificate of title for the vehicle and who files a bond with the Department or state agency under certain circumstances; setting forth the requirements for filing the bond; requiring the Department or state agency to return the bond under certain circumstances; abolishing certain rights of action against the Department of Motor Vehicles and any officer or employee of the Department; **requiring certain lienholders to process all notifications and releases of security interests through the electronic lien system established for the Department;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if an applicant for registration of a vehicle or transfer of registration is unable to provide a certificate of title for the vehicle, the Department of Motor Vehicles may issue to the applicant a certificate of title if the Department is satisfied that the applicant has provided information sufficient to establish: (1) legal ownership of the vehicle; or (2) that the applicant is entitled to a new certificate of title. (NRS 482.240, 482.415)

Similarly, if an applicant for a salvage title for a vehicle is unable to furnish a certificate of title for the vehicle, the state agency may issue a salvage title if the state agency is satisfied, after examining the circumstances and requiring the filing of suitable information, that the applicant is entitled to a salvage title. (NRS 487.820) Existing law requires a person whose certificate of title is lost, mutilated or illegible to immediately make application for and obtain a duplicate or substitute certificate of title upon furnishing information satisfactory to the Department and payment of the required fees. (NRS 482.285)

Section 1 of this bill authorizes a person who is unable to provide information satisfactory to the Department that the person is entitled to a new certificate of title or a duplicate or substitute certificate of title for a vehicle to obtain a new certificate of title by: (1) filing a bond with the Department in an amount equal to one and one-half times the value of the vehicle, as determined by the Department; and (2) allowing the Department to inspect the vehicle to verify the vehicle identification number. Such a bond must be conditioned to indemnify prior and subsequent owners or lienholders of the vehicle against any expense, loss or damage because of the issuance of the certificate of title, or because of any defect in or undisclosed security interest in the applicant's right or title to the vehicle or the applicant's interest in the vehicle. The bond must be returned by the Department at the end of 3 years, unless the Department has been notified of the pendency of an action to recover on the bond. **Section 1** also abolishes any right of action against the Department for taking certain actions or failing to act in providing a certificate of title pursuant to that section. Finally, **section 1** provides that an applicant for a certificate of title pursuant to that section may participate in the Department's electronic lien system. **Section 6** of this bill sets forth the same option for filing a bond and allowing an inspection to obtain a salvage title for a vehicle, and abolishes any right of action against the Department in a manner similar to the provisions of **section 1**. **Sections 2-5** of this bill make conforming changes. Existing law authorizes the Department to adopt regulations specifying the amount of the fees which the Department will charge and collect for each certificate of title or duplicate certificate of title issued. (NRS 482.429) Existing regulations impose a fee of \$20 for each certificate of title or duplicate certificate of title issued for a vehicle present or registered in this State. (NAC 482.907)

Existing law requires the Department to enter into a contract to establish, implement and operate an electronic lien system for use by certain lienholders in lieu of the issuance and maintenance of paper documents otherwise required to process the notification and release of a security interest in a vehicle. (NRS 482.4285) Section 5.5 of this bill requires all lienholders to use the electronic lien system to process all notifications and releases of security interests, with an exception for persons who are not normally engaged in the business or practice of financing vehicles.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an applicant who is seeking a certificate of title to a vehicle from the Department pursuant to subsection 3 of NRS 482.240, subsection 1 of NRS 482.285 or subsection 1 of NRS 482.415 is unable to satisfy the Department that the applicant is entitled to a new certificate of title, the applicant may obtain a new certificate of title from the Department by:

(a) Filing a bond with the Department that meets the requirements of subsection 3; and

(b) Allowing the Department to inspect the vehicle to verify the vehicle identification number.

2. Any person damaged by the issuance of a certificate of title pursuant to this section has a right of action to recover on the bond for any breach of its conditions, except the aggregate liability of the surety to all persons must not exceed the amount of the bond. The Department shall return the bond, and any deposit accompanying it, 3 years after the bond was filed with the Department, except that the Department shall not return the bond if the Department has been notified of the pendency of an action to recover on the bond.

3. The bond required pursuant to subsection 1 must be:

(a) In a form prescribed by the Department;

(b) Executed by the applicant as principal and by a corporation qualified under the laws of this State as surety;

(c) In an amount equal to one and one-half times the value of the vehicle, as determined by the Department; and

(d) Conditioned to indemnify any:

(1) Prior owner or lienholder of the vehicle, and his or her successors in interest;

(2) Subsequent purchaser of the vehicle, and his or her successors in interest; or

(3) Person acquiring a security interest in the vehicle, and his or her successors in interest,

↪ against any expense, loss or damage because of the issuance of the certificate of title or because of any defect in or undisclosed security interest in the applicant's right or title to the vehicle or the applicant's interest in the vehicle.

4. A right of action does not exist in favor of any person by reason of any action or failure to act on the part of the Department or any officer or employee thereof in carrying out the provisions of this section, or in giving or failing to give any information concerning the legal ownership of a vehicle or the existence of a title obtained pursuant to this section.

5. An applicant seeking a certificate of title pursuant to this section may participate in the electronic lien system authorized in NRS 482.4285.

Sec. 2. NRS 482.240 is hereby amended to read as follows:

482.240 1. Upon the registration of a vehicle, the Department or a registered dealer shall issue a certificate of registration to the owner.

2. When an applicant for registration or transfer of registration is unable, for any reason, to submit to the Department in support of the application for registration, or transfer of registration, such documentary evidence of legal ownership as, in the opinion of the Department, is sufficient to establish the legal ownership of the vehicle concerned in the application for registration or transfer of registration, the Department may issue to the applicant only a certificate of registration.

3. The Department may, upon proof of ownership satisfactory to it ~~it~~ **or pursuant to section 1 of this act**, issue a certificate of title before the registration of the vehicle concerned. The certificate of registration issued pursuant to this chapter is valid only during the registration period or calendar year for which it is issued, and a certificate of title is valid until cancelled by the Department upon the transfer of interest therein.

Sec. 3. NRS 482.260 is hereby amended to read as follows:

482.260 1. When registering a vehicle, the Department and its agents or a registered dealer shall:

(a) Collect the fees for license plates and registration as provided for in this chapter.

(b) Collect the governmental services tax on the vehicle, as agent for the State and for the county where the applicant intends to base the vehicle for the period of registration, unless the vehicle is deemed to have no base.

(c) Collect the applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

(d) Issue a certificate of registration.

(e) If the registration is performed by the Department, issue the regular license plate or plates.

(f) If the registration is performed by a registered dealer, provide information to the owner regarding the manner in which the regular license plate or plates will be made available to the owner.

2. Upon proof of ownership satisfactory to the Director ~~it~~ **or as otherwise provided in section 1 of this act**, the Director shall cause to be issued a certificate of title as provided in this chapter.

3. Except as otherwise provided in NRS 371.070 and subsections 6, 7 and 8, every vehicle being registered for the first time in Nevada must be taxed for the purposes of the governmental services tax for a 12-month period.

4. The Department shall deduct and withhold 2 percent of the taxes collected pursuant to paragraph (c) of subsection 1 and remit the remainder to the Department of Taxation.

5. A registered dealer shall forward all fees and taxes collected for the registration of vehicles to the Department.

6. A trailer being registered pursuant to NRS 482.2065 must be taxed for the purposes of the governmental services tax for a 3-year period.

7. A full trailer or semitrailer being registered pursuant to subsection 3 of NRS 482.483 must be taxed for the purposes of the governmental services tax in the amount of \$86. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.

8. A moped being registered pursuant to NRS 482.2155 must be taxed for the purposes of the governmental services tax for only the 12-month period following the registration. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.

Sec. 4. NRS 482.285 is hereby amended to read as follows:

482.285 1. If any certificate of registration or certificate of title is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain a duplicate or substitute therefor upon furnishing information satisfactory to the Department and upon payment of the required fees. *An applicant who is unable to furnish information satisfactory to the Department that the applicant is entitled to a duplicate or substitute certificate of title pursuant to this subsection may obtain a new certificate of title pursuant to the provisions of section 1 of this act.*

2. If any license plate or plates or any decal is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain:

- (a) A duplicate number plate or a substitute number plate;
- (b) A substitute decal; or
- (c) A combination of both (a) and (b),

↪ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

3. If any license plate or plates or any decal is stolen, the person to whom it was issued shall immediately make application for and obtain:

- (a) A substitute number plate;
- (b) A substitute decal; or
- (c) A combination of both (a) and (b),

↪ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

4. The Department shall issue duplicate number plates or substitute number plates and, if applicable, a substitute decal, if the applicant:

- (a) Returns the mutilated or illegible plates to the Department or signs a declaration that the plates were lost, mutilated or illegible; and
- (b) Complies with the provisions of subsection 6.

5. The Department shall issue substitute number plates and, if applicable, a substitute decal, if the applicant:

- (a) Signs a declaration that the plates were stolen; and
- (b) Complies with the provisions of subsection 6.

6. Except as otherwise provided in this subsection, an applicant who desires duplicate number plates or substitute number plates must make application for renewal of registration. Except as otherwise provided in subsection 7 or 8 of NRS 482.260, credit must be allowed for the portion of the registration fee and governmental services tax attributable to the remainder of the current registration period. In lieu of making application for renewal of registration, an applicant may elect to make application solely for:

- (a) Duplicate number plates or substitute number plates, and a substitute decal, if the previous license plates were lost, mutilated or illegible; or
- (b) Substitute number plates and a substitute decal, if the previous license plates were stolen.

7. An applicant who makes the election described in subsection 6 retains the current date of expiration for the registration of the applicable vehicle and is not, as a prerequisite to receiving duplicate number plates or substitute number plates or a substitute decal, required to:

- (a) Submit evidence of compliance with controls over emission; or
- (b) Pay the registration fee and governmental services tax attributable to a full period of registration.

Sec. 5. NRS 482.415 is hereby amended to read as follows:

482.415 1. Whenever application is made to the Department for registration of a vehicle previously registered pursuant to this chapter and the applicant is unable to present the certificate of registration or certificate of title previously issued for the vehicle because the certificate of registration or certificate of title is lost, unlawfully detained by one in possession or otherwise not available, the Department may receive the application, investigate the circumstances of the case and require the filing of affidavits or other information. When the Department is satisfied that the applicant is entitled to a new certificate of registration and certificate of title, it may register the applicant's vehicle and issue new certificates and a new license plate or plates to the person or persons entitled thereto. ***An applicant who is unable to satisfy the Department that the applicant is entitled to a new certificate of title pursuant to this subsection may obtain a new certificate of title pursuant to the provisions of section 1 of this act.***

2. Whenever application is made to the Department for the registration of a motor vehicle of which the:

- (a) Ownership has been transferred;
- (b) Certificate of title is lost, unlawfully detained by one in possession or otherwise not available; and
- (c) Model year is 9 years old or newer,

➡ the transferor of the motor vehicle may, to furnish any information required by the Department to carry out the provisions of NRS 484D.330, designate the transferee of the motor vehicle as attorney-in-fact on a form for a power of attorney provided by the Department.

3. The Department shall provide the form described in subsection 2. The form must be:

(a) Produced in a manner that ensures that the form may not be easily counterfeited; and

(b) Substantially similar to the form set forth in Appendix E of Part 580 of Title 49 of the Code of Federal Regulations.

4. The Department may charge a fee not to exceed 50 cents for each form it provides.

Sec. 5.5. NRS 482.4285 is hereby amended to read as follows:

482.4285 1. The Department shall enter into one or more contracts pursuant to this section to establish, implement and operate, in lieu of the issuance and maintenance of paper documents otherwise required by this chapter, an electronic lien system to process the notification and release of security interests through electronic batch file transfers.

2. Any contract entered into pursuant to this section must not require the Department to pay any amount to a contractor unless otherwise provided in this section. A contractor must be required to reimburse the Department for any reasonable implementation costs directly incurred by the Department during the establishment and ongoing administration of the electronic lien system. A contract entered into pursuant to this section must include provisions specifically prohibiting a contractor from using information concerning vehicle titles for marketing or solicitation purposes.

3. The electronic lien system must allow qualified service providers to participate in the system. A lienholder may participate in the system through any qualified service provider approved by the Department for participation in the system.

4. Service providers may be required to collect fees from lienholders and their agents for the implementation and administration of the electronic lien system. The amount of the fee collected by a service provider and paid to a contractor for the establishment and maintenance of the electronic lien system must not exceed \$4 per transaction.

5. A contractor may also serve as a service provider under such terms and conditions as are established by the Department pursuant to the terms of a contract entered into pursuant to this section and the regulations adopted by the Department. If a contractor will also serve as a service provider:

(a) The Department may perform audits of the contractor at intervals determined by the Department to ensure the contractor is not engaged in predatory pricing. The contractor shall reimburse the Department for the cost of all audits.

(b) The contract between the Department and the contractor entered into pursuant to this section must include an acknowledgement by the contractor that the contractor is required to enter into agreements to exchange electronic lien data with all service providers who offer electronic lien and title services to lienholders doing business in the State of Nevada, have been approved by the Department for participation in the electronic lien system pursuant to this section and elect to use the contractor for access to the electronic lien system.

A service provider must not be required to provide confidential or proprietary information to any other service provider.

6. Except for persons who are not normally engaged in the business or practice of financing vehicles, all lienholders ~~are required to participate in the electronic lien system.~~ **shall use the electronic lien system to process all notifications and releases of security interests through electronic batch file transfers.**

7. For the purposes of this chapter, any requirement that a lien or other information appear on a certificate of title is satisfied by the inclusion of that information in an electronic file maintained in an electronic lien system. The satisfaction of a lien may be electronically transmitted to the Department. A certificate of title is not required to be issued until the lien is satisfied or the certificate of title is otherwise required to meet the requirements of any legal proceeding or other provision of law. If a vehicle is subject to an electronic lien, the certificate of title shall be deemed to be physically held by the lienholder for the purposes of state or federal law concerning odometer readings and disclosures.

8. A certified copy of the Department's electronic record of a lien is admissible in any civil, criminal or administrative proceeding in this State as evidence of the existence of the lien. If a certificate of title is maintained electronically in the electronic lien system, a certified copy of the Department's electronic record of the certificate of title is admissible in any civil, criminal or administrative proceeding in this State as evidence of the existence and contents of the certificate of title.

9. The Director may adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation:

(a) The amount of the fee a service provider is required to charge pursuant to subsection 4 and pay to a contractor for the establishment and maintenance of the electronic lien system.

(b) The qualifications of service providers for participation in the electronic lien system.

(c) The qualifications for a contractor to enter into a contract with the Department to establish, implement and operate the electronic lien system.

(d) Program specifications that a contractor must adhere to in establishing, implementing and operating the electronic lien system.

(e) Additional requirements for and restrictions upon a contractor who will also serve as a service provider.

10. As used in this section:

(a) "Contractor" means a person who, pursuant to this section, enters into a contract with the Department to establish, implement and operate the electronic lien system.

(b) "Electronic lien system" means a system to process the notification and release of security interests through electronic batch file transfers that is established and implemented pursuant to this section.

(c) “Service provider” means a person who, pursuant to this section, provides lienholders with software to manage electronic lien and title data.

Sec. 6. NRS 487.820 is hereby amended to read as follows:

487.820 1. Except as otherwise provided in subsection 2 of NRS 487.800, if the applicant for a salvage title is unable to furnish the certificates of title and registration last issued for the vehicle, the state agency may accept the application, examine the circumstances of the case and require the filing of suitable affidavits or other information or documents. If satisfied that the applicant is entitled to a salvage title, the state agency may issue the salvage title.

2. No duplicate certificate of title or registration may be issued when a salvage title is applied for, and no fees are required for the affidavits of any stolen, lost or damaged certificate, or duplicates thereof, unless the vehicle is subsequently registered.

3. *If an applicant who is unable to satisfy the state agency that the applicant is entitled to a salvage title pursuant to subsection 1 wishes to register the vehicle pursuant to the provisions of subsection 6 of NRS 487.800 and NRS 487.860, the applicant may obtain a salvage title from the state agency by:*

(a) Filing a bond with the state agency that meets the requirements of subsection 5; and

(b) Allowing the Department to inspect the vehicle to verify the vehicle identification number and the identification numbers, if any, for parts used to repair the vehicle.

4. *Any person damaged by the issuance of the salvage title pursuant to subsection 3 has a right of action to recover on the bond for any breach of its conditions, except the aggregate liability of the surety to all persons must not exceed the amount of the bond. The state agency shall return the bond, and any deposit accompanying it, 3 years after the bond was filed with the state agency, except that the state agency must not return the bond if the state agency has been notified of the pendency of an action to recover on the bond.*

5. *The bond required pursuant to subsection 3 must be:*

(a) In a form prescribed by the state agency;

(b) Executed by the applicant as principal and by a corporation qualified under the laws of this State as surety;

(c) In an amount equal to one and one-half times the value of the vehicle, as determined by the state agency; and

(d) Conditioned to indemnify any:

(1) Prior owner or lienholder of the vehicle, and his or her successors in interest;

(2) Subsequent purchaser of the vehicle, and his or her successors in interest; or

(3) Person acquiring a security interest in the vehicle, and his or her successors in interest,

↪ *against any expense, loss or damage because of the issuance of the salvage title or because of any defect in or undisclosed security interest in the applicant's right or title to the vehicle or the applicant's interest in the vehicle.*

6. *A right of action does not exist in favor of any person by reason of any action or failure to act on the part of the Department or any officer or employee thereof in carrying out the provisions of subsections 3, 4 and 5, or in giving or failing to give any information concerning the legal ownership of a vehicle or the existence of a salvage title obtained pursuant to subsection 3.*

Sec. 7. 1. This act becomes effective.

~~1. Upon passage and approval.~~

2. Sections 1 to 6, inclusive of this act become effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act. ~~1. and~~

~~2. On~~

3. Section 5.5 of this act becomes effective on July 1, 2017, for all other purposes.

4. Sections 1 to 5, inclusive, and 6 of this act become effective on July 1, 2018, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 149.

Bill read third time.

The following amendment was proposed by Assemblywoman Swank:

Amendment No. 984.

AN ACT relating to regional transportation commissions; authorizing a regional transportation commission to provide grants of money for the research, development or implementation of transportation projects that use new technologies; authorizing a regional transportation commission to enter into agreements with private entities for certain projects; authorizing a regional transportation commission to recommend the imposition of certain taxes to fund the transportation projects of the commission; authorizing the board of county commissioners to submit the recommendation for the imposition of such taxes to the voters of the county; requiring the board of county commissioners to adopt an ordinance imposing any such taxes that are approved by the voters; revising provisions governing the composition of regional transportation commissions; authorizing a regional transportation commission to develop and maintain high-capacity transit systems; authorizing a regional transportation commission to adopt rules for the parking of unauthorized vehicles at facilities of the commission and the imposition of fees for the use of services or facilities of the commission;

repealing provisions requiring certain regional transportation commissions to establish a regional rapid transit authority; revising various provisions relating to the powers and duties of regional transportation commissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a county may, by ordinance, create a regional transportation commission if a streets and highways plan has been adopted by the county or regional planning commission. (NRS 277A.170) Existing law also provides a regional transportation commission the exclusive right to operate a system of public transportation within its jurisdiction, as well as enter into contracts, leases and agreements with state agencies and local governments to perform its functions. (NRS 277A.270)

Section 3 of this bill authorizes a regional transportation commission to: (1) provide grants of money to conduct research for and otherwise develop and implement certain transportation projects; and (2) enter into agreements with private entities for certain transportation projects in accordance with federal law.

Section 13 of this bill authorizes a regional transportation commission to construct, develop and operate a high-capacity transit system with the approval of the county or city which owns any public right-of-way. **Section 3.5** of this bill requires a regional transportation commission to enter into agreements with other local governments to coordinate and collaborate on the development of a project or high-capacity transit system and to share the costs related to such projects. If a regional transportation commission enters into such an agreement, **section 4** of this bill requires the commission to create and administer an account that will hold any money appropriated by the commission or a local government in accordance with the agreement. **Section 14** of this bill authorizes a regional transportation commission to use a turnkey procurement process or competitive negotiation process in connection with a high-capacity transit project.

Sections 5 and 6 of this bill provide that a regional transportation commission in certain larger counties (currently Clark and Washoe Counties) may recommend the imposition of an additional tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail. The recommendations of the commission must specify the rate of the recommended tax, the period during which the recommended tax will be imposed and the type and location of the transportation projects the recommended tax would support, if the commission submits its recommendations to the board of county commissioners, the board of county commissioners may submit a question to the voters at the next general election asking whether the tax recommended by the commission should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved tax at the rate specified in the question submitted to the voters. **A board of county commissioners may only submit one such question to the voters, and any**

such general election must be held on or before December 31, 2020.

Section 7 of this bill provides that the proceeds resulting from the imposition of such taxes must be remitted to the commission for its use in accordance with the provisions of existing law governing regional transportation commissions.

Existing law generally sets forth the authority and powers of a regional transportation commission. (NRS 277A.160, 277A.210, 277A.250) **Section 10** of this bill requires that the provisions of existing law governing regional transportation commissions be liberally construed as to allow a regional transportation commission to meet any of its objectives.

Existing law requires a regional transportation commission in certain larger counties (currently Clark and Washoe Counties) to be composed of members of the board of county commissioners and the governing body of each city in the county. **Section 10.5** of this bill provides that if a mayor of a city in such a county is not a member of the governing body of the city, the governing body may appoint the mayor to be a member of the regional transportation commission.

Section 12 of this bill authorizes a regional transportation commission to impose: (1) civil penalties for the unauthorized parking of a vehicle at a transportation facility; and (2) fees for the use of commission services or facilities.

Existing law requires the regional transportation commission in any county whose population is 700,000 or more (currently Clark County) to establish a regional rapid transit authority. **Section 18** of this bill repeals that provision.

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

Section 1. Chapter 277A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *“High-capacity transit” means a public transit system that may provide a higher level of passenger capacity by increasing, without limitation, the number of vehicles utilized by the system, the size of the vehicles, the frequency of vehicle rides, travel speed or any combination thereof, and that operates in conjunction with public transit stations. The term includes, without limitation, bus rapid transit, fixed guideway, light rail transit, commuter rail, streetcar and heavy rail.*

Sec. 3. *A commission may:*

1. Provide grants of money to conduct research for and otherwise develop and implement transportation projects that promote innovative transportation and transit technology, including, without limitation, autonomous technology as defined in NRS 482A.025.

2. Enter into agreements in accordance with 49 U.S.C. § 5315 and any guidelines adopted pursuant thereto.

Sec. 3.5. 1. *Except as otherwise provided in subsection 2, before constructing a transportation project or high-capacity transit system, a commission shall enter into agreements with any county, city, town and other political subdivision to coordinate and collaborate on the development of the transportation project or high-capacity transit system, including, without limitation, the use of public rights-of-way and the sharing of costs related to such a project.*

2. *A commission may make changes to bus schedules and bus routes and relocate bus stops within the public right-of-way without executing an agreement pursuant to subsection 1.*

Sec. 4. *If a commission enters into an agreement with a county, city, town or other political subdivision to share costs relating to a transportation project pursuant to section 3.5 of this act, the commission shall create an account administered by the commission and deposit into such account any money appropriated by each participating entity in accordance with the amounts established under the agreement. The money in the account, including any interest and income earned on the money in the account, must not be transferred to any other fund or account or used for any purpose other than the purposes set forth in the agreement entered into pursuant to section 3.5 of this act.*

Sec. 5. 1. ~~For~~ Except as otherwise provided in subsection 4, in a county whose population is 100,000 or more, a commission may:

(a) *Prepare recommendations for the imposition of the tax described in section 6 of this act in the county to provide funding for the commission for the purposes set forth in this chapter. The recommendations must specify the proposed rate for the recommended tax, the period during which the recommended tax will be imposed and the type and location of the transportation projects the recommended tax will support.*

(b) *Submit the recommendations to the board of county commissioners.*

2. ~~Upon~~ Except as otherwise provided in subsection 5, upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners may, at the next general election, submit a question to the voters of the county asking whether the recommended tax should be imposed in the county. The question submitted to the voters of the county must specify the proposed rate for the recommended tax, the period during which the recommended tax will be imposed, if the period was specified in the recommendations submitted pursuant to subsection 1, and the type and location of the transportation projects the recommended tax will support.

3. *If a majority of the voters voting on the question submitted to the voters pursuant to subsection 2 vote affirmatively on the question:*

(a) *The board of county commissioners shall impose the recommended tax in accordance with the provisions of section 6 of this act at the rate specified in the question submitted to the voters pursuant to subsection 2.*

(b) *The tax must be imposed notwithstanding the provisions of any specific statute to the contrary and, except as otherwise specifically*

provided in this section and sections 6 and 7 of this act, such tax is not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such tax, including, without limitation, any limitations on the maximum rate which may be imposed or the duration of the period during which such tax may be imposed.

4. A commission may not prepare and submit recommendations to the board of county commissioners pursuant to subsection 1 on or after December 31, 2020.

5. A board of county commissioners may only use the authorization provided pursuant to subsection 2 to submit a question to the voters of the county one time, and only if the next general election at which the question is submitted to the voters is held not later than December 31, 2020.

Sec. 6. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 5 of this act recommending the imposition of a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county, the board of county commissioners shall impose a tax by ordinance on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county. The tax must be imposed throughout the county, including all cities within the county, upon all retailers in the business of selling tangible personal property. Any ordinance enacted under this subsection must include provisions in substance as follows:

1. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

2. A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the ordinance.

3. A provision that the county shall, before the effective date of the ordinance, contract with the Department to perform all functions incident to the administration or operation of the tax in the county.

4. A provision that a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property, entered into on or before the effective date of the tax or the increase in the tax, or for which a binding bid was submitted before the date if the bid was afterward accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax or the increase in the tax.

Sec. 7. The proceeds of any tax imposed pursuant to sections 5 and 6 of this act must be remitted by the Department of Taxation to the commission for use in accordance with the provisions of this chapter.

Sec. 8. NRS 277A.020 is hereby amended to read as follows:

277A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 277A.030 to 277A.150, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

Sec. 9. NRS 277A.120 is hereby amended to read as follows:

277A.120 “Public transit system” means a system employing motor buses, rails , **high-capacity transit** or any other means of conveyance, by whatever type of power, operated for public use in the conveyance of persons.

Sec. 10. NRS 277A.160 is hereby amended to read as follows:

277A.160 This chapter , **being necessary to secure and preserve the public health, safety, convenience and welfare**, shall be so interpreted and **liberally** construed as to ~~make~~ :

1. **Make** uniform so far as possible the laws and regulations of this State and other states and of the government of the United States having to do with the subject of transportation ~~[-]~~ ; **and**

2. **Effect any other purpose and objective for which this chapter is intended.**

Sec. 10.5. NRS 277A.180 is hereby amended to read as follows:

277A.180 1. In counties whose population is 100,000 or more, the commission must be composed of representatives selected by the following entities : ~~[-from among their members:-]~~

(a) Two by the board ~~[-]~~ **from among its members.**

(b) Two by the governing body of the largest city in the county ~~[-]~~ **from among its members or, if the mayor of the city is not a member of the governing body, from among its members and the mayor of the city.**

(c) One by the governing body of each additional city in the county ~~[-]~~ **from among its members or, if the mayor of the city is not a member of the governing body, from among its members and the mayor of the city.**

2. In counties whose population is less than 100,000, the commission must be composed of representatives selected as follows:

(a) If the county contains three or more cities:

(1) Two by the board.

(2) One by the governing body of the largest city.

(b) If the county contains only two cities:

(1) Three by the board, at least one of whom is a representative of the public who is a resident of the county.

(2) One by the governing body of each city in the county.

(c) If the county contains only one city:

(1) Two by the board.

(2) One by the governing body of the city.

(d) If the county contains no city, the board shall select:

(1) Two members of the board; and

(2) One representative of the public, who is a resident of the largest town, if any, in the county.

3. In Carson City, the commission must be composed of representatives selected by the Board of Supervisors as follows:

(a) Two members of the Board of Supervisors, one of whom must be designated by the commission to serve as chair of the commission.

(b) Three representatives of the city at large.

4. The first representatives must be selected within 30 days after passage of the ordinance creating the commission, and, except as otherwise provided in subsections 5, 6 and 7, must serve until the next ensuing December 31 of an even-numbered year. The representative of any city incorporated after passage of the ordinance must be selected within 30 days after the first meeting of the governing body, and, except as otherwise provided in subsection 7, must serve until the next ensuing December 31 of an even-numbered year. Their successors must serve for terms of 2 years, and vacancies must be filled for the unexpired term.

5. In Carson City:

(a) One representative of the commission who is a member of the Board of Supervisors and one representative of the commission who is a representative of the city at large must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative of the commission who is a member of the Board of Supervisors and two representatives of the commission who are representatives of the city at large must serve until the next ensuing December 31 of an odd-numbered year.

6. In counties whose population is 100,000 or more, but less than 700,000:

(a) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an odd-numbered year.

7. In counties whose population is 700,000 or more, the first representatives and the representative of any city incorporated after passage of the ordinance must serve until the next ensuing June 30 of an odd-numbered year.

Sec. 11. NRS 277A.210 is hereby amended to read as follows:

277A.210 *1.* A commission may:

~~{1-}~~ (a) Sue and be sued.

~~{2-}~~ (b) Prepare and approve budgets for the regional street and highway fund, the public transit fund and money it receives from any source.

~~{3-}~~ (c) Adopt bylaws for the administration of its affairs and rules for the administration and operation of facilities under its control.

~~{4-}~~ (d) Conduct studies, develop plans and conduct public hearings to establish and approve short-range and regional plans for transportation.

~~{5-}~~ (e) Purchase insurance or establish a reserve or fund for self-insurance, or adopt any combination of these, to insure against loss by reason of:

- ~~{(a)}~~ (1) Damages resulting from fire, theft, accident or other casualty; or
- ~~{(b)}~~ (2) The commission's liability for other damages to persons or property which occur in the construction or operation of facilities or equipment under its control or in the conduct of its activities.

2. A commission shall have a perpetual succession, subject to termination in accordance with statute.

Sec. 12. NRS 277A.250 is hereby amended to read as follows:

277A.250 A commission may:

- 1. Acquire and own both real and personal property.
- 2. Exercise the power of eminent domain, if the city or county which has jurisdiction over the property approves, for the acquisition, construction, repair or maintenance of public roads, or for any other purpose related to public mass transportation.
- 3. Sell, lease or convey or otherwise dispose of rights, interests or properties.
- 4. Adopt regulations for:
 - (a) Financing eligible activities; ~~and~~
 - (b) **Unauthorized parking of vehicles at a transportation facility within the jurisdiction of the commission, including, without limitation, the imposition of a civil penalty for a violation of such regulations;**
 - (c) **The imposition of fees for the use of the facilities or services of the commission and the use of such fees for the construction or operation of transportation facilities; and**
 - (d) The operation of systems or services provided by the commission.

Sec. 13. NRS 277A.270 is hereby amended to read as follows:

277A.270 1. A commission may:

- (a) Operate , **develop and maintain** a system of public transportation , **including, without limitation, a high-capacity transit system,** to the exclusion of any other publicly owned system of transportation within its area of jurisdiction.

(b) **Construct high-capacity transit systems in the county or a city within the county which owns a public right-of-way if the county or city within the county approves of such construction.**

(c) Use streets, roads, highways and other public rights-of-way for public transportation.

~~{(e)}~~ (d) Enter into agreements for the joint use of facilities, installations and properties and the joint exercise of statutory powers.

~~{(d)}~~ (e) Prohibit the use of any facility, installation or property owned, operated or leased by the commission, including, without limitation, a transit stop or bus turnout, by any person other than the commission or its agents.

~~{(e)}~~ (f) Enter into contracts, leases and agreements with and accept grants and loans from federal and state agencies, counties, cities, towns, other

political subdivisions, public or private corporations and other persons, and may perform all acts necessary for the full exercise of the powers vested in the commission.

2. The powers and duties of a commission set forth in this chapter do not apply to any monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695.

3. As used in this section, "bus turnout" means a fixed area that is:

(a) Adjacent to, appurtenant to, or within a reasonable proximity of, a public highway; and

(b) To be occupied exclusively by buses in receiving or discharging passengers.

Sec. 14. NRS 277A.280 is hereby amended to read as follows:

277A.280 1. A commission, a county whose population is less than 100,000 or a city within such a county may establish or operate a public transit system consisting of:

(a) Regular routes and fixed schedules to serve the public;

(b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in NRS 435.176, if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or a city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

2. A commission may lease vehicles to or from or enter into other contracts with a private operator for the provision of such a system.

3. In a county whose population is less than 700,000, such a system may also provide service which includes:

(a) Minor deviations from the regular routes and fixed schedules required by paragraph (a) of subsection 1 on a recurring basis to serve the public transportation needs of passengers. The deviations must not exceed one-half mile from the regular routes.

(b) The transporting of persons other than those specified in paragraph (b), (c) or (d) of subsection 1 upon request without regard to regular routes or fixed schedules, if the service is provided by a common motor carrier which has a certificate of public convenience and necessity issued by the Nevada Transportation Authority pursuant to NRS 706.386 to 706.411, inclusive, and the service is subject to the rules and regulations adopted by the Nevada Transportation Authority for a fully regulated carrier.

4. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a commission may utilize a turnkey procurement process to select a person to design, build, *finance*, operate and maintain, or any combination

thereof, a ~~{fixed-guideway}~~ **high-capacity transit** system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a ~~{fixed-guideway}~~ **high-capacity transit** project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost-effective method of constructing the project on schedule and in satisfaction of its transportation objectives.

5. Notwithstanding the provisions of chapter 332 of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a ~~{fixed-guideway}~~ **high-capacity transit** project, rolling stock for a public transit system, facilities and any other equipment that is related to public transportation. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

6. If a commission develops a ~~{fixed-guideway}~~ **high-capacity transit** project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.

7. As used in this section:

(a) “Fully regulated carrier” means a common carrier or contract carrier of passengers or household goods who is required to obtain from the Nevada Transportation Authority a certificate of public convenience and necessity or a contract carrier’s permit and whose rates, routes and services are subject to regulation by the Nevada Transportation Authority.

(b) “Minimum operable segment” means the shortest portion of a ~~{fixed-guideway}~~ **high-capacity transit** system that is technically capable of providing viable public transportation between two end points.

(c) “Turnkey procurement” means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a ~~{fixed-guideway}~~ **high-capacity transit** system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 277A.345 is hereby repealed.

Sec. 19. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

277A.345 Counties whose population is 700,000 or more:
Establishment of regional rapid transit authority; development of plan
for establishment of regional rapid transit system by authority.

1. In a county whose population is 700,000 or more, the commission shall establish a regional rapid transit authority. The membership of the regional rapid transit authority must consist of:

- (a) The general manager of the commission, who shall act as chair of the authority;
- (b) One member appointed by the board of county commissioners;
- (c) Three members, one from each of the three largest cities within the county, who are appointed by the respective governing bodies of each city;
- (d) One member selected by the association of gaming establishments whose membership collectively paid the most gaming license fees to the State pursuant to NRS 463.370 in the county in the preceding year;
- (e) One member who is selected by the economic development authority in the county;
- (f) One member selected by the Department of Transportation; and
- (g) One member who has expertise in urban planning and design or architecture selected by the Nevada Arts Council.

2. The regional rapid transit authority shall develop a plan for the establishment of a regional rapid transit system:

- (a) In cooperation with economic development, engineering, planning, tourism and utility interests in the county; and
- (b) With the goal of quantifying the implications of introducing an exclusive rapid transit system in identified corridors in the county.

3. In carrying out its duties pursuant to subsection 2, the regional rapid transit authority shall:

- (a) Hold public meetings to, without limitation:
 - (1) Evaluate the need for and desirability of a regional rapid transit system;
 - (2) Assess corridor and route feasibility and desirability; and
 - (3) Review existing mass transit options to determine how to incorporate such options into a regional rapid transit system;
- (b) Undertake an analysis of various considerations involved with introducing and implementing a regional rapid transit system in the county, including, without limitation:
 - (1) An assessment of the available rapid transit technologies, including, without limitation, technologies that use solar power or other renewable energy sources to minimize or eliminate the use of carbon-based fuels;
 - (2) An assessment of the opportunities, costs and constraints of corridor options, including, without limitation:
 - (I) An examination and evaluation of existing rail corridors and transit routes for inclusion in the regional rapid transit system;
 - (II) An evaluation of potential sites for stations and facilities for the regional rapid transit system; and
 - (III) Identification of locations in the county that would benefit most from proximity to a regional rapid transit system, including, without

limitation, airports and existing or proposed special event venues such as stadiums and racetracks;

- (3) Estimates as to capital and operating costs;
- (4) An assessment of potential ridership and passenger demand;
- (5) An assessment of the environmental impact;
- (6) A potential project schedule; and
- (7) An assessment of financing options and funding sources, including,

without limitation:

- (I) Processes for securing federal funding; and
- (II) The potential for voter approval for bonds to support any portion

of the regional rapid transit system.

4. On or before February 1 of each year, the regional rapid transit authority shall submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must set forth, without limitation:

- (a) The activities and meetings of the authority;
- (b) Any findings made by the authority regarding the analysis required by subsection 3; and
- (c) The plan or current draft of the plan developed by the authority pursuant to subsection 2.

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblyman Daly:

Amendment No. 938.

AN ACT relating to regional transportation commissions; authorizing ~~the~~ **certain** regional transportation ~~commission~~ **commissions** to provide grants of money for the research, development or implementation of transportation projects that use new technologies; authorizing ~~the~~ **certain** regional transportation ~~commission~~ **commissions** to enter into agreements with private entities for certain projects; authorizing ~~the~~ **certain** regional transportation ~~commission~~ **commissions** to recommend the imposition of certain taxes to fund the transportation projects of the commission ~~and to submit the recommendation to the board of county commissioners which created the commission;~~ authorizing the board of county commissioners to submit the recommendation for the imposition of such taxes to the voters of the county; requiring the board of county commissioners to adopt an ordinance imposing any such taxes that are approved by the voters; revising provisions governing the composition of regional transportation commissions; authorizing ~~the~~ **certain** regional transportation ~~commission~~ **commissions** to develop and maintain high-capacity transit systems; authorizing ~~the~~ **certain** regional transportation ~~commission~~ **commissions** to adopt rules for the parking of unauthorized vehicles at facilities of the commission and the imposition of fees for the use of services or facilities of the commission; repealing provisions requiring certain regional

transportation commissions to establish a regional rapid transit authority; revising various provisions relating to the powers and duties of regional transportation commissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a county may, by ordinance, create a regional transportation commission if a streets and highways plan has been adopted by the county or regional planning commission. (NRS 277A.170) Existing law also provides a regional transportation commission the exclusive right to operate a system of public transportation within its jurisdiction, as well as enter into contracts, leases and agreements with state agencies and local governments to perform its functions. (NRS 277A.270)

Section 3 of this bill authorizes a regional transportation commission in a county whose population is 700,000 or more (currently only Clark County) to: (1) provide grants of money to conduct research for and otherwise develop and implement certain transportation projects; ~~and~~ (2) enter into agreements with private entities for certain transportation projects in accordance with federal law ~~14~~ ; **(3) impose civil penalties for unauthorized parking at a transportation facility; and (4) impose fees for the use of services or facilities of the commission.**

Section ~~{13 of this bill}~~ **3** also authorizes such a regional transportation commission to construct, develop and operate a high-capacity transit system with the approval of the county or city which owns any public right-of-way. **Section 3.5** of this bill requires such a regional transportation commission to enter into agreements with other local governments to coordinate and collaborate on the development of a project or high-capacity transit system and to share the costs related to such projects. If such a regional transportation commission enters into such an agreement, **section 4** of this bill requires the commission to create and administer an account that will hold any money appropriated by the commission or a local government in accordance with the agreement. **Section** ~~{14}~~ **3.7** of this bill authorizes such a regional transportation commission to use a turnkey procurement process or competitive negotiation process in connection with a high-capacity transit project.

Sections 5 and 6 of this bill provide that such a regional transportation commission ~~{in certain larger counties (currently Clark and Washoe Counties)}~~ may recommend the imposition of an additional tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail. The recommendations of the commission must specify the rate of the recommended tax, the period during which the recommended tax will be imposed and the type and location of the transportation projects the recommended tax would support, if the commission submits its recommendations to the board of county commissioners, the board of county commissioners may submit a question to the voters at the next general election asking whether the tax recommended by the commission should be

imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved tax at the rate specified in the question submitted to the voters. **Section 7** of this bill provides that the proceeds resulting from the imposition of such taxes must be remitted to the commission for its use in accordance with the provisions of existing law governing regional transportation commissions.

~~[Existing law generally sets forth the authority and powers of a regional transportation commission. (NRS 277A.160, 277A.210, 277A.250) Section 10 of this bill requires that the provisions of existing law governing regional transportation commissions be liberally construed as to allow a regional transportation commission to meet any of its objectives.]~~

Existing law requires a regional transportation commission in certain larger counties (currently Clark and Washoe Counties) to be composed of members of the board of county commissioners and the governing body of each city in the county. **Section 10.5** of this bill provides that if a mayor of a city in such a county is not a member of the governing body of the city, the governing body may appoint the mayor to be a member of the regional transportation commission.

~~[Section 12 of this bill authorizes a regional transportation commission to impose: (1) civil penalties for the unauthorized parking of a vehicle at a transportation facility; and (2) fees for the use of commission services or facilities.]~~

Existing law requires the regional transportation commission in any county whose population is 700,000 or more (currently Clark County) to establish a regional rapid transit authority. **Section 18** of this bill repeals that provision.

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

Section 1. Chapter 277A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ~~*["High-capacity transit"]*~~ *As used in sections 2 to 7, inclusive, of this act, "high-capacity transit" means a public transit system that may provide a higher level of passenger capacity by increasing, without limitation, the number of vehicles utilized by the system, the size of the vehicles, the frequency of vehicle rides, travel speed or any combination thereof, and that operates in conjunction with public transit stations. The term includes, without limitation, bus rapid transit, fixed guideway, light rail transit, commuter rail, streetcar and heavy rail.*

Sec. 2.5. *The provisions of sections 2 to 7, inclusive, of this act apply only to a commission in a county whose population is 700,000 or more.*

Sec. 2.7. *The provisions of sections 2 to 7, inclusive, of this act, being necessary to secure and preserve the public health, safety, convenience and welfare, shall be so interpreted and liberally construed as to:*

1. Make uniform so far as possible the laws and regulations of this State and other states and of the government of the United States having to do with the subject of transportation; and

2. Effect any other purpose and objective for which the provisions of sections 2 to 7, inclusive, of this act are intended.

Sec. 3. A commission may:

1. Provide grants of money to conduct research for and otherwise develop and implement transportation projects that promote innovative transportation and transit technology, including, without limitation, autonomous technology as defined in NRS 482A.025.

2. Enter into agreements in accordance with 49 U.S.C. § 5315 and any guidelines adopted pursuant thereto.

3. Operate, develop and maintain a high-capacity transit system, to the exclusion of any other publicly owned system of transportation within its area of jurisdiction.

4. Construct high-capacity transit systems in the county or a city within the county which owns a public right-of-way if the county or city within the county approves of such construction.

5. Adopt regulations regarding:

(a) Unauthorized parking of vehicles at a transportation facility within the jurisdiction of the commission, including, without limitation, the imposition of a civil penalty for a violation of such regulations; and

(b) The imposition of fees for the use of the facilities or services of the commission and the use of such fees for the construction or operation of transportation facilities.

Sec. 3.5. 1. Except as otherwise provided in subsection 2, before constructing a transportation project or high-capacity transit system, a commission shall enter into agreements with any county, city, town and other political subdivision to coordinate and collaborate on the development of the transportation project or high-capacity transit system, including, without limitation, the use of public rights-of-way and the sharing of costs related to such a project.

2. A commission may make changes to bus schedules and bus routes and relocate bus stops within the public right-of-way without executing an agreement pursuant to subsection 1.

Sec. 3.7. 1. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a commission may utilize a turnkey procurement process to select a person to design, build, finance, operate and maintain, or any combination thereof, a high-capacity transit system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a high-capacity transit project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost-effective method of

constructing the project on schedule and in satisfaction of its transportation objectives.

2. Notwithstanding the provisions of chapter 332 of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a high-capacity transit project and any other equipment that is related to the project. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

3. If a commission develops a high-capacity transit project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.

4. As used in this section:

(a) "Minimum operable segment" means the shortest portion of a high-capacity transit system that is technically capable of providing viable public transportation between two end points.

(b) "Turnkey procurement" means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a high-capacity transit system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

Sec. 4. If a commission enters into an agreement with a county, city, town or other political subdivision to share costs relating to a transportation project pursuant to section 3.5 of this act, the commission shall create an account administered by the commission and deposit into such account any money appropriated by each participating entity in accordance with the amounts established under the agreement. The money in the account, including any interest and income earned on the money in the account, must not be transferred to any other fund or account or used for any purpose other than the purposes set forth in the agreement entered into pursuant to section 3.5 of this act.

Sec. 5. 1. ~~In a county whose population is 100,000 or more, a~~ A commission may:

(a) Prepare recommendations for the imposition of the tax described in section 6 of this act in the county to provide funding for the commission for the purposes set forth in [this chapter.] sections 2 to 7, inclusive, of this act. The recommendations must specify the proposed rate for the recommended tax, the period during which the recommended tax will be imposed and the type and location of the transportation projects the recommended tax will support.

(b) Submit the recommendations to the board of county commissioners.

2. Upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners may, at the next general election, submit a

question to the voters of the county asking whether the recommended tax should be imposed in the county. The question submitted to the voters of the county must specify the proposed rate for the recommended tax, the period during which the recommended tax will be imposed, if the period was specified in the recommendations submitted pursuant to subsection 1, and the type and location of the transportation projects the recommended tax will support.

3. If a majority of the voters voting on the question submitted to the voters pursuant to subsection 2 vote affirmatively on the question:

(a) The board of county commissioners shall impose the recommended tax in accordance with the provisions of section 6 of this act at the rate specified in the question submitted to the voters pursuant to subsection 2.

(b) The tax must be imposed notwithstanding the provisions of any specific statute to the contrary and, except as otherwise specifically provided in this section and sections 6 and 7 of this act, such tax is not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such tax, including, without limitation, any limitations on the maximum rate which may be imposed or the duration of the period during which such tax may be imposed.

Sec. 6. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 5 of this act recommending the imposition of a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county, the board of county commissioners shall impose a tax by ordinance on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county. The tax must be imposed throughout the county, including all cities within the county, upon all retailers in the business of selling tangible personal property. Any ordinance enacted under this subsection must include provisions in substance as follows:

1. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

2. A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the ordinance.

3. A provision that the county shall, before the effective date of the ordinance, contract with the Department to perform all functions incident to the administration or operation of the tax in the county.

4. A provision that a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property, entered into on or before the effective date of the tax or the increase in the tax, or for which a

binding bid was submitted before the date if the bid was afterward accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax or the increase in the tax.

Sec. 7. *The proceeds of any tax imposed pursuant to sections 5 and 6 of this act must be remitted by the Department of Taxation to the commission for use in accordance with the provisions of ~~this chapter~~ sections 2 to 7, inclusive, of this act.*

Sec. 8. ~~NRS 277A.020 is hereby amended to read as follows:~~
~~277A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 277A.030 to 277A.150, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.~~
(Deleted by amendment.)

Sec. 9. ~~NRS 277A.120 is hereby amended to read as follows:~~
~~277A.120 “Public transit system” means a system employing motor buses, rails, *high capacity transit* or any other means of conveyance, by whatever type of power, operated for public use in the conveyance of persons.~~
(Deleted by amendment.)

Sec. 10. ~~NRS 277A.160 is hereby amended to read as follows:~~
~~277A.160 This chapter, *being necessary to secure and preserve the public health, safety, convenience and welfare*, shall be so interpreted and liberally construed as to [make]:~~

~~1. *Make* uniform so far as possible the laws and regulations of this State and other states and of the government of the United States having to do with the subject of transportation []; and~~

~~2. *Effect any other purpose and objective for which this chapter is intended.*~~
(Deleted by amendment.)

Sec. 10.5. NRS 277A.180 is hereby amended to read as follows:

277A.180 1. In counties whose population is 100,000 or more, the commission must be composed of representatives selected by the following entities : ~~from among their members:~~

(a) Two by the board ~~[] from among its members.~~

(b) Two by the governing body of the largest city in the county ~~[] from among its members or, if the mayor of the city is not a member of the governing body, from among its members and the mayor of the city.~~

(c) One by the governing body of each additional city in the county ~~[] from among its members or, if the mayor of the city is not a member of the governing body, from among its members and the mayor of the city.~~

2. In counties whose population is less than 100,000, the commission must be composed of representatives selected as follows:

(a) If the county contains three or more cities:

(1) Two by the board.

(2) One by the governing body of the largest city.

(b) If the county contains only two cities:

(1) Three by the board, at least one of whom is a representative of the public who is a resident of the county.

(2) One by the governing body of each city in the county.

(c) If the county contains only one city:

(1) Two by the board.

(2) One by the governing body of the city.

(d) If the county contains no city, the board shall select:

(1) Two members of the board; and

(2) One representative of the public, who is a resident of the largest town, if any, in the county.

3. In Carson City, the commission must be composed of representatives selected by the Board of Supervisors as follows:

(a) Two members of the Board of Supervisors, one of whom must be designated by the commission to serve as chair of the commission.

(b) Three representatives of the city at large.

4. The first representatives must be selected within 30 days after passage of the ordinance creating the commission, and, except as otherwise provided in subsections 5, 6 and 7, must serve until the next ensuing December 31 of an even-numbered year. The representative of any city incorporated after passage of the ordinance must be selected within 30 days after the first meeting of the governing body, and, except as otherwise provided in subsection 7, must serve until the next ensuing December 31 of an even-numbered year. Their successors must serve for terms of 2 years, and vacancies must be filled for the unexpired term.

5. In Carson City:

(a) One representative of the commission who is a member of the Board of Supervisors and one representative of the commission who is a representative of the city at large must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative of the commission who is a member of the Board of Supervisors and two representatives of the commission who are representatives of the city at large must serve until the next ensuing December 31 of an odd-numbered year.

6. In counties whose population is 100,000 or more, but less than 700,000:

(a) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an odd-numbered year.

7. In counties whose population is 700,000 or more, the first representatives and the representative of any city incorporated after passage of the ordinance must serve until the next ensuing June 30 of an odd-numbered year.

Sec. 11. NRS 277A.210 is hereby amended to read as follows:

277A.210 **1.** A commission may:

~~{1-}~~ (a) Sue and be sued.

~~{2-}~~ (b) Prepare and approve budgets for the regional street and highway fund, the public transit fund and money it receives from any source.

~~{3-}~~ (c) Adopt bylaws for the administration of its affairs and rules for the administration and operation of facilities under its control.

~~{4-}~~ (d) Conduct studies, develop plans and conduct public hearings to establish and approve short-range and regional plans for transportation.

~~{5-}~~ (e) Purchase insurance or establish a reserve or fund for self-insurance, or adopt any combination of these, to insure against loss by reason of:

~~{(a)}~~ (1) Damages resulting from fire, theft, accident or other casualty; or

~~{(b)}~~ (2) The commission's liability for other damages to persons or property which occur in the construction or operation of facilities or equipment under its control or in the conduct of its activities.

2. A commission shall have a perpetual succession, subject to termination in accordance with statute.

Sec. 12. ~~[NRS 277A.250 is hereby amended to read as follows:~~

~~277A.250 A commission may:~~

~~1. Acquire and own both real and personal property.~~

~~2. Exercise the power of eminent domain, if the city or county which has jurisdiction over the property approves, for the acquisition, construction, repair or maintenance of public roads, or for any other purpose related to public mass transportation.~~

~~3. Sell, lease or convey or otherwise dispose of rights, interests or properties.~~

~~4. Adopt regulations for:~~

~~(a) Financing eligible activities; [and]~~

~~(b) Unauthorized parking of vehicles at a transportation facility within the jurisdiction of the commission, including, without limitation, the imposition of a civil penalty for a violation of such regulations;~~

~~(c) The imposition of fees for the use of the facilities or services of the commission and the use of such fees for the construction or operation of transportation facilities; and~~

~~(d) The operation of systems or services provided by the commission.]~~

(Deleted by amendment.)

Sec. 13. ~~[NRS 277A.270 is hereby amended to read as follows:~~

~~277A.270 1. A commission may:~~

~~(a) Operate , develop and maintain a system of public transportation , including, without limitation, a high-capacity transit system, to the exclusion of any other publicly owned system of transportation within its area of jurisdiction.~~

~~—(b) Construct high capacity transit systems in the county or a city within the county which owns a public right of way if the county or city within the county approves of such construction.~~

~~—(c) Use streets, roads, highways and other public rights of way for public transportation.~~

~~—[(c)] (d) Enter into agreements for the joint use of facilities, installations and properties and the joint exercise of statutory powers.~~

~~—[(d)] (e) Prohibit the use of any facility, installation or property owned, operated or leased by the commission, including, without limitation, a transit stop or bus turnout, by any person other than the commission or its agents.~~

~~—[(e)] (f) Enter into contracts, leases and agreements with and accept grants and loans from federal and state agencies, counties, cities, towns, other political subdivisions, public or private corporations and other persons, and may perform all acts necessary for the full exercise of the powers vested in the commission.~~

~~—2. The powers and duties of a commission set forth in this chapter do not apply to any monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695.~~

~~—3. As used in this section, “bus turnout” means a fixed area that is:~~

~~—(a) Adjacent or appurtenant to, or within a reasonable proximity of, a public highway; and~~

~~—(b) To be occupied exclusively by buses in receiving or discharging passengers.] (Deleted by amendment.)~~

Sec. 14. [NRS 277A.280 is hereby amended to read as follows:

~~—277A.280 1. A commission, a county whose population is less than 100,000 or a city within such a county may establish or operate a public transit system consisting of:~~

~~—(a) Regular routes and fixed schedules to serve the public;~~

~~—(b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in NRS 435.176, if the transportation is available upon request and without regard to regular routes or fixed schedules;~~

~~—(c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; or~~

~~—(d) In a county whose population is less than 100,000 or a city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.~~

~~—2. A commission may lease vehicles to or from or enter into other contracts with a private operator for the provision of such a system.~~

~~—3. In a county whose population is less than 700,000, such a system may also provide service which includes:~~

~~—(a) Minor deviations from the regular routes and fixed schedules required by paragraph (a) of subsection 1 on a recurring basis to serve the public~~

transportation needs of passengers. The deviations must not exceed one half mile from the regular routes.

~~—(b) The transporting of persons other than those specified in paragraph (b), (c) or (d) of subsection 1 upon request without regard to regular routes or fixed schedules, if the service is provided by a common motor carrier which has a certificate of public convenience and necessity issued by the Nevada Transportation Authority pursuant to NRS 706.386 to 706.411, inclusive, and the service is subject to the rules and regulations adopted by the Nevada Transportation Authority for a fully regulated carrier.~~

~~—4. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a commission may utilize a turnkey procurement process to select a person to design, build, *finance*, operate and maintain, or any combination thereof, a [fixed guideway] *high capacity transit* system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a [fixed guideway] *high capacity transit* project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost effective method of constructing the project on schedule and in satisfaction of its transportation objectives.~~

~~—5. Notwithstanding the provisions of chapter 332 of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a [fixed guideway] *high capacity transit* project, rolling stock for a public transit system, facilities and any other equipment that is related to public transportation. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.~~

~~—6. If a commission develops a [fixed guideway] *high capacity transit* project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.~~

~~—7. As used in this section:~~

~~—(a) “Fully regulated carrier” means a common carrier or contract carrier of passengers or household goods who is required to obtain from the Nevada Transportation Authority a certificate of public convenience and necessity or a contract carrier’s permit and whose rates, routes and services are subject to regulation by the Nevada Transportation Authority.~~

~~—(b) “Minimum operable segment” means the shortest portion of a [fixed guideway] *high capacity transit* system that is technically capable of providing viable public transportation between two end points.~~

~~—(c) “Turnkey procurement” means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a [fixed guideway] *high capacity transit* system, or a~~

~~portion thereof, in accordance with performance criteria and technical specifications established by the commission.] (Deleted by amendment.)~~

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 277A.345 is hereby repealed.

Sec. 19. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

277A.345 Counties whose population is 700,000 or more: Establishment of regional rapid transit authority; development of plan for establishment of regional rapid transit system by authority.

1. In a county whose population is 700,000 or more, the commission shall establish a regional rapid transit authority. The membership of the regional rapid transit authority must consist of:

(a) The general manager of the commission, who shall act as chair of the authority;

(b) One member appointed by the board of county commissioners;

(c) Three members, one from each of the three largest cities within the county, who are appointed by the respective governing bodies of each city;

(d) One member selected by the association of gaming establishments whose membership collectively paid the most gaming license fees to the State pursuant to NRS 463.370 in the county in the preceding year;

(e) One member who is selected by the economic development authority in the county;

(f) One member selected by the Department of Transportation; and

(g) One member who has expertise in urban planning and design or architecture selected by the Nevada Arts Council.

2. The regional rapid transit authority shall develop a plan for the establishment of a regional rapid transit system:

(a) In cooperation with economic development, engineering, planning, tourism and utility interests in the county; and

(b) With the goal of quantifying the implications of introducing an exclusive rapid transit system in identified corridors in the county.

3. In carrying out its duties pursuant to subsection 2, the regional rapid transit authority shall:

(a) Hold public meetings to, without limitation:

(1) Evaluate the need for and desirability of a regional rapid transit system;

(2) Assess corridor and route feasibility and desirability; and

(3) Review existing mass transit options to determine how to incorporate such options into a regional rapid transit system;

(b) Undertake an analysis of various considerations involved with introducing and implementing a regional rapid transit system in the county, including, without limitation:

(1) An assessment of the available rapid transit technologies, including, without limitation, technologies that use solar power or other renewable energy sources to minimize or eliminate the use of carbon-based fuels;

(2) An assessment of the opportunities, costs and constraints of corridor options, including, without limitation:

(I) An examination and evaluation of existing rail corridors and transit routes for inclusion in the regional rapid transit system;

(II) An evaluation of potential sites for stations and facilities for the regional rapid transit system; and

(III) Identification of locations in the county that would benefit most from proximity to a regional rapid transit system, including, without limitation, airports and existing or proposed special event venues such as stadiums and racetracks;

(3) Estimates as to capital and operating costs;

(4) An assessment of potential ridership and passenger demand;

(5) An assessment of the environmental impact;

(6) A potential project schedule; and

(7) An assessment of financing options and funding sources, including, without limitation:

(I) Processes for securing federal funding; and

(II) The potential for voter approval for bonds to support any portion of the regional rapid transit system.

4. On or before February 1 of each year, the regional rapid transit authority shall submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must set forth, without limitation:

(a) The activities and meetings of the authority;

(b) Any findings made by the authority regarding the analysis required by subsection 3; and

(c) The plan or current draft of the plan developed by the authority pursuant to subsection 2.

Assemblyman Daly moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 7.

Bill read third time.

Roll call on Assembly Bill No. 7:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 296.

Bill read third time.

Roll call on Assembly Bill No. 296:

YEAS—36.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus—5.

EXCUSED—Hansen.

Assembly Bill No. 296 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 259.

Bill read third time.

Roll call on Senate Bill No. 259:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 259 having received a constitutional majority, Mr. Speaker
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 283.

Bill read third time.

Roll call on Senate Bill No. 283:

YEAS—33.

NAYS—Bilbray-Axelrod, Carlton, Cohen, Daly, Flores, Hambrick, Sprinkle, Swank—8.

EXCUSED—Hansen.

Senate Bill No. 283 having received a two-thirds majority, Mr. Speaker
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 320.

Bill read third time.

Roll call on Senate Bill No. 320:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 320 having received a constitutional majority, Mr. Speaker
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 350.

Bill read third time.

Roll call on Senate Bill No. 350:

YEAS—24.

NAYS—Paul Anderson, Carrillo, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant,
McArthur, Miller, Neal, Ohrenschall, Oscarson, Pickard, Titus, Wheeler, Woodbury—17.

EXCUSED—Hansen.

Senate Bill No. 350 having received a constitutional majority, Mr. Speaker
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 352.

Bill read third time.

Roll call on Senate Bill No. 352:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 352 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 17 of the 78th Session.

Resolution read third time.

Roll call on Senate Joint Resolution No. 17 of the 78th Session:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Joint Resolution No. 17 of the 78th Session having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 232.

Bill read third time.

Roll call on Senate Bill No. 232:

YEAS—28.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—13.

EXCUSED—Hansen.

Senate Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 357.

Bill read third time.

Roll call on Senate Bill No. 357:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen.

Senate Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 291.

Bill read third time.

Roll call on Senate Bill No. 291:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 65.

Bill read third time.

Roll call on Senate Bill No. 65:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 251.

Bill read third time.

Roll call on Senate Bill No. 251:

YEAS—36.

NAYS—Carlton, Daly, Diaz, McCurdy, Watkins—5.

EXCUSED—Hansen.

Senate Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 468.

Bill read third time.

Roll call on Senate Bill No. 468:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 448.

Bill read third time.

The following amendment was proposed by Assemblyman Daly:

Amendment No. 937.

AN ACT relating to public works; revising provisions concerning the authorization **in certain counties** of a private entity to undertake certain public works; authorizing a public body **in certain counties** to enter into a public-private partnership in connection with certain eligible facilities; providing for the financing of certain eligible facilities ~~the~~ **in certain counties**; providing for the disposition of money which is received and is to be retained by a public body pursuant to a public-private partnership ~~the~~ **in certain counties**; providing for the confidentiality of certain information submitted to a public body ~~the~~ **in certain counties**; revising provisions concerning agreements between a public body and a person concerning

certain eligible facilities ~~in certain counties~~; exempting property used for certain eligible facilities in certain counties from all real property and ad valorem taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a public body is authorized to accept a request from a person who wishes to develop, construct, improve, maintain or operate a transportation facility. If the public body determines that the facility serves a public purpose, the public body may authorize the requestor to carry out the facility or may request other persons to submit proposals to develop, construct, improve, maintain or operate the facility. (NRS 338.162, 338.163, 338.164) ~~[This]~~ **Sections 14.1, 14.2 and 14.3 of this bill** ~~extends~~ **extend** those provisions to also apply to certain other facilities, including certain tourism improvement projects in any county whose population is 700,000 or more (currently Clark County).

This bill also provides in such a county for the use of a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for an eligible facility. **Section 9** of this bill authorizes a public body to enter into such a partnership. **Section 10** of this bill establishes various alternatives in which a public body may procure a public-private partnership, including the use of solicitations, requests for proposals and negotiations. **Section 11** of this bill provides that an eligible facility may be financed in whole or in part with money from any lawful source. **Section 12** of this bill authorizes a public body to accept all such money and, with certain exceptions, to combine money from federal, state, local and private sources for the purposes of such a facility. **Section 13** of this bill requires that all money which is received and retained by a public body pursuant to a public-private partnership be: (1) deposited in the State Highway Fund; (2) accounted for separately; (3) used first to defray the obligations of the public body under the public-private partnership; and (4) except for costs of administration, used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways in the county from which the money was received. **Section 13.5** of this bill prohibits the imposition of a fee for the use of certain roadways. **Section 14** of this bill provides that all information submitted to a public body in connection with a request, proposal or other submission concerning an eligible facility is confidential until a notice of intent to award the contract or agreement is issued. **Section 14** also establishes the procedures that a person who has submitted such information must follow to maintain the confidentiality of any trade secrets or confidential commercial, financial or proprietary information included in the submission. **Section 15** of this bill provides that the power of eminent domain may be exercised with respect to any property necessary for an eligible facility.

Existing law establishes the provisions that must be included in an agreement between a public body and a person with respect to the development, construction, improvement, maintenance or operation of a

transportation facility. (NRS 338.166) ~~Section **[24]** 14.4~~ of this bill imposes additional requirements applicable to such an agreement for an eligible facility **in a county whose population is 700,000 or more (currently Clark County)** and authorizes various other provisions that may be included in such an agreement. ~~Section **[24]** 14.4~~ also provides that an eligible facility that is developed, operated or held by a person pursuant to such an agreement is exempt from all state and local ad valorem and property taxes. ~~Sections **[17-20 and 22-25]** 14.1-14.3, 14.5, 14.6, 24 and 25~~ of this bill make various conforming changes.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~16,~~ **16.5**, inclusive, of this act.

Sec. 2. ~~As used in **[NRS 338.161 to 338.168, inclusive, and]** sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in **[NRS 338.161 and]** sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.~~

Sec. 3. *“Concession” means any lease, ground lease, franchise, easement, permit, right of entry, operating agreement or other binding agreement transferring rights for the use or control, in whole or in part, of an eligible facility by a public body to a private partner.*

Sec. 4. *“Eligible facility” means:*

1. A transportation facility; and
2. A project as defined in NRS 271A.050.

Sec. 5. (Deleted by amendment.)

Sec. 6. *“Private partner” means a person with whom a public body enters into a public-private partnership.*

Sec. 7. *“Public-private partnership” means a contract entered into by a public body and a private partner.*

Sec. 7.5. *“Transportation facility” means any existing, enhanced, upgraded or new facility used or useful for the safe transport of persons, information or goods by one or more modes of transport, including, without limitation, a road, railroad, bridge, tunnel, overpass, mass transit facility, light rail, commuter rail, conduit, ferry, boat, vessel, intermodal or multimodal system, a system using autonomous technology, as defined in NRS 482A.025, and any rights-of-way necessary for the facility. The term includes:*

1. *Related or ancillary facilities used or useful for providing, operating, maintaining or generating revenue for a transportation facility, including, without limitation, administrative buildings, structures, rest areas, maintenance yards and buildings, rail yards, rolling stock, storage facilities, ports of entry, vehicles, control systems, communication systems, information systems, energy systems, parking facilities and other related*

equipment or property that is needed or used to support the transportation facility or the transportation of persons, information or goods; and

2. All improvements, including equipment, necessary to the full utilization of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead tracks, bridges, causeways, terminals for railroad, automotive and air transportation and transportation facilities incidental to the project.

Sec. 8. “User fee” means a fee, toll, fare or other similar charge, including, without limitation, any incidental, account maintenance, administrative, credit card or video tolling fee or charge, imposed on a person for his or her use of an eligible facility by a public body or by a private partner pursuant to a public-private partnership.

Sec. 8.5. The provisions of sections 2 to 16, inclusive, of this act apply only in a county whose population is 700,000 or more.

Sec. 9. 1. A public body may enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for, or any combination thereof, an eligible facility.

2. A public-private partnership may include, without limitation:

(a) A predevelopment agreement leading to another implementing agreement for an eligible facility as described in this subsection;

(b) A design-build contract;

(c) A design-build contract that includes the financing, maintenance or operation, or any combination thereof, of the eligible facility;

(d) A contract involving a construction manager at risk;

(e) A concession, including, without limitation, a toll concession and an availability payment concession;

(f) A construction agreement that includes the financing, maintenance or operation, or any combination thereof, of the eligible facility;

(g) An operation and maintenance agreement for an eligible facility;

(h) Any other method or agreement for completion of the eligible facility that the public body determines will serve the public interest; or

(i) Any combination of paragraphs (a) to (h), inclusive.

Sec. 10. 1. A public body may procure a public-private partnership by means of:

(a) Requests for project proposals in which the public body describes a class of eligible facilities or a geographic area in which private entities are invited to submit proposals to develop eligible facilities.

(b) Solicitations using requests for qualifications, short-listings of qualified proposers, requests for proposals, negotiations, best and final offers or other procurement procedures.

(c) Procurements seeking from the private sector development and finance plans most suitable for the project.

(d) Best value selection procurements based on price or financial proposals, or both, or other factors.

(e) *Other procedures that the public body determines may further the implementation of a public-private partnership.*

2. *For any procurement in which the public body issues a request for qualifications, request for proposals or similar solicitation document, the request must generally set forth the factors that will be evaluated and the manner in which responses will be evaluated. Such factors may include, without limitation:*

(a) *The ability of the eligible facility to promote economic growth and, in the case of a transportation facility, to improve safety, reduce congestion or increase capacity.*

(b) *The proposed cost and a proposed financial plan for the eligible facility.*

(c) *The general reputation, qualifications, industry experience and financial capacity of the proposer.*

(d) *The proposed design, operation and feasibility of the eligible facility.*

(e) *Comments from users, local citizens and affected jurisdictions.*

(f) *Benefits to the public.*

(g) *The safety record of the proposer.*

(h) *Other criteria that the public body deems appropriate.*

3. *In evaluating proposals, the public body may give such relative weight to factors such as cost, financial commitment, innovative financing, technical, scientific, technological or socioeconomic merit and other factors as the public body deems appropriate.*

4. *The public body may procure services, award agreements and administer revenues as authorized in this section notwithstanding any requirements of any other state or local statute, regulation or ordinance relating to public bidding or other procurement procedures or other provisions otherwise applicable to public works, services or utilities.*

5. *The public body may expend money from any lawful source reasonably necessary for the development of procurements, evaluation of concepts or proposals, negotiation of agreements and implementation of agreements for the development or operation of transportation facilities pursuant to ~~this chapter,~~ sections 2 to 16, inclusive, of this act.*

6. *Any state agency or any county, municipality or other public agency may sell, lease, grant, transfer or convey to the public body, with or without consideration, any facility or any part or parts thereof or any real or personal property or interest therein which may be useful to the public body for any authorized purpose. In any case where the construction of a facility has not been completed, the public agency concerned may also transfer, sell, assign, and set over to the public body, with or without consideration, any existing contract for the construction of the facility.*

Sec. 11. 1. *An eligible facility may be financed, in whole or in part, with money from any lawful source, including, without limitation:*

(a) *Any public or private funding, loan, grant, line of credit, loan guarantee, credit instrument, private activity bond allocation, grant*

anticipation revenue bond, credit assistance from the government of this State or the Federal Government or other type of assistance that is available for the purposes of the eligible facility.

(b) Any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other thing of value made to the public body for the purposes of the eligible facility.

(c) A contribution of money or property made by any private entity or public sector partner that is a party to any agreement entered into pursuant to ~~[NRS 338.161 to 338.168, inclusive, and]~~ sections 2 to 16, inclusive, of this act.

(d) Money appropriated for the eligible facility by the State or by the public body.

(e) User fees, lease proceeds, rents, availability payments, gross or net receipts from sales, proceeds from the sale of development rights, franchise charges, permit charges, rents, advertising and sponsorship charges, service charges or any other lawful form of consideration.

(f) Private activity bonds as described in 26 U.S.C. § 141.

(g) Any other form of public or private capital that is available for the purposes of the eligible facility.

(h) Any combination of paragraphs (a) to (g), inclusive.

2. If a public body, in accordance with applicable law, issues a note, bond or other debt obligation to finance an eligible facility that is expected to generate revenue of any kind, the revenue from the eligible facility may be pledged as security for the payment of the obligation, but the bonds or notes are special, limited obligations of the public body payable solely from the revenues specifically pledged to the payment of those obligations, as specified in the resolution for the issuance of the bonds or notes, and do not create a debt of the State for the purposes of Section 3 of Article 9 of the Nevada Constitution.

3. Any financing issued by a public body pursuant to this section may be structured on a senior, parity or subordinate basis to any other financing.

4. A public body may issue revenue bonds or notes to provide money for any transportation facility.

Sec. 12. 1. A public body, either directly or through a designated party, may:

(a) Accept from the United States or any of its agencies money that is available to the public body for carrying out the purposes of ~~[NRS 338.161 to 338.168, inclusive, and]~~ sections 2 to 16, inclusive, of this act, whether the money is made available by grant, loan or other financing arrangement.

(b) Enter into agreements and other arrangements with the United States or any of its agencies as may be necessary, proper and convenient for carrying out the provisions of ~~[NRS 338.161 to 338.168, inclusive, and]~~ sections 2 to 16, inclusive, of this act.

(c) *Accept from any source any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other valuable thing made to the public body for carrying out the provisions of ~~[NRS 338.161 to 338.168, inclusive, and]~~ sections 2 to 16, inclusive, of this act.*

2. *Except as otherwise provided in section 13 of this act or applicable federal law, and notwithstanding any other provision of law, money from federal, state and local sources may be combined with money from any private source for carrying out the purposes of ~~[NRS 338.161 to 338.168, inclusive, and]~~ sections 2 to 16, inclusive, of this act.*

Sec. 13. *All money which is received and is to be retained by a public body pursuant to a public-private partnership and which is derived from the imposition of any charge with respect to the operation of any motor vehicle upon any public highway in this State must be deposited in the State Highway Fund, accounted for separately and, except for costs of administration, be used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways of the county from which the money is received. The money must first be used to defray the obligations for which the public body is responsible under the public-private partnership, including, without limitation, the costs of administration, design, construction, operation, maintenance, financing and repair of the eligible transportation facility from which the money is derived.*

Sec. 13.5. *No user fee may be charged, because of any project undertaken as part of a public-private partnership authorized by ~~[NRS 338.161 to 338.168, inclusive, and]~~ sections 2 to 16, inclusive, of this act, for the use of any portion of any roadway in existence on July 1, 2017.*

Sec. 14. 1. *Notwithstanding any other provision of law, any information obtained by or disclosed to a public body in connection with a request or proposal pursuant to ~~[NRS 338.163 or 338.164]~~ sections 14.2 or 14.3 of this act or during the procurement or negotiation of a public-private partnership pursuant to section 10 of this act must be kept confidential until a notice of intent to award the contract, agreement or public-private partnership is issued, absent an administrative or judicial order requiring release or disclosure.*

2. *Except as otherwise provided in NRS 239.0115, a public body may exempt from release to the public any trade secrets or confidential commercial, financial or proprietary information included in a request or proposal submitted to the public body pursuant to subsection 1 if the submitter:*

(a) *Specifies the portions of the proposal or other submission that the submitter considers to be trade secrets or confidential commercial, financial or proprietary information;*

(b) *Invokes exclusion upon submission of the information or other materials for which protection is sought;*

(c) *Identifies the data or other materials for which protection is sought with conspicuous labeling;*

(d) *States the reasons why protection is necessary; and*

(e) *Fully complies with all applicable state law with respect to information that the submitter contends should be exempt from disclosure.*

Sec. 14.1. A public body may authorize a person to design, finance, lease, repair, acquire, extend, expand, plan, equip, replace, develop, construct, improve, maintain or operate, or any combination thereof, an eligible facility pursuant to sections 14.2 or 14.3 of this act.

Sec. 14.2. 1. A person may submit a request to a public body to design, finance, lease, repair, acquire, extend, expand, plan, equip, replace, develop, construct, improve, maintain or operate, or any combination thereof, an eligible facility.

2. The request must be accompanied by the following information:

(a) A topographic map indicating the location of the eligible facility.

(b) A description of the eligible facility, including, without limitation, the conceptual design of the eligible facility.

(c) The projected total cost of the eligible facility over its life and the proposed date for the development of or the commencement of the construction of, or improvements to, the eligible facility.

(d) A statement setting forth the method by which the person submitting the request proposes to secure all property interests required for the eligible facility. The statement must include, without limitation:

(1) The names and addresses, if known, of the current owners of any property needed for the eligible facility;

(2) The nature of the property interests to be acquired; and

(3) Any property that the person submitting the request proposes that the public body condemn.

(e) A list of all permits and approvals required for the development or construction of or improvement to the eligible facility from local, state or federal agencies and a projected schedule for obtaining those permits and approvals.

(f) A statement setting forth the general plans of the person submitting the request for financing and operating the eligible facility, which must include, without limitation:

(1) A plan for the development, financing and operation of the eligible facility, including, without limitation, an indication of the proposed sources of money for the development and operation of the eligible facility, the anticipated use of such money and the anticipated schedule for the receipt of such money;

(2) A list of any assumptions made by the person about the anticipated use of the eligible facility, including, without limitation, the fees that will be charged for the use of the eligible facility, and a discussion of those assumptions;

(3) The identification of any risk factors identified by the person that are associated with developing, constructing or improving the eligible facility and the plan for addressing those risk factors;

(4) The identification of any local, state or federal resources that the person anticipates requesting for development and operation of the eligible facility, including, without limitation, an anticipated schedule for the receipt of those resources and the effect of those resources on any statewide or regional program for the improvement of transportation; and

(5) The identification and analysis of any costs or benefits associated with the proposed facility, performed by a professional engineer who is licensed pursuant to chapter 625 of NRS.

(g) The names and addresses of the persons who may be contacted for further information concerning the request.

(h) Any additional material and information that the public body may request.

3. If the eligible facility is a transportation facility, the request must also include:

(a) Information relating to the current transportation plans, if any, of any governmental entity in the jurisdiction of which any portion of the transportation facility is located.

(b) A list of the facilities of any utility or existing transportation facility that will be impacted by the transportation facility and a statement of the plans of the person submitting the request to accommodate such crossings.

Sec. 14.3. If a public body receives a request regarding an eligible facility pursuant to section 14.2 of this act and the public body determines that the eligible facility serves a public purpose, the public body may request other persons to submit proposals to design, finance, lease, repair, acquire, extend, expand, plan, equip, replace, develop, construct, improve, maintain or operate, or any combination thereof, the eligible facility.

Sec. 14.4. 1. A public body may approve a request, proposal or other submission submitted pursuant to sections 10, 14.2 or 14.3 of this act if the public body determines that the eligible facility serves a public purpose. In determining whether the eligible facility serves a public purpose, the public body shall consider whether:

(a) There is a public need for the type of eligible facility that is proposed;

(b) If the eligible facility is a transportation facility, the proposed interconnections between the transportation facility and existing transportation facilities and the plans of the person submitting the request for the operation of the transportation facility are reasonable and compatible with any statewide or regional program for the improvement of transportation and with the transportation plans of any other governmental entity in the jurisdiction of which any portion of the transportation facility will be located;

(c) The estimated cost of the eligible facility is reasonable in relation to similar facilities, as determined by an analysis of the cost performed by a professional engineer who is licensed pursuant to chapter 625 of NRS;

(d) The plans of the person submitting the request will result in the timely development or construction of, or improvement to, the eligible facility or its more efficient operation;

(e) The plans of the person submitting the request contain any penalties for the failure of the person submitting the request to meet any deadline which results in the untimely development or construction of, or improvement to, the eligible facility or failure to meet any deadline for its more efficient operation; and

(f) The long-term quality of the eligible facility will meet a level of performance established by the public body over a sufficient duration of time to provide value to the public.

2. In evaluating a request, proposal or other submission submitted pursuant to sections 10, 14.2 or 14.3 of this act, the public body may consider internal staff reports prepared by personnel of the public body who are familiar with the operation of similar eligible facilities or the advice of outside advisors or consultants with relevant experience.

3. The public body shall furnish a copy of a request, proposal or other submission submitted pursuant to sections 10, 14.2 or 14.3 of this act to each governmental entity that has jurisdiction over an area in which any part of the eligible facility is located. Within 30 days after receipt of such a request or proposal, the governmental entity shall submit in writing to the public body, for consideration by the public body, any comments that the governmental entity has concerning the eligible facility and shall indicate whether the eligible facility is compatible with any local, regional or statewide plan or program that is applicable to the governmental entity.

4. A public body shall charge a reasonable fee to cover the costs of processing, reviewing and evaluating a request, proposal or other submission submitted pursuant to sections 10, 14.2 or 14.3 of this act, including, without limitation, reasonable fees for the services of an attorney or a financial or other consultant or advisor, to be collected before the public body accepts the request, proposal or other submission for processing, review and evaluation.

5. The approval of a request, proposal or other submission by the public body is contingent on the person who submitted the request, proposal or other submission entering into an agreement with the public body. In such an agreement, the public body shall include, without limitation:

(a) Criteria that address the long-term quality of the eligible facility.

(b) The date, if any, of termination of the authority and duties pursuant to sections 2 to 16, inclusive, of this act of the person whose request, proposal or other submission was approved by the public body with respect

to the eligible facility and for the dedication of the eligible facility to the public body.

(c) Provision by which the person whose request, proposal or other submission was approved by the public body expressly agrees that the person is prohibited from seeking injunctive or other equitable relief to delay, prevent or otherwise hinder the public body or any other jurisdiction from developing, constructing or maintaining any facility that was planned and that would or might impact the revenue that the person would or might derive from the facility developed under the agreement, except that the agreement may provide for reasonable compensation to the person for the adverse effect on user fee revenues resulting from the development, construction and maintenance of an unplanned revenue impacting facility.

(d) A provision requiring all plans and specifications for any eligible facility constructed, operated or maintained pursuant to sections 2 to 16, inclusive, of this act to comply with state standards and any applicable federal standards.

(e) If the eligible facility is a transportation facility, a provision requiring all user fee revenues generated from the transportation facility to be used for right-of-way acquisition, planning, design, construction, reconstruction, operation, maintenance and enforcement of transportation facilities within the same county in which the user fee revenues are generated, except to the extent such user fee revenues are otherwise pledged or allocated pursuant to the financial terms of an agreement entered into pursuant to sections 2 to 16, inclusive, of this act.

6. In any agreement between a public body and a person whose request, proposal or other submission for an eligible facility pursuant to sections 2 to 16, inclusive, of this act, was approved by the public body, the public body may also include provisions that:

(a) Authorize the public body or the person to establish and collect user fees, rents, advertising and sponsorship charges, service charges or similar charges, including provisions related to traffic management strategies, if applicable.

(b) Specify technology to be used in the eligible facility.

(c) Establish circumstances under which the public body may receive all or a share of revenues from such charges.

(d) Govern enforcement of tolls, if applicable, including provisions for use of cameras or other mechanisms to ensure that users have paid tolls that are due and provisions that allow the person access to relevant databases for enforcement purposes.

(e) Authorize the public body to continue or cease collection of user charges, tolls, fares or similar charges after the end of the term of the agreement.

(f) Allow for payments to be made to the person, including, without limitation, availability payments or performance based payments.

(g) Allow the public body to accept payments of monies and share revenues with the person.

(h) Address how the person and public body will share management of the risks of the project.

(i) Specify how the person and public body will share development costs.

(j) Allocate financial responsibility for cost overruns.

(k) Establish the damages to be assessed for nonperformance.

(l) Establish performance criteria or incentives, or both.

(m) Address the acquisition of rights-of-way and other property interests that may be required, including provisions that address the exercise of eminent domain as provided in section 15 of this act.

(n) Establish recordkeeping, accounting and auditing standards to be used.

(o) For an eligible facility that reverts to public ownership, address responsibility for reconstruction or renovations that are required in order for the eligible facility to meet all applicable government standards upon reversion of the facility.

(p) Provide for patrolling and law enforcement on public facilities.

(q) Identify any specifications that must be satisfied.

(r) Require the person to provide performance and payment bonds for design and construction pursuant to chapter 339 of NRS, surety bonds, if required by the public body, parent company guarantees, letters of credit or other acceptable forms of security or a combination of those.

(s) Allow the public body to acquire real property that is needed for and related to the eligible facility, including acquisition by exchange for other real property that is owned by the public body.

(t) Allow the public body to sell or lease naming rights with regard to any eligible facility.

7. Notwithstanding any other provision of law, an eligible facility that is developed, operated or held by a person pursuant to an agreement pursuant to this section is exempt from all state and local ad valorem and property taxes that might otherwise apply.

8. In connection with the approval of an eligible facility, the public body shall establish a date for the development of or the commencement of the construction of, or improvements to, the eligible facility. The public body may extend the date from time to time.

Sec. 14.5. A public body may contract with a person whose request or proposal submitted pursuant to sections 14.2 or 14.3 of this act is approved pursuant to section 14.4 of this act for services to be provided by the eligible facility in exchange for such payments for service and other consideration as the public body may deem appropriate.

Sec. 14.6. The public body may take any action necessary to obtain federal, state or local assistance for an eligible facility that it approves and may enter into any contracts required to receive such assistance. The public body shall, by resolution, determine if it serves the public purpose

for all or a portion of the costs of the eligible facility to be paid, directly or indirectly, from the proceeds of a grant or loan made by the local, state or Federal Government or any agency or instrumentality thereof.

Sec. 15. This State, or any public agency so authorized under chapter 37 of NRS, may exercise the power of eminent domain to acquire property, rights-of-way or other rights in property for projects that are necessary to develop, operate or hold an eligible facility regardless of whether the property will be owned in fee simple by this State or applicable public body or whether the property will be leased according to the terms of an agreement executed pursuant to ~~NRS 338.166,~~ section 14.4 of this act.

Sec. 16. If no federal money is used on an eligible facility, the laws of this State govern. Notwithstanding any other provision of ~~NRS 338.161 to 338.168, inclusive, and,~~ sections 2 to 16, inclusive, of this act, if federal money is used on an eligible facility and applicable federal laws conflict with ~~NRS 338.161 to 338.168, inclusive, and,~~ sections 2 to 16, inclusive, of this act, or require provisions or procedures inconsistent with those statutes, the applicable federal laws govern.

Sec. 16.5. The provisions of this section and NRS 338.161 to 338.168, inclusive, apply to any county whose population is less than 700,000.

Sec. 17. NRS 338.161 is hereby amended to read as follows:

338.161 As used in NRS 338.161 to 338.168, inclusive, and section 16.5 of this act, unless the context otherwise requires, “transportation ~~“Transportation”~~ facility” means a ~~any existing, enhanced, upgraded or new facility used or useful for the safe transport of persons, information or goods by one or more modes of transport, including, without limitation, a~~ road, railroad, bridge, tunnel, overpass, airport, mass transit facility, ~~light rail, commuter rail, conduit, ferry, boat, vessel, intermodal or multimodal system, a system using autonomous technology, as defined in NRS 482A.025, and any rights of way necessary for the facility. The term includes:~~

~~1. Related or ancillary facilities used or useful for providing, operating, maintaining or generating revenue for a transportation facility, including, without limitation, administrative buildings, structures, rest areas, maintenance yards and buildings, rail yards, rolling stock, storage facilities, ports of entry, vehicles, control systems, communication systems, information systems, energy systems,~~ parking facility for vehicles or similar commercial facility used for the support of or the transportation of persons or goods, including, without limitation, any ~~facilities and~~ other ~~related equipment or~~ property that is needed ~~for used~~ to operate ~~support~~ the ~~transportation~~ facility . The term does not include a toll bridge or toll road. ~~for the transportation of persons, information or goods; and~~

~~2. All improvements, including equipment, necessary to the full utilization of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead tracks, bridges, causeways, terminals for~~

~~railroad, automotive and air transportation and transportation facilities incidental to the project.]~~

Sec. 18. ~~[NRS 338.162 is hereby amended to read as follows:~~

~~338.162 A public body may authorize a person to *design, finance, lease, repair, acquire, extend, expand, plan, equip, replace,* develop, construct, improve, maintain or operate, or any combination thereof, [a transportation] *an eligible* facility pursuant to NRS 338.163 or 338.164.] (Deleted by amendment.)~~

Sec. 19. ~~[NRS 338.163 is hereby amended to read as follows:~~

~~338.163 1. A person may submit a request to a public body to *design, finance, lease, repair, acquire, extend, expand, plan, equip, replace,* develop, construct, improve, maintain or operate, or any combination thereof, [a transportation] *an eligible* facility.~~

~~2. The request must be accompanied by the following information:~~

~~(a) A topographic map indicating the location of the [transportation] *eligible* facility.~~

~~(b) A description of the [transportation] *eligible* facility, including, without limitation, the conceptual design of the [transportation] *eligible* facility . [and all proposed interconnections with other transportation facilities.]~~

~~(c) The projected total cost of the [transportation] *eligible* facility over its life and the proposed date for the development of or the commencement of the construction of, or improvements to, the [transportation] *eligible* facility.~~

~~(d) A statement setting forth the method by which the person submitting the request proposes to secure all property interests required for the [transportation] *eligible* facility. The statement must include, without limitation:~~

~~(1) The names and addresses, if known, of the current owners of any property needed for the [transportation] *eligible* facility;~~

~~(2) The nature of the property interests to be acquired; and~~

~~(3) Any property that the person submitting the request proposes that the public body condemn.~~

~~(e) [Information relating to the current transportation plans, if any, of any governmental entity in the jurisdiction of which any portion of the transportation facility is located.~~

~~(f) A list of all permits and approvals required for the development or construction of or improvement to the [transportation] *eligible* facility from local, state or federal agencies and a projected schedule for obtaining those permits and approvals.~~

~~(g) A list of the facilities of any utility or existing transportation facility that will be crossed by the transportation facility and a statement of the plans of the person submitting the request to accommodate such crossings.~~

~~(h) (f) A statement setting forth the general plans of the person submitting the request for financing and operating the [transportation] *eligible* facility, which must include, without limitation:~~

~~— (1) A plan for the development, financing and operation of the [transportation] *eligible* facility, including, without limitation, an indication of the proposed sources of money for the development and operation of the [transportation] *eligible* facility, the anticipated use of such money and the anticipated schedule for the receipt of such money;~~

~~— (2) A list of any assumptions made by the person about the anticipated use of the [transportation] *eligible* facility, including, without limitation, the fees that will be charged for the use of the [transportation] *eligible* facility, and a discussion of those assumptions;~~

~~— (3) The identification of any risk factors identified by the person that are associated with developing, constructing or improving the [transportation] *eligible* facility and the plan for addressing those risk factors;~~

~~— (4) The identification of any local, state or federal resources that the person anticipates requesting for development and operation of the [transportation] *eligible* facility, including, without limitation, an anticipated schedule for the receipt of those resources and the effect of those resources on any statewide or regional program for the improvement of transportation; and~~

~~— (5) The identification and analysis of any costs or benefits associated with the proposed facility, performed by a professional engineer who is licensed pursuant to chapter 625 of NRS.~~

~~— [(i)] (g) The names and addresses of the persons who may be contacted for further information concerning the request.~~

~~— [(j)] (h) Any additional material and information that the public body may request.~~

~~3. If the eligible facility is a transportation facility, the request must also include:~~

~~— (a) Information relating to the current transportation plans, if any, of any governmental entity in the jurisdiction of which any portion of the transportation facility is located.~~

~~— (b) A list of the facilities of any utility or existing transportation facility that will be impacted by the transportation facility and a statement of the plans of the person submitting the request to accommodate such crossings.]~~

~~(Deleted by amendment.)~~

Sec. 20. ~~[NRS 338.164 is hereby amended to read as follows:~~

~~— 338.164 If a public body receives a request regarding [a transportation] *an eligible* facility pursuant to NRS 338.163 and the public body determines that the [transportation] *eligible* facility serves a public purpose, the public body may request other persons to submit proposals to *design, finance, lease, repair, acquire, extend, expand, plan, equip, replace,* develop, construct, improve, maintain or operate, or any combination thereof, the [transportation] *eligible* facility.] (Deleted by amendment.)~~

Sec. 21. ~~[NRS 338.166 is hereby amended to read as follows:~~

~~— 338.166 1. A public body may approve a request , [or] proposal *or other submission* submitted pursuant to NRS 338.163 or 338.164 *or section*~~

~~10 of this act~~ if the public body determines that the [transportation] *eligible* facility serves a public purpose. In determining whether the [transportation] *eligible* facility serves a public purpose, the public body shall consider whether:

~~—(a) There is a public need for the type of [transportation] *eligible* facility that is proposed;~~

~~—(b) [The] *If the eligible facility is a transportation facility, the* proposed interconnections between the transportation facility and existing transportation facilities and the plans of the person submitting the request for the operation of the transportation facility are reasonable and compatible with any statewide or regional program for the improvement of transportation and with the transportation plans of any other governmental entity in the jurisdiction of which any portion of the transportation facility will be located;~~

~~—(c) The estimated cost of the [transportation] *eligible* facility is reasonable in relation to similar [transportation] facilities, as determined by an analysis of the cost performed by a professional engineer who is licensed pursuant to chapter 625 of NRS;~~

~~—(d) The plans of the person submitting the request will result in the timely development or construction of, or improvement to, the [transportation] *eligible* facility or its more efficient operation;~~

~~—(e) The plans of the person submitting the request contain any penalties for the failure of the person submitting the request to meet any deadline which results in the untimely development or construction of, or improvement to, the [transportation] *eligible* facility or failure to meet any deadline for its more efficient operation; and~~

~~—(f) The long term quality of the [transportation] *eligible* facility will meet a level of performance established by the public body over a sufficient duration of time to provide value to the public.~~

~~—2. In evaluating a request, [or] proposal *or other submission* submitted pursuant to NRS 338.163 or 338.164, *or section 10 of this act*, the public body may consider internal staff reports prepared by personnel of the public body who are familiar with the operation of similar [transportation] *eligible* facilities or the advice of outside advisors or consultants with relevant experience.~~

~~—3. The public body shall [request that a person who submitted a request or proposal pursuant to NRS 338.163 or 338.164] furnish a copy of [the] *a* request, [or] proposal *or other submission submitted pursuant to NRS 338.163, 338.164 or section 10 of this act* to each governmental entity that has jurisdiction over an area in which any part of the [transportation] *eligible* facility is located. Within 30 days after receipt of such a request or proposal, the governmental entity shall submit in writing to the public body, for consideration by the public body, any comments that the governmental entity has concerning the [transportation] *eligible* facility and shall indicate whether the [transportation] *eligible* facility is compatible with any local, regional or~~

~~statewide [transportation] plan or program that is applicable to the governmental entity.~~

~~4. A public body shall charge a reasonable fee to cover the costs of processing, reviewing and evaluating a request, [or] proposal *or other submission* submitted pursuant to NRS 338.163 or 338.164, *or section 10 of this act*, including, without limitation, reasonable fees for the services of an attorney or a financial or other consultant or advisor, to be collected before the public body accepts the request, [or] proposal *or other submission* for processing, review and evaluation.~~

~~5. The approval of a request, [or] proposal *or other submission* by the public body is contingent on the person who submitted the request, [or] proposal *or other submission* entering into an agreement with the public body. In such an agreement, the public body shall include, without limitation:~~

~~(a) Criteria that address the long term quality of the [transportation] *eligible* facility.~~

~~(b) The date, *if any*, of termination of the authority and duties pursuant to NRS 338.161 to 338.168, inclusive, *and sections 2 to 16, inclusive, of this act* of the person whose request, [or] proposal *or other submission* was approved by the public body with respect to the [transportation] *eligible* facility and for the dedication of the [transportation] *eligible* facility to the public body. [on that date.]~~

~~(c) Provision [for the imposition] by *which* the person whose request, [or] proposal *or other submission* was approved by the public body [of such rates, fees or other charges as may be established from time to time by agreement of the parties for use of all or a portion of a transportation facility, other than a bridge or road.] *expressly agrees that the person is prohibited from seeking injunctive or other equitable relief to delay, prevent or otherwise hinder the public body or any other jurisdiction from developing, constructing or maintaining any facility that was planned and that would or might impact the revenue that the person would or might derive from the facility developed under the agreement, except that the agreement may provide for reasonable compensation to the person for the adverse effect on user fee revenues resulting from the development, construction and maintenance of an unplanned revenue impacting facility.*~~

~~(d) A provision requiring all plans and specifications for any *eligible* facility constructed, operated or maintained pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act to comply with state standards and any applicable federal standards.~~

~~(e) If the *eligible* facility is a transportation facility, a provision requiring all user fee revenues generated from the transportation facility to be used for right of way acquisition, planning, design, construction, reconstruction, operation, maintenance and enforcement of transportation facilities within the same county in which the user fee revenues are generated, except to the extent such user fee revenues are otherwise pledged or allocated pursuant to the financial terms of an agreement~~

~~entered into pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.~~

~~6. In any agreement between a public body and a person whose request, proposal or other submission for an eligible facility pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, was approved by the public body, the public body may also include provisions that:~~

~~(a) Authorize the public body or the person to establish and collect user fees, rents, advertising and sponsorship charges, service charges or similar charges, including provisions related to traffic management strategies, if applicable.~~

~~(b) Specify technology to be used in the eligible facility.~~

~~(c) Establish circumstances under which the public body may receive all or a share of revenues from such charges.~~

~~(d) Govern enforcement of tolls, if applicable, including provisions for use of cameras or other mechanisms to ensure that users have paid tolls that are due and provisions that allow the person access to relevant databases for enforcement purposes.~~

~~(e) Authorize the public body to continue or cease collection of user charges, tolls, fares or similar charges after the end of the term of the agreement.~~

~~(f) Allow for payments to be made to the person, including, without limitation, availability payments or performance based payments.~~

~~(g) Allow the public body to accept payments of monies and share revenues with the person.~~

~~(h) Address how the person and public body will share management of the risks of the project.~~

~~(i) Specify how the person and public body will share development costs.~~

~~(j) Allocate financial responsibility for cost overruns.~~

~~(k) Establish the damages to be assessed for nonperformance.~~

~~(l) Establish performance criteria or incentives, or both.~~

~~(m) Address the acquisition of rights of way and other property interests that may be required, including provisions that address the exercise of eminent domain as provided in section 15 of this act.~~

~~(n) Establish recordkeeping, accounting and auditing standards to be used.~~

~~(o) For an eligible facility that reverts to public ownership, address responsibility for reconstruction or renovations that are required in order for the eligible facility to meet all applicable government standards upon reversion of the facility.~~

~~(p) Provide for patrolling and law enforcement on public facilities.~~

~~(q) Identify any specifications that must be satisfied.~~

~~(r) Require the person to provide performance and payment bonds for design and construction pursuant to chapter 339 of NRS, surety bonds, if~~

~~required by the public body, parent company guarantees, letters of credit or other acceptable forms of security or a combination of those.~~

~~— (s) Allow the public body to acquire real property that is needed for and related to the eligible facility, including acquisition by exchange for other real property that is owned by the public body.~~

~~— (t) Allow the public body to sell or lease naming rights with regard to any eligible facility.~~

~~7. Notwithstanding any other provision of law, an eligible facility that is developed, operated or held by a person pursuant to an agreement pursuant to this section is exempt from all state and local ad valorem and property taxes that might otherwise apply.~~

~~8. In connection with the approval of [a transportation] an eligible facility, the public body shall establish a date for the development of or the commencement of the construction of, or improvements to, the [transportation] eligible facility. The public body may extend the date from time to time.] (Deleted by amendment.)~~

Sec. 22. ~~[NRS 338.167 is hereby amended to read as follows:~~

~~338.167 A public body may contract with a person whose request or proposal submitted pursuant to NRS 338.163 or 338.164 is approved pursuant to NRS 338.166 for [transportation] services to be provided by the [transportation] eligible facility in exchange for such payments for service and other consideration as the public body may deem appropriate.] (Deleted by amendment.)~~

Sec. 23. ~~[NRS 338.168 is hereby amended to read as follows:~~

~~338.168 The public body may take any action necessary to obtain federal, state or local assistance for [a transportation] an eligible facility that it approves and may enter into any contracts required to receive such assistance. The public body shall, by resolution, determine if it serves the public purpose for all or a portion of the costs of the [transportation] eligible facility to be paid, directly or indirectly, from the proceeds of a grant or loan made by the local, state or Federal Government or any agency or instrumentality thereof.] (Deleted by amendment.)~~

Sec. 24. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to ~~[338.16995,]~~ 338.168, inclusive, *and sections 2 to 16, inclusive, of this act*, a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds \$100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds \$5,000,000.

Sec. 25. 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, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400,

640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 14 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 26. This act becomes effective on July 1, 2017.

Assemblyman Daly moved the adoption of the amendment.
Amendment adopted.

The following amendment was proposed by Assemblyman Carrillo:
Amendment No. 958.

AN ACT relating to public works, revising provisions concerning the authorization of a private entity to undertake certain public works; authorizing a public body to enter into a public-private partnership in connection with certain eligible facilities; providing for the financing of certain eligible facilities; providing for the disposition of money which is received and is to be retained by a public body pursuant to a public-private partnership; providing for the confidentiality of certain information submitted to a public body; revising provisions concerning agreements between a public body and a person concerning certain eligible facilities; exempting property used for certain eligible facilities from all real property and ad valorem taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a public body is authorized to accept a request from a person who wishes to develop, construct, improve, maintain or operate a transportation facility. If the public body determines that the facility serves a public purpose, the public body may authorize the requestor to carry out the facility or may request other persons to submit proposals to develop, construct, improve, maintain or operate the facility. (NRS 338.162, 338.163, 338.164) This bill extends those provisions to also apply to certain other facilities, including certain tourism improvement projects.

This bill also provides for the use of a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for an eligible facility. **Section 9** of this bill authorizes a public body to enter into such a partnership. **Section 10** of this bill establishes various alternatives in which a public body may procure a public-private partnership, including the use of solicitations, requests for proposals and negotiations. **Section 11** of this bill provides that an eligible facility may be financed in whole or in part with money from any lawful source. **Section 12** of this bill authorizes a public body to accept all such money and, with certain exceptions, to combine money from federal, state, local and private sources for the purposes of such a facility. **Section 13** of this bill requires that all money which is received and retained by a public body pursuant to a public-private partnership be: (1) deposited in the State Highway Fund; (2) accounted for separately; (3) used first to defray the obligations of the public body under the public-private partnership; and (4) except for costs of administration, used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways in the county from which the money was received. **Section 13.5** of this bill prohibits the imposition of a fee for the use of certain roadways. **Section 14** of this bill provides that all information submitted to a public body in connection with a

request, proposal or other submission concerning an eligible facility is confidential until a notice of intent to award the contract or agreement is issued. **Section 14** also establishes the procedures that a person who has submitted such information must follow to maintain the confidentiality of any trade secrets or confidential commercial, financial or proprietary information included in the submission. **Section 15** of this bill provides that the power of eminent domain may be exercised with respect to any property necessary for an eligible facility.

Existing law establishes the provisions that must be included in an agreement between a public body and a person with respect to the development, construction, improvement, maintenance or operation of a transportation facility. (NRS 338.166) **Section 21** of this bill imposes additional requirements applicable to such an agreement for an eligible facility and authorizes various other provisions that may be included in such an agreement. **Section 21** also provides that an eligible facility that is developed, operated or held by a person pursuant to such an agreement is exempt from all state and local ad valorem and property taxes. **Sections 17-20 and 22-25** of this bill make various conforming changes.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *As used in NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 338.161 and sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Concession” means any lease, ground lease, franchise, easement, permit, right of entry, operating agreement or other binding agreement transferring rights for the use or control, in whole or in part, of an eligible facility by a public body to a private partner.*

Sec. 4. *“Eligible facility” means:*

- 1. A transportation facility; and*
- 2. A project as defined in NRS 271A.050.*

Sec. 5. (Deleted by amendment.)

Sec. 6. *“Private partner” means a person with whom a public body enters into a public-private partnership.*

Sec. 7. *“Public-private partnership” means a contract entered into by a public body and a private partner.*

Sec. 8. *“User fee” means a fee, toll, fare or other similar charge, including, without limitation, any incidental, account maintenance, administrative, credit card or video tolling fee or charge, imposed on a person for his or her use of an eligible facility by a public body or by a private partner pursuant to a public-private partnership.*

Sec. 9. 1. A public body may enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for, or any combination thereof, an eligible facility.

2. A public-private partnership may include, without limitation:

(a) A predevelopment agreement leading to another implementing agreement for an eligible facility as described in this subsection;

(b) A design-build contract;

(c) A design-build contract that includes the financing, maintenance or operation, or any combination thereof, of the eligible facility;

(d) A contract involving a construction manager at risk;

(e) A concession, including, without limitation, a toll concession and an availability payment concession;

(f) A construction agreement that includes the financing, maintenance or operation, or any combination thereof, of the eligible facility;

(g) An operation and maintenance agreement for an eligible facility;

(h) Any other method or agreement for completion of the eligible facility that the public body determines will serve the public interest; or

(i) Any combination of paragraphs (a) to (h), inclusive.

Sec. 10. 1. A public body may procure a public-private partnership by means of:

(a) Requests for project proposals in which the public body describes a class of eligible facilities or a geographic area in which private entities are invited to submit proposals to develop eligible facilities.

(b) Solicitations using requests for qualifications, short-listings of qualified proposers, requests for proposals, negotiations, best and final offers or other procurement procedures.

(c) Procurements seeking from the private sector development and finance plans most suitable for the project.

(d) Best value selection procurements based on price or financial proposals, or both, or other factors.

(e) Other procedures that the public body determines may further the implementation of a public-private partnership.

2. For any procurement in which the public body issues a request for qualifications, request for proposals or similar solicitation document, the request must generally set forth the factors that will be evaluated and the manner in which responses will be evaluated. Such factors may include, without limitation:

(a) The ability of the eligible facility to promote economic growth and, in the case of a transportation facility, to improve safety, reduce congestion or increase capacity.

(b) The proposed cost and a proposed financial plan for the eligible facility.

(c) The general reputation, qualifications, industry experience and financial capacity of the proposer.

(d) The proposed design, operation and feasibility of the eligible facility.

(e) *Comments from users, local citizens and affected jurisdictions.*

(f) *Benefits to the public.*

(g) *The safety record of the proposer.*

(h) *Other criteria that the public body deems appropriate.*

3. *In evaluating proposals, the public body may give such relative weight to factors such as cost, financial commitment, innovative financing, technical, scientific, technological or socioeconomic merit and other factors as the public body deems appropriate.*

4. *The public body may procure services, award agreements and administer revenues as authorized in this section notwithstanding any requirements of any other state or local statute, regulation or ordinance relating to public bidding or other procurement procedures or other provisions otherwise applicable to public works, services or utilities.*

5. *The public body may expend money from any lawful source reasonably necessary for the development of procurements, evaluation of concepts or proposals, negotiation of agreements and implementation of agreements for the development or operation of transportation facilities pursuant to this chapter.*

6. *Any state agency or any county, municipality or other public agency may sell, lease, grant, transfer or convey to the public body, with or without consideration, any facility or any part or parts thereof or any real or personal property or interest therein which may be useful to the public body for any authorized purpose. In any case where the construction of a facility has not been completed, the public agency concerned may also transfer, sell, assign, and set over to the public body, with or without consideration, any existing contract for the construction of the facility.*

Sec. 11. 1. *An eligible facility may be financed, in whole or in part, with money from any lawful source, including, without limitation:*

(a) *Any public or private funding, loan, grant, line of credit, loan guarantee, credit instrument, private activity bond allocation, grant anticipation revenue bond, credit assistance from the government of this State or the Federal Government or other type of assistance that is available for the purposes of the eligible facility.*

(b) *Any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other thing of value made to the public body for the purposes of the eligible facility.*

(c) *A contribution of money or property made by any private entity or public sector partner that is a party to any agreement entered into pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.*

(d) *Money appropriated for the eligible facility by the State or by the public body.*

(e) *User fees, lease proceeds, rents, availability payments, gross or net receipts from sales, proceeds from the sale of development rights, franchise*

charges, permit charges, rents, advertising and sponsorship charges, service charges or any other lawful form of consideration.

(f) Private activity bonds as described in 26 U.S.C. § 141.

(g) Any other form of public or private capital that is available for the purposes of the eligible facility.

(h) Any combination of paragraphs (a) to (g), inclusive.

2. If a public body, in accordance with applicable law, issues a note, bond or other debt obligation to finance an eligible facility that is expected to generate revenue of any kind, the revenue from the eligible facility may be pledged as security for the payment of the obligation, but the bonds or notes are special, limited obligations of the public body payable solely from the revenues specifically pledged to the payment of those obligations, as specified in the resolution for the issuance of the bonds or notes, and do not create a debt of the State for the purposes of Section 3 of Article 9 of the Nevada Constitution.

3. Any financing issued by a public body pursuant to this section may be structured on a senior, parity or subordinate basis to any other financing.

4. A public body may issue revenue bonds or notes to provide money for any transportation facility.

Sec. 12. 1. A public body, either directly or through a designated party, may:

(a) Accept from the United States or any of its agencies money that is available to the public body for carrying out the purposes of NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, whether the money is made available by grant, loan or other financing arrangement.

(b) Enter into agreements and other arrangements with the United States or any of its agencies as may be necessary, proper and convenient for carrying out the provisions of NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.

(c) Accept from any source any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other valuable thing made to the public body for carrying out the provisions of NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.

2. Except as otherwise provided in section 13 of this act or applicable federal law, and notwithstanding any other provision of law, money from federal, state and local sources may be combined with money from any private source for carrying out the purposes of NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.

Sec. 13. All money which is received and is to be retained by a public body pursuant to a public-private partnership and which is derived from the imposition of any charge with respect to the operation of any motor vehicle upon any public highway in this State must be deposited in the

State Highway Fund, accounted for separately and, except for costs of administration, be used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways of the county from which the money is received. The money must first be used to defray the obligations for which the public body is responsible under the public-private partnership, including, without limitation, the costs of administration, design, construction, operation, maintenance, financing and repair of the eligible transportation facility from which the money is derived.

Sec. 13.5. 1. No user fee may be charged ~~for~~ because of any project undertaken as part of a public-private partnership authorized by NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, for the use of any roadway or portion of any roadway ~~in existence on July 1, 2017,~~ constructed or improved pursuant to any project undertaken as part of a public-private partnership authorized by NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.

2. The provisions of this section do not prohibit the imposition of a user fee for the use of any public transit system, regardless of whether the public transit system operates on or in the right-of-way for any such roadway.

3. As used in this section, "public transit system" has the meaning ascribed to it in NRS 277A.120.

Sec. 14. 1. Notwithstanding any other provision of law, any information obtained by or disclosed to a public body in connection with a request or proposal pursuant to NRS 338.163 or 338.164 or during the procurement or negotiation of a public-private partnership pursuant to section 10 of this act must be kept confidential until a notice of intent to award the contract, agreement or public-private partnership is issued, absent an administrative or judicial order requiring release or disclosure.

2. Except as otherwise provided in NRS 239.0115, a public body may exempt from release to the public any trade secrets or confidential commercial, financial or proprietary information included in a request or proposal submitted to the public body pursuant to subsection 1 if the submitter:

(a) Specifies the portions of the proposal or other submission that the submitter considers to be trade secrets or confidential commercial, financial or proprietary information;

(b) Invokes exclusion upon submission of the information or other materials for which protection is sought;

(c) Identifies the data or other materials for which protection is sought with conspicuous labeling;

(d) States the reasons why protection is necessary; and

(e) Fully complies with all applicable state law with respect to information that the submitter contends should be exempt from disclosure.

Sec. 15. *This State, or any public agency so authorized under chapter 37 of NRS, may exercise the power of eminent domain to acquire property, rights-of-way or other rights in property for projects that are necessary to develop, operate or hold an eligible facility regardless of whether the property will be owned in fee simple by this State or applicable public body or whether the property will be leased according to the terms of an agreement executed pursuant to NRS 338.166.*

Sec. 16. *If no federal money is used on an eligible facility, the laws of this State govern. Notwithstanding any other provision of NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, if federal money is used on an eligible facility and applicable federal laws conflict with NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, or require provisions or procedures inconsistent with those statutes, the applicable federal laws govern.*

Sec. 17. NRS 338.161 is hereby amended to read as follows:

338.161 ~~[As used in NRS 338.161 to 338.168, inclusive, unless the context otherwise requires, “transportation]~~ **“Transportation facility” means** ~~[a] any existing, enhanced, upgraded or new facility used or useful for the safe transport of persons, information or goods by one or more modes of transport, including, without limitation, a road, railroad, bridge, tunnel, overpass, [airport,] mass transit [facility,] , light rail, commuter rail, conduit, ferry, boat, vessel, intermodal or multimodal system, a system using autonomous technology, as defined in NRS 482A.025, and any rights-of-way necessary for the facility. The term includes:~~

1. Related or ancillary facilities used or useful for providing, operating, maintaining or generating revenue for a transportation facility, including, without limitation, administrative buildings, structures, rest areas, maintenance yards and buildings, rail yards, rolling stock, storage facilities, ports of entry, vehicles, control systems, communication systems, information systems, energy systems, parking [facility for vehicles or similar commercial facility used for the support of or the transportation of persons or goods, including, without limitation, any] facilities and other related equipment or property [that is] needed or used to [operate] support the transportation facility [. **The term does not include a toll bridge or toll road.] or the transportation of persons, information or goods; and**

2. All improvements, including equipment, necessary to the full utilization of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead tracks, bridges, causeways, terminals for railroad, automotive and air transportation and transportation facilities incidental to the project.

Sec. 18. NRS 338.162 is hereby amended to read as follows:

338.162 A public body may authorize a person to **design, finance, lease, repair, acquire, extend, expand, plan, equip, replace,** develop, construct,

improve, maintain or operate, or any combination thereof, ~~{a transportation}~~ **an eligible** facility pursuant to NRS 338.163 or 338.164.

Sec. 19. NRS 338.163 is hereby amended to read as follows:

338.163 1. A person may submit a request to a public body to **design, finance, lease, repair, acquire, extend, expand, plan, equip, replace,** develop, construct, improve, maintain or operate, or any combination thereof, ~~{a transportation}~~ **an eligible** facility.

2. The request must be accompanied by the following information:

(a) A topographic map indicating the location of the ~~{transportation}~~ **eligible** facility.

(b) A description of the ~~{transportation}~~ **eligible** facility, including, without limitation, the conceptual design of the ~~{transportation}~~ **eligible** facility . ~~{and all proposed interconnections with other transportation facilities.}~~

(c) The projected total cost of the ~~{transportation}~~ **eligible** facility over its life and the proposed date for the development of or the commencement of the construction of, or improvements to, the ~~{transportation}~~ **eligible** facility.

(d) A statement setting forth the method by which the person submitting the request proposes to secure all property interests required for the ~~{transportation}~~ **eligible** facility. The statement must include, without limitation:

(1) The names and addresses, if known, of the current owners of any property needed for the ~~{transportation}~~ **eligible** facility;

(2) The nature of the property interests to be acquired; and

(3) Any property that the person submitting the request proposes that the public body condemn.

~~(e) Information relating to the current transportation plans, if any, of any governmental entity in the jurisdiction of which any portion of the transportation facility is located.~~

~~—(f)—~~ A list of all permits and approvals required for the development or construction of or improvement to the ~~{transportation}~~ **eligible** facility from local, state or federal agencies and a projected schedule for obtaining those permits and approvals.

~~{(g) A list of the facilities of any utility or existing transportation facility that will be crossed by the transportation facility and a statement of the plans of the person submitting the request to accommodate such crossings.~~

~~—(h)—~~ (f) A statement setting forth the general plans of the person submitting the request for financing and operating the ~~{transportation}~~ **eligible** facility, which must include, without limitation:

(1) A plan for the development, financing and operation of the ~~{transportation}~~ **eligible** facility, including, without limitation, an indication of the proposed sources of money for the development and operation of the ~~{transportation}~~ **eligible** facility, the anticipated use of such money and the anticipated schedule for the receipt of such money;

(2) A list of any assumptions made by the person about the anticipated use of the ~~transportation~~ **eligible** facility, including, without limitation, the fees that will be charged for the use of the ~~transportation~~ **eligible** facility, and a discussion of those assumptions;

(3) The identification of any risk factors identified by the person that are associated with developing, constructing or improving the ~~transportation~~ **eligible** facility and the plan for addressing those risk factors;

(4) The identification of any local, state or federal resources that the person anticipates requesting for development and operation of the ~~transportation~~ **eligible** facility, including, without limitation, an anticipated schedule for the receipt of those resources and the effect of those resources on any statewide or regional program for the improvement of transportation; and

(5) The identification and analysis of any costs or benefits associated with the proposed facility, performed by a professional engineer who is licensed pursuant to chapter 625 of NRS.

~~(f)~~ (g) The names and addresses of the persons who may be contacted for further information concerning the request.

~~(g)~~ (h) Any additional material and information that the public body may request.

3. If the eligible facility is a transportation facility, the request must also include:

(a) *Information relating to the current transportation plans, if any, of any governmental entity in the jurisdiction of which any portion of the transportation facility is located.*

(b) *A list of the facilities of any utility or existing transportation facility that will be impacted by the transportation facility and a statement of the plans of the person submitting the request to accommodate such crossings.*

Sec. 20. NRS 338.164 is hereby amended to read as follows:

338.164 If a public body receives a request regarding ~~a transportation~~ **an eligible** facility pursuant to NRS 338.163 and the public body determines that the ~~transportation~~ **eligible** facility serves a public purpose, the public body may request other persons to submit proposals to **design, finance, lease, repair, acquire, extend, expand, plan, equip, replace**, develop, construct, improve, maintain or operate, or any combination thereof, the ~~transportation~~ **eligible** facility.

Sec. 21. NRS 338.166 is hereby amended to read as follows:

338.166 1. A public body may approve a request , ~~or~~ proposal **or other submission** submitted pursuant to NRS 338.163 or 338.164 **or section 10 of this act** if the public body determines that the ~~transportation~~ **eligible** facility serves a public purpose. In determining whether the ~~transportation~~ **eligible** facility serves a public purpose, the public body shall consider whether:

(a) There is a public need for the type of ~~transportation~~ **eligible** facility that is proposed;

(b) ~~The~~ *If the eligible facility is a transportation facility, the* proposed interconnections between the transportation facility and existing transportation facilities and the plans of the person submitting the request for the operation of the transportation facility are reasonable and compatible with any statewide or regional program for the improvement of transportation and with the transportation plans of any other governmental entity in the jurisdiction of which any portion of the transportation facility will be located;

(c) The estimated cost of the ~~transportation~~ *eligible* facility is reasonable in relation to similar ~~transportation~~ facilities, as determined by an analysis of the cost performed by a professional engineer who is licensed pursuant to chapter 625 of NRS;

(d) The plans of the person submitting the request will result in the timely development or construction of, or improvement to, the ~~transportation~~ *eligible* facility or its more efficient operation;

(e) The plans of the person submitting the request contain any penalties for the failure of the person submitting the request to meet any deadline which results in the untimely development or construction of, or improvement to, the ~~transportation~~ *eligible* facility or failure to meet any deadline for its more efficient operation; and

(f) The long-term quality of the ~~transportation~~ *eligible* facility will meet a level of performance established by the public body over a sufficient duration of time to provide value to the public.

2. In evaluating a request, ~~for~~ proposal *or other submission* submitted pursuant to NRS 338.163 or 338.164, *or section 10 of this act*, the public body may consider internal staff reports prepared by personnel of the public body who are familiar with the operation of similar ~~transportation~~ *eligible* facilities or the advice of outside advisors or consultants with relevant experience.

3. The public body shall ~~request that a person who submitted a request or proposal pursuant to NRS 338.163 or 338.164~~ furnish a copy of ~~the~~ a request, ~~for~~ proposal *or other submission submitted pursuant to NRS 338.163, 338.164 or section 10 of this act* to each governmental entity that has jurisdiction over an area in which any part of the ~~transportation~~ *eligible* facility is located. Within 30 days after receipt of such a request or proposal, the governmental entity shall submit in writing to the public body, for consideration by the public body, any comments that the governmental entity has concerning the ~~transportation~~ *eligible* facility and shall indicate whether the ~~transportation~~ *eligible* facility is compatible with any local, regional or statewide ~~transportation~~ plan or program that is applicable to the governmental entity.

4. A public body shall charge a reasonable fee to cover the costs of processing, reviewing and evaluating a request, ~~for~~ proposal *or other submission* submitted pursuant to NRS 338.163 or 338.164, *or section 10 of this act*, including, without limitation, reasonable fees for the services of an attorney or a financial or other consultant or advisor, to be collected before

the public body accepts the request , ~~{or}~~ proposal *or other submission* for processing, review and evaluation.

5. The approval of a request , ~~{or}~~ proposal *or other submission* by the public body is contingent on the person who submitted the request , ~~{or}~~ proposal *or other submission* entering into an agreement with the public body. In such an agreement, the public body shall include, without limitation:

(a) Criteria that address the long-term quality of the ~~{transportation}~~ *eligible* facility.

(b) The date , *if any*, of termination of the authority and duties pursuant to NRS 338.161 to 338.168, inclusive, *and sections 2 to 16, inclusive, of this act* of the person whose request , ~~{or}~~ proposal *or other submission* was approved by the public body with respect to the ~~{transportation}~~ *eligible* facility and for the dedication of the ~~{transportation}~~ *eligible* facility to the public body . ~~{on that date.}~~

(c) Provision ~~{for the imposition}~~ by *which* the person whose request , ~~{or}~~ proposal *or other submission* was approved by the public body ~~{of such rates, fees or other charges as may be established from time to time by agreement of the parties for use of all or a portion of a transportation facility, other than a bridge or road.}~~ *expressly agrees that the person is prohibited from seeking injunctive or other equitable relief to delay, prevent or otherwise hinder the public body or any other jurisdiction from developing, constructing or maintaining any facility that was planned and that would or might impact the revenue that the person would or might derive from the facility developed under the agreement, except that the agreement may provide for reasonable compensation to the person for the adverse effect on user fee revenues resulting from the development, construction and maintenance of an unplanned revenue impacting facility.*

(d) *A provision requiring all plans and specifications for any eligible facility constructed, operated or maintained pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act to comply with state standards and any applicable federal standards.*

(e) *If the eligible facility is a transportation facility, a provision requiring all user fee revenues generated from the transportation facility to be used for right-of-way acquisition, planning, design, construction, reconstruction, operation, maintenance and enforcement of transportation facilities within the same county in which the user fee revenues are generated, except to the extent such user fee revenues are otherwise pledged or allocated pursuant to the financial terms of an agreement entered into pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.*

6. *In any agreement between a public body and a person whose request, proposal or other submission for an eligible facility pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, was approved by the public body, the public body may also include provisions that:*

(a) ~~[Authorize]~~ Except as otherwise provided in section 13.5 of this act, authorize the public body or the person to establish and collect user fees, rents, advertising and sponsorship charges, service charges or similar charges, including provisions related to traffic management strategies, if applicable.

(b) *Specify technology to be used in the eligible facility.*

(c) *Establish circumstances under which the public body may receive all or a share of revenues from such charges.*

(d) *Govern enforcement of tolls, if applicable, including provisions for use of cameras or other mechanisms to ensure that users have paid tolls that are due and provisions that allow the person access to relevant databases for enforcement purposes.*

(e) ~~[Authorize]~~ Except as otherwise provided in section 13.5 of this act, authorize the public body to continue or cease collection of user charges, tolls, fares or similar charges after the end of the term of the agreement.

(f) *Allow for payments to be made to the person, including, without limitation, availability payments or performance based payments.*

(g) *Allow the public body to accept payments of monies and share revenues with the person.*

(h) *Address how the person and public body will share management of the risks of the project.*

(i) *Specify how the person and public body will share development costs.*

(j) *Allocate financial responsibility for cost overruns.*

(k) *Establish the damages to be assessed for nonperformance.*

(l) *Establish performance criteria or incentives, or both.*

(m) *Address the acquisition of rights-of-way and other property interests that may be required, including provisions that address the exercise of eminent domain as provided in section 15 of this act.*

(n) *Establish recordkeeping, accounting and auditing standards to be used.*

(o) *For an eligible facility that reverts to public ownership, address responsibility for reconstruction or renovations that are required in order for the eligible facility to meet all applicable government standards upon reversion of the facility.*

(p) *Provide for patrolling and law enforcement on public facilities.*

(q) *Identify any specifications that must be satisfied.*

(r) *Require the person to provide performance and payment bonds for design and construction pursuant to chapter 339 of NRS ~~41~~ and, if additional security is required in addition to such bonds, require the person to provide surety bonds, ~~if required by the public body,~~ parent company guarantees, letters of credit or other acceptable forms of security or a combination of those.*

(s) *Allow the public body to acquire real property that is needed for and related to the eligible facility, including acquisition by exchange for other real property that is owned by the public body.*

(t) Allow the public body to sell or lease naming rights with regard to any eligible facility.

7. Notwithstanding any other provision of law, an eligible facility that is developed, operated or held by a person pursuant to an agreement pursuant to this section is exempt from all state and local ad valorem and property taxes that might otherwise apply.

8. In connection with the approval of ~~the transportation~~ *an eligible* facility, the public body shall establish a date for the development of or the commencement of the construction of, or improvements to, the ~~transportation~~ *eligible* facility. The public body may extend the date from time to time.

Sec. 22. NRS 338.167 is hereby amended to read as follows:

338.167 A public body may contract with a person whose request or proposal *submitted pursuant to NRS 338.163 or 338.164* is approved pursuant to NRS 338.166 for ~~transportation~~ services to be provided by the ~~transportation~~ *eligible* facility in exchange for such payments for service and other consideration as the public body may deem appropriate.

Sec. 23. NRS 338.168 is hereby amended to read as follows:

338.168 The public body may take any action necessary to obtain federal, state or local assistance for ~~the transportation~~ *an eligible* facility that it approves and may enter into any contracts required to receive such assistance. The public body shall, by resolution, determine if it serves the public purpose for all or a portion of the costs of the ~~transportation~~ *eligible* facility to be paid, directly or indirectly, from the proceeds of a grant or loan made by the local, state or Federal Government or any agency or instrumentality thereof.

Sec. 24. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to ~~338.16995,~~ *338.168*, inclusive, *and sections 2 to 16, inclusive, of this act*, a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds \$100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds \$5,000,000.

Sec. 25. 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, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,

126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380,

676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 14 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 26. This act becomes effective on July 1, 2017.

Assemblyman Carrillo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 149.

Bill read third time.

Roll call on Senate Bill No. 149:

YEAS—37.

NAYS—Krasner, Marchant, Neal, Titus—4.

EXCUSED—Hansen.

Senate Bill No. 149 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 452.

Bill read third time.

Roll call on Senate Bill No. 452:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 452 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 448.

Bill read third time.

Roll call on Senate Bill No. 448:

YEAS—34.

NAYS—Benitez-Thompson, Carlton, Daly, Flores, Miller, Neal, Thompson—7.

EXCUSED—Hansen.

Senate Bill No. 448 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 8.

Resolution read third time.

Roll call on Senate Joint Resolution No. 8:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen.

Senate Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 12.

Resolution read third time.

Roll call on Senate Joint Resolution No. 12:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen.

Senate Joint Resolution No. 12 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 13.

Resolution read third time.

Roll call on Senate Joint Resolution No. 13:

YEAS—28.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler, Woodbury—13.

EXCUSED—Hansen.

Senate Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 156 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 41.

Bill read third time.

Roll call on Senate Bill No. 41:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 41 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 400 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 400.

Bill read third time.

The following amendment was proposed by Assemblywoman Benitez-Thompson:

Amendment No. 989.

AN ACT relating to public health; authorizing the Director of the Department of Health and Human Services to enter into success contracts; requiring the Department to publish on its Internet website certain information concerning such contracts; requiring the Department to report certain information to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Health and Human Services and, within the Department, the Aging and Disability Services Division, the Division of Public and Behavioral Health, the Division of Welfare and Supportive Services, the Division of Child and Family Services and the Division of Healthcare Financing and Policy. The Department is responsible for administering the provisions of law relating to its divisions. (NRS 232.300) **Section 3** of this bill authorizes the Director of the Department to enter into a success contract to accomplish any purpose within the jurisdiction of the Department or any of its divisions. **Section 2** of this bill defines the term "success contract" to mean a contract with a person or local government which provides for the person or local government to: (1) provide or arrange for the provision of services; (2) finance the cost of those services by soliciting investments; and (3) receive payment upon the achievement of specified objectives. **Section 3** requires that a success contract include certain terms and prescribes other requirements relating to such contracts. **Section 3** also requires the Department to publish the rationale for entering into a success contract on the Internet website maintained by the Department. Finally, **section 3** requires the Department biennially to report to the Legislature certain information concerning success contracts. **Section 4** of this bill creates the Success Contract Account to provide payments due under the provisions of a success contract.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in this section and sections 3 and 4 of this act, unless the context otherwise requires, "success contract" means a contract between the Director and a person or local government that provides for the person or local government to:*

- 1. Provide or arrange for the provision of services;*
- 2. Finance the cost of those services by soliciting investments; and*
- 3. Receive payment upon the achievement of specified objectives.*

Sec. 3. 1. *The Director may enter into a success contract with a person or local government to accomplish any purpose within the jurisdiction of the Department or any of its divisions. Each success contract must include:*

- (a) A requirement that payment be conditioned on achieving specific outcomes based on defined performance targets;*
- (b) An objective process by which an independent evaluator will determine whether the performance targets have been met;*
- (c) A description of the services to be provided under the contract and the persons who will provide those services;*

(d) A schedule that prescribes the dates by which each performance target must be achieved, the date by which each payment must be made and the amount of each payment;

(e) A description of the investments that the person or local government will solicit to raise the money necessary to finance the cost of services and a provision prohibiting investors from earning a return on investment that exceeds ~~13~~ 10 percent per year;

(f) Procedures by which either party may terminate the contract early and a transition plan to prevent or mitigate any adverse impact resulting from early termination; and

(g) A prohibition on any investor having input concerning the manner in which services are provided pursuant to the contract after the contract becomes effective.

2. A success contract must be awarded through a competitive bidding process conducted in accordance with the provisions of chapter 333 of NRS. The Director may issue a request for proposals on his or her own volition or after receiving input from any person or entity. Each request for proposals must describe the services to be provided pursuant to the contract, the desired outcomes and the proposed duration of the contract.

3. Before entering into a success contract, the Director must:

(a) Determine that entering into the contract will improve the services provided pursuant to the contract and reduce the costs of the Department for providing the services;

(b) Determine that the success contract will not create a conflict of interest for any employee or independent contractor of the Department or any other person or entity; and

(c) Consult with any other state agency that may be affected by the contract.

4. For each success contract entered into pursuant to this section, the Department shall publish on its Internet website a report that sets forth the rationale for entering into the contract and the basis for that rationale.

5. On or before October 1 of each even numbered year, the Director shall submit to the director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning each success contract in effect at any point during the 2 immediately preceding fiscal years. The report must include the outcomes of each such contract, including the estimated costs saved by the State because of the contract.

Sec. 4. 1. The Success Contract Account is hereby created in the State General Fund. The Account must be administered by the Director.

2. The interest and income earned on:

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

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

↪ must be credited to the Account.

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

4. The Department may apply for and accept gifts, grants and donations of money from any source for deposit in the Account.

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

(a) Provide payments due pursuant to success contracts awarded in accordance with the provisions of section 3 of this act; and

(b) Administer the provisions of sections 2, 3 and 4 of this act.

Sec. 5. NRS 232.290 is hereby amended to read as follows:

232.290 As used in NRS 232.290 to 232.484, inclusive, *and sections 2, 3 and 4 of this act*, unless the context requires otherwise:

1. "Department" means the Department of Health and Human Services.

2. "Director" means the Director of the Department.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 144.

Bill read third time.

Roll call on Senate Bill No. 144:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Flores, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

EXCUSED—Hansen.

Senate Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 138.

Bill read third time.

Roll call on Senate Bill No. 138:

YEAS—36.

NAYS—Carlton, Diaz, Flores, Ohrenschall, Yeager—5.

EXCUSED—Hansen.

Senate Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 162.

Bill read third time.

Roll call on Senate Bill No. 162:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 162 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 199.

Bill read third time.

Roll call on Senate Bill No. 199:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 199 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 268.

Bill read third time.

Roll call on Senate Bill No. 268:

YEAS—30.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—11.

EXCUSED—Hansen.

Senate Bill No. 268 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 270.

Bill read third time.

Roll call on Senate Bill No. 270:

YEAS—28.

NAYS—Ellison, Hambrick, Krasner, Marchant, McArthur, Neal, Ohrenschall, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—13.

EXCUSED—Hansen.

Senate Bill No. 270 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 324.

Bill read third time.

Roll call on Senate Bill No. 324:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 324 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 369.

Bill read third time.

Roll call on Senate Bill No. 369:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Jauregui, Krasner, Marchant, McArthur, Miller, Monroe-Moreno, Neal, Ohrenschall, Titus, Watkins, Wheeler—15.

EXCUSED—Hansen.

Senate Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 400.

Bill read third time.

Roll call on Senate Bill No. 400:

YEAS—39.

NAYS—Daly, Miller—2.

EXCUSED—Hansen.

Senate Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 5, 41, 46, 68, 113, 126, 138, 148, 160, 163, 179, 188, 204, 219, 241, 243, 244, 246, 251, 253, 260, 277, 292, 299, 304, 314, 346, 356, 361, 372, 381, 410, 424, 427, 449, 477, 481, and 483; Assembly Joint Resolution No. 11; Senate Bills Nos. 26, 79, 125, 136, 185, 196, 227, 239, 253, 265, 370, 371, 383, 388, 411, 413, 420, 437, 509, 519, 525, and 526.

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

Assembly in recess at 12:07 a.m.

ASSEMBLY IN SESSION

At 12:09 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 26, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of Senate Bill No. 226.

RICHARD S. COMBS
FOR
CINDY JONES
FISCAL ANALYSIS DIVISION

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Molly Bilbray-Axelrod.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Stead Elementary School: Ailynee Acosta Chavez, Jacob Becerra Ceja, Bhriely Casildo Rios, Hailey Clyde, Ariana Cruz Gomez, Natally Diaz Melendrez, Mya Dinges-Cowles, Kylee Dosch, Jomar Estrada Garcia, Tristan Gonzales, Senaida Ibarra Morales, Vanessa Libbon, Timothy Lokeijak, Axel Mejia Aguayo, Jesus Moreno Vega, Isabella Navarro, Danika Reed, David Reyes-Gonzalez, Rainen Rico, Omarr Rodriguez, Brianna Sanchez-Marquez, Tyler Shafer, Talan Smith, Nathan Stack, Angel Torres Lara, Julian Trujillo Gonzalez, Chelcy Alas Sandoval, Muhammad Aqil, Giovanni Casas-Hernandez, Steven Chavez, Tristen Cox, Cole Deerman-Webb, Alan Dominguez Estrada, Fionna Dragon, Eli Gabbard, Barbara Garcia De Lira, Francisco Gutierrez Cuevas, Mathew Hanners, Sophia Hernandez, Tasia Johnson, Aliyah Kemp, Mickelli Lopez-Vigil, Lucas Luciani-Eaton, Danny Mariscal Orozco, Frank Mariscal-Solorzano, Kieron McCoy, Kevin Medina Lopez, Rhianna Medovitch, Samantha Parra Hernandez, Andrea Polanco Correa, Evelyn Ponce, Giselle Rocha Gonzalez, Kylan Welles, Brycen Westby, Hunter Secchi, Chanel Agbanlog, Mia Alcabedos, Heaven Andrews, Diana Barajas Manzo, Brent Mhyco Batin, Aaliyah Casas, Peter Dalmacio, Angel Fletes Vasquez, Margarita Garcia Favela, Nathelie Hermosillo, Cristian Hernandez, Sabrina Hurtado Madrigal, Amelia Lewis, Jaden-Dyrell Madayag, Yancarlo Martinez Rodriguez, Aiden Meau, Miguel Mejia, Isaac Quintanilla, Evan Raso-Lopez, Dylan Rayburn-Mayers, Daniel Rubio, Mythias Schwartz, Isak Sercu, Eli Shem, Arnulfo Villanueva Garcia, Shaloni Walker, Shilo Walker, Jerzie Waltman-Morasky, Gabriel Acuna, Curtis Adair, Cameron Benson, Nathaniel Bento, Alison Bryant, Gabriel Carey, Diego Caro Moreno, Andy Castaneda, Aaliyah Clay, Rodalyn Gayle Dalmacio, Alexa Del Hoyo, Breadyn Dowdell, Anthony Duarte, Wyatt Fagundes, Pamela Hernandez, Adam Jackson, Mariana Martinez Garcia, Alysandra Mena, Shane

Neddenriep, Joshua Perez Lomeli, Alejandro Quiroz, Joshua Ramirez Alejo, Hailey Ramirez-Hernandez, and Joseph Schirf.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Tony Alamo Elementary School: Aiden East, Leonidas Levi, Vincent Leoni, Isaiah Gonzales, Joshua Aguilar, Eyuel Mesel, Alexi Ramos, Janelle Recomo, Jayzlie Adriano, Allan Ilano, Victor Mirchev, Ryan Eckersley, Alexis Santiago-Fraser, Michaela Santiago-Fraser, Kiersten Borce-Quon, Catelyn Bryan, Addison Bryan, Amanda Jimenez, Richard Geng, Jaiwen Wang, Zack Rannazzisi, Samuel Gonzalez, Lazar Klisuric, Lionel Wealth, Anthony Jimenez, Kaduce Michael, Alex Guo, Bowen Dong, Alyssa Marshall, Audrey Ferris, Jayda Booker, Abigail McKeogh, Sara Betemariam, Tiffany Grantz, Isabella Aversa, Adna Ascalic, and Ada Wang.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Eva Anguiano, Jonathan Beletzuy, Ethan Calvello, Kylie Carrigan, Devin Caviezel, Xavier Daul, Gideon Feuling, Luna Flores Vargas, Ethan Hendee, Hannah Klanke, Cristina Lopez, Henry Mackel, Jaydan Maskaly, Justin Mceldowney, Celine Ortiz, Dominic Porter, Miguel Rivera Correa, Chelsea Rosales Garcia, Emma Scott, Leah Shine, Joe Talamantes Rodriguez, Emalia Peterman, Mackenna Parkhurst, Kiara Simmons, Kali Amestoy, Connor Arnold, Ayden Elliott, Sarah Hansen, Drake Hardcastle, Nolan Kaufman, Devin Linehan, Ryley McLin, Tavin Miller, Kenny Nguyen, Gael Ortiz, Gabe Padilla, Anahi Ramirez, Chandler Ricks, Garin Snidow, Leland Roper, Ariel Salas, Hailey Showe, Kaylee Singh, Genoah Squillante, Ricky Torres, Danton Vidovich, Vanessa Villegas, Jake Weinger, Kaleb Williams, Moira Bloom, Connor Bryla-Bess, Amelia Cook, Adriana Esquivel, Sophia Fournier, Stormy Geiger, Alaura Glazner, Jaden Gomez, David Gonzalez-Salazar, Kenneth Gorsuch, Austin Graham, Daniel Roman-Guzman, Julian Hazelton, Lindsay Lopez, Uriel Lopez, Lillian Mendez, Esmeralda Munoz, Izaiah Ortega, Alyssa Ralls, Stanley Snooks, Laura Torres, Lanaya Wallace, Kayla Williams, Emma Barschat, Alejandro Beltran Adono, Leslie Caballero Pena, Jesse Cardiel, Noah Ciminski, Tyler Fratis, Camryn Galloway, Vanessa Guerra Navarro, Lilliana Knobel, Alexis Lee, Omar Martinez, Madison McDonald, Kekoa Mitchell, Charles Ore, Monique Ortega, Allissandro Pierrott, Bradley Platero Marroquin, Clarissa Quintana, Edwin Rivera, Josue Rojas, Collin Spears, Henessey Tripp, Isai Vazquez, and Suleiman Abdelhady.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones with Fallon Christian Homeschoolers: Luke Rechel, Devyn Frederick, Karley Frederick, Jay Frederick, Isaac Frederick,

KatyRuth Taylor, Seth Taylor, Jude Taylor, Estella Taylor, Grace Taylor, Susanna Taylor, Samuel Taylor, Enoch Taylor, Sadie Kennedy, Lorna Kennedy, Myles Kennedy, Liam Kennedy, Claire Kennedy, and Brynn Turner.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, May 29, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:11 a.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly