

THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), May 19, 2023

Senate called to order at 12:40 p.m.

President Anthony presiding.

Roll called.

All present except Senator Cannizzaro, who was excused.

Prayer by the Chaplain, Pastor Gavin Jarvis.

Proverbs 16:3, 9:

Commit to the Lord whatever you do,
and He will establish your plans.

In their hearts humans plan their course,
but the Lord establishes their steps.

Lord God, I stand and pray for our Nevada Senators and their staff. They have been hard at work ahead of today's deadlines for all their committees. Now, they are clearing these hurdles and entering the final stretches of this legislative session. I believe that through Your will, You have appointed them in their jobs, and You have given them wisdom and guidance, and have been with them through this work.

Now, I pray for everything they have put together and are continuing to work on, because we know as humans that the best made plans and bills are not guaranteed success despite our most valiant effort. You instruct us on a way forward to commit these plans to You so that You would establish them and cause the work of these Senators to flourish. We commit these plans to You, Sovereign God, that You would establish their hard work and grant them success in all their labor, because as they flourish, so will everyone in our State. Through Your guidance, they are planning the course of Nevada. Please establish their steps. Bless their work, and whenever they rest, give them peace and joy in their labor.

In Jesus' Name, I pray for them.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Finance, to which was referred Senate Bill No. 244, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 210, 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 100, 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

FABIAN DOÑATE, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 126, 159, 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELANIE SCHEIBLE, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 13, 286, 394; Assembly Joint Resolutions Nos. 1, 5, 8; Assembly Joint Resolution No. 1 of the 81st Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Mr. President:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 20, 91, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which was referred Assembly Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JULIE PAZINA, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which were referred Assembly Bills Nos. 53, 98, 122, 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DINA NEAL, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 18, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 2, 3; Senate Joint Resolution No. 7 of the 81st Session.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 406, Amendment No. 582, and respectfully requests your honorable body to concur in said amendment.

SUSAN FURLONG

Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Lange moved that Senate Bills Nos. 273, 282, 285 and 367 and Assembly Bills Nos. 17, 68, 78, 107, 110, 116, 118, 124, 131, 136, 146, 162, 183, 206, 212, 215, 223, 289, 298, 401 and 464 be taken from their positions on the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 339.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 550.

SUMMARY ~~[Authorizes the reimbursement of teachers for certain out of pocket expenses.]~~ Makes an appropriation to the Department of Education for the provision of grants to organizations to provide certain

supplies and materials to teachers and specialized instructional support personnel. (BDR ~~34-85~~) S-85)

AN ACT ~~[relating to education; creating the Teachers' School Supplies Assistance Account; providing for an annual allocation from the Account to each school district and charter school for distribution to teachers for the purchase of certain school supplies;]~~ making an appropriation ~~[;]~~ to the Department of Education for the creation of a grant program to allow certain teachers and specialized instructional support personnel to obtain certain supplies or materials for classrooms or school operations; and providing other matters properly relating thereto.

~~[Legislative Counsel's Digest:~~

~~—Before July 1, 2021, existing law established the Teachers' School Supplies Assistance Account in the State General Fund and authorized the money in the Account to be used to reimburse a teacher for out-of-pocket expenses incurred for necessary school supplies for pupils he or she instructs or to purchase such supplies directly in certain other ways. (former NRS 387.1253, 387.1255, 387.1257) The Account was abolished on July 1, 2021, which had the effect of eliminating the program that allowed for a teacher to be reimbursed for out-of-pocket expenses incurred for such supplies. (Section 80 of Senate Bill No. 543, chapter 624, Statutes of Nevada 2019, at page 4253) This bill recreates the Account and authorizes similar uses of the money in the Account.~~

~~—Section 3 of this bill creates the Teachers' School Supplies Assistance Account in the State General Fund. Section 4 of this bill requires the Department of Education to determine the amount of money available in the Account and to annually apportion the money available in the Account among the school districts and charter schools in this State, based on the number of teachers employed by each school district or charter school, as applicable, at \$500 per teacher per year.~~

~~—Section 4 also requires the board of trustees of each school district and the governing body of each charter school to establish a special revenue fund and deposit the money it receives from the Account in that fund. Section 4 further requires the money in the special revenue fund to be: (1) disbursed to teachers through various methods for the direct purchase of certain school supplies; or (2) used to reimburse teachers for out-of-pocket expenses incurred in connection with directly purchasing such supplies. Under section 4, a teacher who has used the entirety of his or her \$500 allotted disbursement is authorized to request an additional disbursement or reimbursement if there is money remaining in the special revenue fund because one or more teachers did not use the entire disbursement or reimbursement. Section 4 also requires the board of trustees of each school district or the governing body of a charter school, as applicable, to transfer any balance remaining in the special revenue fund that has not been committed for expenditure to the Account at the end of each fiscal year.~~

~~—Section 5 of this bill requires the board of trustees of each school district and the governing body of each charter school to determine the manner in which~~

~~to distribute the money received from the Account to the teachers, including whether the teachers will be authorized to use a credit card, debit card or purchasing card connected to the fund, or if they will be required to submit claims for reimbursement. Section 5 also requires a teacher who receives any money from the fund to repay to the fund, by the last day of the fiscal year, any amount of money that: (1) was not used; (2) was used to purchase something other than school supplies for the pupils the teacher instructs; or (3) exceeds the maximum amount authorized for each teacher in any fiscal year in section 4. Section 5 further requires the board of trustees of each school district and the governing body of each charter school to adopt a policy that establishes the manner in which disbursements or reimbursements from the fund will be accounted for.~~

~~Section 6 of this bill makes an appropriation from the State General Fund to the Teachers' School Supplies Assistance Account.~~

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

Section 1. ~~{Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.} (Deleted by amendment.)~~

Sec. 2. ~~{As used in sections 2 to 5, inclusive, of this act, "teacher" means a licensed employee of a school district who devotes the majority of his or her working time to the rendering of direct educational service to pupils, except that the term does not include a substitute teacher.} (Deleted by amendment.)~~

Sec. 3. ~~{1. The Teachers' School Supplies Assistance Account is hereby created in the State General Fund. The Department shall administer the Account.~~

~~2. The money in the Account must be invested as other money of the State is invested. All interest and income earned on the money in the Account must be credited to the Account.~~

~~3. The money in the Account must be used only for the purposes specified in section 4 of this act.~~

~~4. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward.~~

~~5. The Department may accept gifts, grants, bequests and donations from any source for deposit in the Account.} (Deleted by amendment.)~~

Sec. 4. ~~{1. On or before September 1 of each year, the Department shall determine the amount of money that is available in the Teachers' School Supplies Assistance Account created by section 3 of this act for distribution among all of the school districts and charter schools in this State for that fiscal year. Any such distribution must be provided to each school district and charter school based on the number of teachers employed by the school district or charter school, as applicable. To the extent that money is available, the Department shall establish the amount of disbursement or reimbursement for each teacher at \$500 per fiscal year.~~

~~2. The board of trustees of each school district and the governing body of each charter school shall establish a special revenue fund and direct that the money it receives pursuant to subsection 1 be deposited in that fund. Money in the special revenue fund must not be commingled with money from other sources. The board of trustees or the governing body, as applicable, shall disburse money in the special revenue fund to teachers in accordance with section 5 of this act.~~

~~3. The money in the special revenue fund must be used only to:~~

~~(a) Pay for a purchase of necessary school supplies for the pupils the teacher instructs using a purchasing card or debit card issued for that purpose to the teacher by a school;~~

~~(b) Pay the balance owed on a credit card issued to a teacher by a school to pay for a purchase of necessary school supplies for the pupils the teacher instructs;~~

~~(c) Deposit money directly into the account of a teacher maintained at a financial institution to pay for a purchase of necessary school supplies for the pupils the teacher instructs;~~

~~(d) Provide a check written to a teacher to pay for a purchase of necessary school supplies for the pupils the teacher instructs; or~~

~~(e) Reimburse teachers for out-of-pocket expenses incurred in connection with purchasing necessary school supplies for the pupils they instruct.~~

~~4. If there is money remaining in the special revenue fund because one or more teachers at the school did not use the amount established for his or her disbursement or reimbursement pursuant to subsection 1, the board of trustees of a school district or the governing body of a charter school, as applicable, shall allow a teacher who has used the entire amount of his or her disbursement or reimbursement established pursuant to subsection 1 to request an additional disbursement or reimbursement from the special revenue fund. The combined total amount of a disbursement or reimbursement established pursuant to subsection 1 and an additional disbursement or reimbursement requested pursuant to this subsection for each teacher must not exceed \$1,000 per fiscal year.~~

~~5. The board of trustees or governing body of a charter school, as applicable, shall not use money in the special revenue fund to pay any administrative costs.~~

~~6. Any money remaining in the special revenue fund at the end of a fiscal year reverts to the Teachers' School Supplies Assistance Account. (Deleted by amendment.)~~

Sec. 5. ~~[1. The board of trustees of each school district and the governing body of each charter school that receives money pursuant to subsection 1 of section 4 of this act shall determine the manner in which to distribute the money to teachers in the school district or charter school, as applicable, including, without limitation, whether to:~~

~~(a) Authorize a school to allow teachers to use a credit card, purchasing card or debit card which is issued to the teacher by the district or the school,~~

~~as applicable, and which is connected to the special revenue fund established pursuant to subsection 2 of section 4 of this act to directly purchase supplies for the pupils the teacher instructs;~~

~~(b) Require a teacher to submit a claim for reimbursement for out of pocket expenses for such supplies from the special revenue fund; or~~

~~(c) Authorize any other manner of providing money to a teacher described in subsection 4 of section 4 of this act to pay for such supplies.~~

~~2. To the extent that money is available in the special revenue fund, the board of trustees or governing body, as applicable, may reimburse a teacher, or the teacher may use, up to the maximum amount for each teacher determined by the Department pursuant to section 4 of this act for the fiscal year.~~

~~3. If the board of trustees of a school district or the governing body of a charter school, as applicable, requires a teacher to submit a claim for reimbursement for out of pocket expenses pursuant to paragraph (b) of subsection 1, the teacher must submit the claim not later than 2 weeks after the last day of the school year.~~

~~4. The board of trustees of a school district may enter into an agreement with the recognized employee organization representing licensed educational personnel within the school district for the purpose of obtaining the assistance of the employee organization in administering the reimbursement of teachers pursuant to this section.~~

~~5. A teacher who receives money pursuant to subsection 1 shall repay to the special revenue fund, by not later than the last day of the fiscal year in which the money was received:~~

~~(a) Any amount that was not used;~~

~~(b) Any amount that was used to purchase something other than school supplies for the pupils the teacher instructs; and~~

~~(c) Any amount that exceeds the maximum amount authorized pursuant to section 4 of this act in any fiscal year.~~

~~6. The board of trustees of each school district and the governing body of each charter school shall adopt a policy that establishes the manner in which reimbursements or disbursements of money, as applicable, will be accounted for through each form of payment authorized for use by the board of trustees or the governing body, as applicable. The policy may include, without limitation, a requirement to submit receipts for any purchase of supplies with money received pursuant to subsection 1.] (Deleted by amendment.)~~

Sec. 6. 1. There is hereby appropriated from the State General Fund to the ~~[Teachers' School Supplies Assistance Account created by section 3 of this act]~~ Department of Education the sum of \$10,000,000 ~~[,]~~ for the Other State Education Programs budget account for the purpose of creating a grant program to allow teachers and specialized instructional support personnel to obtain necessary supplies and materials for their classrooms or school operations, respectively.

2. The Department shall enter into an agreement with one or more organizations to provide such organizations with a grant from the Department to administer a program whereby the organizations expend grant money to directly provide teachers and specialized instructional support personnel with necessary supplies and materials for their classrooms or school operations, respectively, in response to a request from such persons.

3. Except as otherwise provided in this subsection, an agreement made pursuant to subsection 2 shall require that an organization that receives grant money expend not more than \$500 per individual teacher or specialized instructional support personnel following a request made pursuant to subsection 2. An individual teacher or specialized instructional support personnel may request the organization expend money in excess of \$500 and, to the extent that money from a source other than the grant program established pursuant to this section is available, such a request may be fulfilled.

4. As used in this section, "specialized instructional support personnel" includes persons employed by a school to provide necessary services such as assessment, diagnosis, counseling, educational services, therapeutic services and related services, as defined in 20 U.S.C. § 1401(26), to pupils. Such persons employed by a school include, without limitation:

- (a) A school counselor;
- (b) A school psychologist;
- (c) A school social worker;
- (d) A school nurse;
- (e) A speech-language pathologist;
- (f) A school library media specialist; and
- (g) Any other qualified professional.

Sec. 6.5. Any remaining balance of the appropriation made by section 6 of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 7. This act becomes effective on July 1, 2023.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 550 to Senate Bill No. 339 repeals the provisions of the bill and instead replaces them with language to create a grant program within the Department of Education to allow teachers and specialized instructional support personnel to obtain necessary supplies and materials for their classrooms or school operations respectively. Senate Amendment No. 550 allows the Department of Education to enter into an agreement with one or more organizations to administer a program to expend this grant funding.

Additionally, Senate Amendment No. 550 limits an organization that receives grant money from not expending more than \$500 per individual teacher or specialized instructional support

personnel unless money from a source other than the grant program money is available, which would allow the organization to expend money in excess of \$500.

Lastly, Senate Amendment No. 550 defines specialized instructional support personnel and requires any remaining balance from the General Fund appropriation to revert to the General Fund at the end of Fiscal Year 2025.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 449.

Bill read second time and ordered to third reading.

Assembly Bill No. 3.

Bill read second time and ordered to third reading.

Assembly Bill No. 11.

Bill read second time and ordered to third reading.

Assembly Bill No. 18.

Bill read second time and ordered to third reading.

Assembly Bill No. 32.

Bill read second time and ordered to third reading.

Assembly Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 548.

SUMMARY—Revises provisions governing the access of offenders to telecommunications devices. (BDR 16-261)

AN ACT relating to corrections; requiring the warden or manager of an institution or facility to make certain determinations concerning use of telecommunications devices by offenders; requiring the Director of the Department of Corrections to adopt regulations authorizing an offender to possess, have in his or her custody or control and use an authorized telecommunications device for certain purposes; revising the definition of a telecommunications device to include certain tablets; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law prohibits an offender from having access to a telecommunications device. Existing law authorizes an offender to use a telecommunications device to conduct certain visits and correspondence. Existing law also authorizes certain offenders to use telecommunications devices: (1) pursuant to an agreement with the Department of Corrections; or (2) in accordance with any regulations governing the use of such devices adopted by the Department of Corrections. Finally, existing law defines the term "telecommunications device" to include a telephone, a cellular telephone, a personal digital assistant, a transmitting radio or a computer with certain capabilities. (NRS 209.417)

This bill removes statutory provisions authorizing offenders to have access to a telecommunications device and instead: (1) requires the warden or manager of an institution or facility to determine which telecommunications devices, if any, are authorized for use by an offender; and (2) requires the Director of the Department to adopt regulations authorizing an offender to possess, have in his or her custody or control and use an authorized telecommunications device for certain purposes. This bill requires such regulations to authorize an offender to possess, have in his or her custody or control and use an authorized telecommunications device for the purpose of: (1) conducting certain visits and correspondence; (2) appearing in court; (3) receiving medical care; (4) applying for or enrolling in a benefit from a governmental program; (5) performing legal research; (6) obtaining a diploma, degree, certificate or similar credential; ~~and~~ (7) taking a vocational assessment ~~[-]~~; and (8) communicating with an attorney. This bill authorizes the Director of the Department, with the approval of the Board, to adopt regulations authorizing an offender to possess, have in his or her custody or control and use an authorized telecommunications device for any purpose other than these specified purposes. The bill requires such regulations to: (1) prescribe requirements for determining whether a telecommunications device will be authorized for use by an offender; (2) prescribe the criteria for eligibility for an offender to use an authorized telecommunications device; (3) set forth the circumstances under which an offender is authorized to use such a device to access the Internet; and (4) prescribe standards for the use of such a device by an offender. Finally, this bill revises the definition of "telecommunications device" to include a tablet with certain capabilities.

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

Section 1. NRS 209.417 is hereby amended to read as follows:

209.417 1. ~~{Except as otherwise provided in this section, the}~~ The warden or manager of an institution or facility shall ~~{ensure}~~:

(a) *Determine which telecommunications devices, if any, are authorized for use by an offender in accordance with the regulations adopted pursuant to this section; and*

(b) *Ensure that no offender in the institution or facility, or in a vehicle of the Department, has access to a telecommunications device ~~{-}~~ that is not an authorized telecommunications device.*

2. ~~{An offender may use a telephone or, for the purpose of communicating with his or her child pursuant to NRS 209.42305, any other approved telecommunications device subject to the limitations set forth in NRS 209.419.~~

~~3. An offender may use an approved telecommunications device for the purpose of conducting a visit or correspondence which is authorized pursuant to NRS 209.423, subject to the limitations set forth in NRS 209.419.~~

~~4. The Department may enter into an agreement with an offender authorizing the offender to use a telecommunications device to facilitate or~~

participate in correctional activities or to perform educational, vocational or legal research, subject to the limitations set forth in NRS 209.419.

~~—5.—~~ The Director ~~{may,}~~ *shall*, with the approval of the Board, adopt regulations authorizing an offender ~~{who is assigned to transitional housing, a center for the purpose of making restitution pursuant to NRS 209.4827 to 209.4843, inclusive, or a specific program of education or vocational training authorizing the offender}~~ to possess, have in his or her custody or control and use ~~{a}~~ an authorized telecommunications device ~~{:~~

~~—(a)—~~ To access a network, including, without limitation, the Internet,} for the purpose of:

~~{(1)}~~ (a) Communicating with his or her child pursuant to NRS 209.42305;

(b) Conducting a visit or correspondence which is authorized pursuant to NRS 209.423;

(c) Appearing in court;

(d) Receiving medical care;

(e) Applying for or enrolling in a benefit from a governmental program;

(f) Performing legal research;

(g) Obtaining ~~{educational}~~:

(1) Educational or vocational training that is approved by the Department;

(2) A diploma, degree, certificate or similar credential, including, without limitation, a high school diploma, a general educational development certificate or an equivalent document, an associate degree or a baccalaureate degree;

(h) Taking a vocational assessment;

(i) Searching for or applying for employment; ~~{or~~

~~—(3)—~~ ~~and}~~

(j) Performing essential job functions, ~~{:~~

~~—(b)—~~ For any other purpose if a telecommunications device is required by an employer of the offender to perform essential job functions.}; and

(k) Communicating with an attorney who represents him or her in a criminal or civil action.

3. The Director may, with the approval of the Board, adopt regulations authorizing an offender to use an authorized telecommunications device for any purpose other than a purpose listed in subsection 2.

4. An offender may possess, have in his or her custody or control and use an authorized telecommunications device in accordance with any regulations adopted by the Director pursuant to subsection 2 or 3. Any communication made by an offender using an authorized telecommunications device pursuant to this section is subject to the limitations set forth in NRS 209.419.

5. The regulations adopted by the Director pursuant to subsections 2 and 3 must:

(a) Prescribe the criteria for eligibility for an offender to use an authorized telecommunications device;

(b) Prescribe requirements for determining whether a telecommunications device will be authorized for use by an offender;

(c) Set forth the circumstances under which an offender may use an authorized telecommunications device to access a network, including, without limitation, the Internet; and

(d) Prescribe standards for the use of an authorized telecommunications device by an offender.

6. As used in this section ~~["telecommunications"]~~ :

(a) "Authorized telecommunications device" means a device authorized for use by an offender in accordance with the regulations adopted pursuant to this section.

(b) "Benefits from a governmental program" means any benefit, program or assistance provided by a governmental entity pursuant to statute or regulation, including, without limitation, Social Security, Medicare and Medicaid.

(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

(d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

(e) "Telecommunications device" means a device, or an apparatus associated with a device, that can enable an offender to communicate with a person outside of the institution or facility at which the offender is incarcerated. The term includes, without limitation, a telephone, a cellular telephone, a personal digital assistant, a transmitting radio or a computer *or tablet* that is connected to a computer network, is capable of connecting to a computer network through the use of wireless technology or is otherwise capable of communicating with a person or device outside of the institution or facility.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective ~~1~~

~~(a) Upon~~ upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act ~~1~~ and ~~1~~

~~(b) On~~ on January 1, 2024, for all other purposes.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 548 to Assembly Bill No. 35 adds language explicitly including communications between an offender and his or her lawyer as authorized communications under the provisions of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 36.

Bill read second time and ordered to third reading.

Assembly Bill No. 44.

Bill read second time and ordered to third reading.

Assembly Bill No. 56.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 542.

SUMMARY—Revises provisions relating to the operation of certain motor vehicles on certain portions of a highway. (BDR 43-257)

AN ACT relating to vehicles; authorizing certain vehicles to drive on the paved shoulder of a highway under certain circumstances; revising provisions governing the acts required of a driver of a vehicle upon the immediate approach of certain emergency or official vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the limited conditions under which the driver of a vehicle may overtake and pass upon the right of another vehicle. (NRS 484B.210) Section 1 of this bill allows authorized emergency vehicles, vehicles which have been issued permits as authorized emergency vehicles, traffic incident management vehicles of the Department of Transportation, tow cars, coroner vehicles and buses of public transit systems to drive on the paved shoulder of a highway where lawfully placed signage allows such vehicles to use the shoulder in that manner.

Existing law requires a driver of a vehicle, upon the approach of an authorized emergency vehicle or official vehicle of a regulatory agency making use of certain flashing lights, to yield the right-of-way, drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a highway and stop. (NRS 484B.267) Section 2 of this bill prohibits a driver from driving to and stopping in a position on a paved shoulder of a highway where lawfully placed signage allows certain vehicles described in section 1 to drive on the shoulder.

Existing law prohibits, except if required by an emergency, a person from driving a vehicle on a controlled-access highway outside of a marked traffic lane or marked entrance or exit lane. (NRS 484B.587) Section 3 of this bill authorizes certain vehicles described in section 1 to drive on the paved shoulder of a controlled-access highway where lawfully placed signage allows such vehicles to use the shoulder in that manner.

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

Section 1. NRS 484B.210 is hereby amended to read as follows:

484B.210 1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the driver of the vehicle overtaken is making or signaling to make a left turn.

(b) Upon a highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for two or more lines of moving vehicles in each direction.

(c) Upon a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is overtaking and passing another vehicle:

(1) ~~Does~~ *Except as otherwise provided in subsection 4, does not travel more than 200 feet in the section of pavement not marked as a traffic lane; or*

(2) *While being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway.*

(d) Upon any highway on which traffic is restricted to one direction of movement, where the highway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

2. *The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.*

3. *The driver of a vehicle shall not overtake and pass another vehicle upon the right when such movement requires driving off the paved portion of the highway.*

4. *The provisions of subparagraph (1) of paragraph (c) of subsection 1 do not apply to:*

(a) *An authorized emergency vehicle described in NRS 484A.480;*

(b) *A vehicle which has been issued a permit to operate as an authorized emergency vehicle pursuant to NRS 484A.490;*

(c) *A traffic incident management vehicle;*

(d) *A tow car;*

(e) *A coroner vehicle; or*

(f) *A public transit motor bus,*

↳ that is being driven on the paved shoulder of a highway where lawfully placed signage allows that vehicle to use the shoulder in that manner.

5. *A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.*

6. *As used in this section:*

(a) *"Coroner vehicle" means an authorized vehicle used by a county coroner, medical examiner ~~or~~ or medicolegal death investigator; ~~for~~ ~~or~~ ~~for~~ ~~mortuary personnel.~~*

(1) *Responding to the scene of a death; or*

(2) *Transporting a dead human body.*

(b) *"Hazardous material vehicle" means a vehicle used by the Department of Transportation for the cleanup of a spill of hazardous or illicit material, solid waste or other environmental hazards on or adjacent to a highway or within the rights-of-way of the Department of Transportation.*

(c) *"Public transit motor bus" means a vehicle used by a public transit system, designed for carrying more than 10 passengers and used for the transportation of persons for compensation.*

(d) "Public transit system" has the meaning ascribed to it in NRS 277A.120.

(e) "Traffic incident" means any vehicle, person, condition or other traffic hazard which is located on or near a roadway and which poses a danger to the flow of traffic or to a person involved in, responding to or assisting with the traffic hazard.

(f) "Traffic incident management vehicle" means an authorized vehicle used by the Department of Transportation to provide aid to motorists or to mitigate traffic incidents and which makes use of flashing amber warning lights that meet the requirements of subsection 1 of NRS 484D.185 and any standards approved by the Department of Public Safety. The term includes:

(1) Vehicles operating as part of the Freeway Service Patrol of the Department of Transportation; and

(2) Vehicles, including, without limitation, hazardous material vehicles, which respond to traffic incidents, motor vehicle crashes or other emergencies for purposes other than providing police, fire and emergency medical services.

Sec. 2. NRS 484B.267 is hereby amended to read as follows:

484B.267 1. Upon the immediate approach of an authorized emergency vehicle or an official vehicle of a regulatory agency, making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of every other vehicle shall ~~yield~~, except when otherwise directed by a law enforcement officer:

(a) Yield the right-of-way. ~~and shall~~

(b) Except as otherwise provided in this paragraph, immediately drive to a position parallel to, and as close as possible to, the right-hand edge or, if applicable, curb of a highway and clear of any intersection. ~~and shall stop~~ The driver shall not drive to and stop in a position on a paved shoulder of a highway where lawfully placed signage allows a vehicle described in paragraphs (a) to (f), inclusive, of subsection 4 of NRS 484B.210 to drive on the shoulder.

(c) Stop and remain in such position until the authorized emergency vehicle or official vehicle has passed. ~~[except when otherwise directed by a law enforcement officer.]~~

2. Upon approaching an authorized emergency vehicle or an official vehicle of a regulatory agency which is moving or preparing to move in any direction, including, without limitation, arriving at or leaving the scene of a crash or other incident, and making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of any other vehicle shall, except when otherwise directed by a law enforcement officer:

(a) Decrease the speed of his or her vehicle to a speed that is reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600;

(b) Proceed with caution;

(c) Be prepared to stop;

(d) If the authorized emergency vehicle or official vehicle of a regulatory agency is moving in the same direction of travel as the driver, not drive abreast

of or overtake the authorized emergency vehicle or official vehicle of a regulatory agency;

(e) If possible, drive in a lane that is not adjacent to the lane in which the authorized emergency vehicle or official vehicle of a regulatory agency is moving, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible; and

(f) If the authorized emergency vehicle or official vehicle of a regulatory agency:

(1) Approaches the driver's vehicle, proceed as required pursuant to subsection 1; or

(2) Stops, proceed as required pursuant to NRS 484B.607.

3. A person who violates this section is guilty of a misdemeanor.

4. As used in this section, "preparing to move" means any indication that is visible to an approaching driver that an authorized emergency vehicle or an official vehicle of a regulatory agency is about to move, including, without limitation:

(a) A movement of the vehicle; or

(b) The use of hand signals by the driver of the vehicle.

Sec. 3. NRS 484B.587 is hereby amended to read as follows:

484B.587 1. When official traffic-control devices are erected giving notice thereof, a person shall not drive a vehicle onto or from any controlled-access highway except at those entrances and exits which are indicated by such devices.

2. Except if required by an emergency ~~†~~ or as otherwise authorized by subsection 3, a person shall not drive a vehicle on a controlled-access highway:

(a) Upon any portion of the highway that lies outside of a marked traffic lane or marked entrance or exit lane; or

(b) Across any solid white line that separates an entrance or exit lane from a marked traffic lane.

3. *A person driving a vehicle described in paragraphs (a) to (f), inclusive, of subsection 4 of NRS 484B.210 may drive that vehicle on a paved shoulder of a controlled-access highway where lawfully placed signage allows that vehicle to use the shoulder in that manner.*

4. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 542 to Assembly Bill No. 56 removes vehicles used by mortuary personnel from the definition of "coroner vehicle" in subsection 6 of section 1 of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 76.

Bill read second time and ordered to third reading.

Assembly Bill No. 82.

Bill read second time and ordered to third reading.

Assembly Bill No. 164.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 544.

SUMMARY—Revises provisions related to outdoor recreation. (BDR ~~[S-487]~~ 35-487)

AN ACT relating to outdoor recreation; revising the duties of the Advisory Board on Outdoor Recreation; eliminating the advisory committee established to assist and advise the Administrator of the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources on the development and administration of the Outdoor Education and Recreation Grant Program; requiring the Division of Outdoor Recreation ~~in the State Department of Conservation and Natural Resources~~ to establish an Outdoor Education Advisory Working Group during the 2023-2024 interim to study approaches to incorporate outdoor recreation into the curriculum of the public education system in this State; prescribing the membership and duties of the Outdoor Education Advisory Working Group; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ Existing law creates the Outdoor Education and Recreation Grant Program and requires the Administrator of the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources to adopt regulations to establish an advisory committee to assist and advise the Administrator in the development and administration of the Grant Program. (NRS 407A.605, 407A.610) Existing law also creates the Advisory Board on Outdoor Recreation, which is required to advise the Administrator on any matter concerning outdoor recreation in this State. (NRS 407A.575) Section 1.3 of this bill eliminates the advisory committee and instead requires the Advisory Board on Outdoor Recreation to serve as a technical advisory committee to assist and advise the Administrator in the development and administration of the Grant Program. Section 1 of this bill makes a conforming change to require the Advisory Board to assist and advise the Administrator in the development and administration of the Grant Program.

Section 1.7 of this bill requires the Division of Outdoor Recreation ~~in the State Department of Conservation and Natural Resources~~ to establish an Outdoor Education Advisory Working Group in the 2023-2024 interim to study approaches to incorporate outdoor recreation into the curriculum of the

public education system in this State. ~~(This bill)~~ Section 1.7 also: (1) prescribes the membership and duties of the Outdoor Education Advisory Working Group; (2) requires the Division to submit a written report describing the activities, findings, conclusions and recommendations of the Advisory Working Group for transmittal to the 83rd Session of the Legislature; and (3) authorizes the Outdoor Education Advisory Working Group to request the drafting of not more than 1 legislative measure for prefilng on or before the first day of the regular session of the Legislature in 2025.

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

Section 1. NRS 407A.575 is hereby amended to read as follows:

407A.575 1. There is hereby created the Advisory Board on Outdoor Recreation composed of:

(a) The following 12 voting members:

- (1) The Lieutenant Governor or his or her designee;
- (2) The Director or his or her designee;
- (3) The Director of the Department of Tourism and Cultural Affairs or his or her designee;
- (4) The Executive Director of the Office of Economic Development or his or her designee;
- (5) The Director of the Department of Wildlife or his or her designee;
- (6) The Administrator of the Division of State Parks of the Department;
- (7) The Chair of the Nevada Indian Commission;
- (8) One member appointed by the Governor from a list of nominees submitted by the Board of Directors of the Nevada Association of Counties, or its successor organization, who:

(I) Resides in a county whose population is less than 100,000; and

(II) Has professional expertise or possesses demonstrated knowledge in outdoor recreation, natural resources management and economic development in this State; and

(9) Four members appointed by the Governor from a list of nominees submitted by the Lieutenant Governor and the Director as follows:

(I) A representative of the outdoor recreation industry;

(II) A representative of conservation interests;

(III) A person with experience in and knowledge of education; and

(IV) A person with experience in and knowledge of public health.

(b) The following two nonvoting members, who must be appointed by the Administrator of the Division of Outdoor Recreation or his or her designee, subject to the approval of the Director:

(1) A representative of the United States Department of the Interior from the Bureau of Land Management, National Park Service or United States Fish and Wildlife Service; and

(2) A representative of the United States Department of Agriculture from the United States Forest Service or Rural Development.

2. The Lieutenant Governor or his or her designee shall:

- (a) Serve as Chair of the Advisory Board; and
- (b) Appoint a member of the Advisory Board to serve as Vice Chair of the Advisory Board.

3. The Advisory Board shall meet at such times and places as are specified by a call of the Chair but not less than once a year. A majority of the voting members of the Advisory Board constitutes a quorum. If a quorum is present, the affirmative vote of a majority of the voting members of the Advisory Board present is sufficient for any official action taken by the Advisory Board.

4. The Advisory Board shall ~~advise~~ :
- ~~(a) Advise~~ the Administrator on any matter concerning outdoor recreation in this State ~~and~~ ; ~~and~~
 - ~~(b) Assist and advise the Administrator in the development and administration of the Outdoor Education and Recreation Grant Program pursuant to NRS 407A.610.~~

Sec. 1.3. NRS 407A.610 is hereby amended to read as follows:

407A.610 1. The ~~Administrator~~ Advisory Board on Outdoor Recreation created by NRS 407A.575 shall ~~by regulation, establish an~~ serve as a technical advisory committee to assist and advise the Administrator in the development and administration of the Grant Program.

- ~~2. The Administrator may adopt regulations ~~that must specify:~~~~
- ~~(a) The membership of the committee;~~
 - ~~(b) The ~~setting forth the~~ duties of the ~~committee;~~~~
 - ~~(c) The terms of members of the committee; and~~
 - ~~(d) The rules for the governance of the committee.~~
- ~~2. The Administrator shall appoint members to the advisory committee who have knowledge and experience in outdoor education and recreation and matters concerning the environment, agriculture, natural resources or other related matters relevant to the purposes of the Grant Program. The advisory committee must include, without limitation, members from:~~
- ~~(a) Agencies of state and local government;~~
 - ~~(b) Public schools, private schools, charter schools and school districts;~~
 - ~~(c) Private nonprofit organizations and community-based programs; and~~
 - ~~(d) The business community.~~
- ~~3. In addition to the membership prescribed by subsection 2, the Administrator shall appoint to the advisory committee a person who was or is a pupil in this State and participated in an outdoor education and recreation program that was funded by a grant awarded pursuant to NRS 407A.605 or, if no such person is available to serve, a person who represents pupils in this State and has knowledge and experience in outdoor education and recreation programs.~~
- ~~4. To the extent that money is available for that purpose, each member of the advisory committee who is not an officer or employee of the State of Nevada is entitled to receive a salary of not more than \$80 per day, fixed by the Administrator, for each day or portion of a day spent on the business of the advisory committee. Each member of the advisory committee who is an officer~~

~~or employee of the State of Nevada serves without additional compensation. To the extent that money is available for that purpose, each member of the advisory committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~5. Each member of the advisory committee who is an officer or employee of the State of Nevada or a local government must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the advisory committee and perform any work necessary to carry out the duties of the advisory committee in the most timely manner practicable. A state agency or local governmental entity may not require an employee who is a member of the advisory committee to make up time or take annual vacation or compensatory time for the time that he or she is absent from work to carry out his or her duties as a member of the advisory committee.~~ Advisory Board on Outdoor Recreation for the purposes of this section.

~~Section 1.~~ Sec. 1.7. 1. The Division of Outdoor Recreation in the State Department of Conservation and Natural Resources shall establish an Outdoor Education Advisory Working Group during the 2023-2024 interim to study approaches to incorporate outdoor recreation into the curriculum of the public education system in this State. The Advisory Working Group consists of the following members:

- (a) A representative of the Division of Outdoor Recreation, appointed by the Administrator of the Division;
- (b) A representative of the Office of Early Learning and Development in the Department of Education, the Office of Standards and Instructional Support in the Department of Education or the Office for a Safe and Respectful Learning Environment in the Department of Education, appointed by the Superintendent of Public Instruction of the Department of Education;
- (c) A representative of the ~~Office of Minority Health and Equity in the Department of Health and Human Services,~~ Wildlife, appointed by the Director of the Department of ~~Health and Human Services,~~ Wildlife;
- (d) One teacher from an urban area, appointed by the Speaker of the Assembly;
- (e) One teacher from an urban area, appointed by the Majority Leader of the Senate;
- (f) One teacher from a rural area, appointed by the Governor;
- (g) One superintendent of a school district, appointed by the Nevada Association of School Superintendents;
- (h) One ~~parent or legal guardian of a~~ pupil enrolled in a public school, appointed by the Speaker of the Assembly ~~;~~ , with the permission of a parent or legal guardian of the pupil.
- (i) ~~A provider.~~ Two providers of nature-based education, one of whom must primarily serve a minority or historically underserved community, appointed by the Speaker of the Assembly;
- (j) A member of the Senate, appointed by the Majority Leader of the Senate;

(k) A member of the Senate, appointed by the Minority Leader of the Senate;

(l) A member of the Assembly, appointed by the Speaker of the Assembly;

(m) A member of the Assembly, appointed by the Minority Leader of the Assembly;

(n) An early education specialist, appointed by the Majority Leader of the Senate; and

(o) A provider of health care to children and adolescents, appointed by the Governor.

2. The Outdoor Education Advisory Working Group shall study approaches to incorporate outdoor recreation into the curriculum for preschool, kindergarten and grades 1 to 12, inclusive, which include, without limitation, opportunities to integrate outdoor recreation with:

(a) Physical education;

(b) Scientific inquiry;

(c) Technology;

(d) Environmental science;

(e) Physical sciences;

(f) Language arts;

(g) Art;

(h) Humanities;

(i) Social and emotional learning; and

(j) Public service.

3. The Outdoor Education Advisory Working Group shall, at its first meeting, elect a Chair and Vice Chair from among its members.

4. A majority of the members of the Outdoor Education Advisory Working Group constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Outdoor Education Advisory Working Group.

5. The Division shall provide the Advisory Working Group with such administrative support as is necessary to assist the Outdoor Recreation Working Group in carrying out its duties pursuant to this section.

6. The members of the Outdoor Education Advisory Working Group serve without compensation generally.

7. Each member of the Outdoor Education Advisory Working Group who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Outdoor Education Advisory Working Group and perform any work necessary to carry out the duties of the Outdoor Education Advisory Working Group in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Outdoor Education Advisory Working Group to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

8. The Division may accept gifts, grants and donations from any source to support the work of the Outdoor Education Advisory Working Group.

9. The Division shall, on or before December 31, 2024, prepare and submit a written report describing the activities, findings, conclusions and recommendations of the Outdoor Education Advisory Working Group to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

10. The Outdoor Education Advisory Working Group may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Outdoor Education Advisory Working Group. The request must be submitted to the Legislative Counsel on or before December 31, 2024, and must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this subsection must be prefiled on or before the first day of the regular session of the Legislature in 2025. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

11. As used in this section, "historically underserved community" has the meaning ascribed to it in NRS 445B.834.

Sec. 1.9. Notwithstanding the provisions of NRS 407A.610, as amended by section 1.3 of this act, the terms of all of the members serving on the advisory committee established by regulation pursuant to NRS 407A.610 who are serving on June 30, 2023, expire on that date.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section ~~1.1~~ 1.7 of this act becomes effective:

(a) Upon passage and approval for the purpose of appointing members to the Outdoor Education Advisory Working Group established pursuant to section ~~1.1~~ 1.7 of this act and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

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

3. Sections 1 and 1.3 of this act become effective:

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

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

4. Section 1.9 of this act becomes effective upon passage and approval.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 544 to Assembly Bill No. 164 makes the existing Advisory Board on Outdoor Recreation to also serve as the Technical Advisory Committee, established in Nevada Administrative Code 407A.150, to assist and advise the Administrator in the development and administration of the Outdoor Education and Recreation Grant Program; adds an additional representative from the Department of Wildlife to the Advisory Working Group; deletes section 1.7(1)(c) relating to a representative of the Advisory Working Group from the Office of Minority Health, and amends section 1.7(1)(i) to appoint two providers, rather than one provider, of nature-based education with one provider focused primarily on serving minority or historically underserved communities; and amends section 1.7(1)(h) to indicate that a pupil, rather than a parent or legal guardian, may be appointed to the Advisory Working Group with the permission of the parent or legal guardian.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 185.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 545.

SUMMARY—Revises provisions governing the education of pupils who are children of military personnel. (BDR 34-524)

AN ACT relating to education; revising provisions relating to the enrollment of pupils in charter schools; requiring school districts, charter schools and university schools for profoundly gifted pupils to take certain measures to accommodate a pupil who plans to transfer to the school district or school or leave the school district or school because of the documented pending military transfer of a parent or guardian; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a charter school to give preference in enrollment to certain children before enrolling children who are otherwise eligible for enrollment. (NRS 388A.456) Section 1 of this bill authorizes a charter school to give the same preference to a child who has a parent or legal guardian who is a member of the military.

—The Interstate Compact on Educational Opportunity for Military Children requires member states, including Nevada, to take certain measures to facilitate the enrollment and continued education of pupils who are children of military families and who transfer into this State. (NRS 388F.010) Existing law also requires the superintendent of a school district or his or her designee to make reasonable efforts to accommodate a pupil who transfers to a public school in the district due to the military transfer of the parent or legal guardian of the pupil. (NRS 388F.070) ~~This~~ Section 1.5 of this bill additionally requires the governing body of a charter school or university school for profoundly gifted pupils to make such reasonable efforts. ~~This bill~~ Section 1.5 requires those reasonable efforts to include authorizing such a pupil to enroll in the school and participate in any application or lottery process necessary to be eligible for such enrollment: (1) at the same time as pupils who reside in the school district or near the charter school or university school, as applicable; and (2) in the same manner as pupils who reside in the school district or near the charter school or university school, as applicable, or remotely using electronic means, regardless of whether such means are generally authorized for other pupils. ~~This bill~~ Section 1.5 authorizes such a pupil to: (1) use the address of a military installation to which a parent or legal guardian of the pupil has a documented pending military transfer as the address of the pupil for all purposes relating to enrollment until the pupil notifies the public school of the actual address at which the pupil will reside in the appropriate attendance area; and (2) specify an additional address solely for the purpose of receiving

correspondence. ~~¶This bill~~ Section 1.5 also requires the superintendent of a school district or the superintendent's designee or the governing body of a charter school or university school for profoundly gifted pupils to make reasonable efforts to accommodate a pupil who plans to leave the school during the school year because of the documented pending military transfer of the parent or legal guardian of the pupil. ~~¶This bill~~ Section 1.5 requires those efforts to include: (1) authorizing and assisting the pupil to complete the requirements for the current school year through a program of distance education, if such a program is available; and (2) cooperating with any school or school district to which the pupil plans to transfer. ~~¶This bill~~ Section 1.5 requires a pupil who enrolls in a public school, charter school or university school for profoundly gifted pupils for all or part of a school year pursuant to the provisions of this bill to provide proof of residency before the beginning of the next school year if the pupil plans to enroll in the school for the next school year.

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

Section 1. NRS 388A.456 is hereby amended to read as follows:

388A.456 1. Before a charter school enrolls pupils who are eligible for enrollment pursuant to NRS 388A.453, a charter school may enroll a child who:

- (a) Is a sibling of a pupil who is currently enrolled in the charter school.
- (b) Was enrolled, free of charge and on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school.
- (c) Is a child of a person:
 - (1) Who is employed by the charter school;
 - (2) Who is a member of the committee to form the charter school;
 - (3) Who is a member of the governing body of the charter school; or
 - (4) Who resides on or is employed on the federal military installation, if the charter school is located on a federal military installation;
- (d) Is enrolled at a charter school with which the charter school has an articulation agreement, approved by the sponsor, providing for priority enrollment.
- (e) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category.
- (f) At the time his or her application is submitted, is enrolled in a public school of a school district with an enrollment that is more than 25 percent over the public school's intended capacity, as reported on the list maintained by the school district pursuant to subsection 4. If a charter school enrolls pupils who are enrolled in such a public school before enrolling other pupils who are eligible for enrollment, the charter school must enroll such pupils who reside within 2 miles of the charter school before enrolling other such pupils.

(g) At the time his or her application is submitted, is enrolled in a public school that received an annual rating established as one of the two lowest ratings possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools for the most recent school year for which the public school received an annual rating. If a charter school enrolls pupils who are enrolled in such a public school before enrolling other pupils who are eligible for enrollment, the charter school must enroll such pupils who reside within 2 miles of the charter school before enrolling other such pupils.

(h) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

(i) Has a parent or legal guardian who is a member of the military.

2. If more pupils described in this section who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this section on the basis of a lottery system.

3. A lottery held pursuant to subsection 2 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.

4. Each school district shall create and maintain a list which specifies for each public school of the school district, the maximum enrollment capacity for each school, the actual number of pupils enrolled at each school and the percentage by which enrollment at each school exceeds the intended enrollment capacity, if applicable. Each school district shall post the list on the Internet website maintained by the school district as soon as practicable after the count of pupils is completed pursuant to NRS 387.1223 but not later than November 1 of each year.

5. As used in this section, "member of the military" has the meaning ascribed to it in NRS 176A.043.

~~{Section 1.}~~ Sec. 1.5. NRS 388F.070 is hereby amended to read as follows:

388F.070 1. The superintendent of a school district or the superintendent's designee *or the governing body of a charter school or a university school for profoundly gifted pupils* shall ~~[, in]~~ :

(a) *Authorize a pupil who plans to transfer to a public school in the school district or to a charter school or university school, as applicable, from a school inside or outside this State because of the documented pending military transfer of the parent or legal guardian of the pupil to enroll in the public*

school, charter school or university school and participate in any application or lottery process necessary to be eligible for such enrollment:

(1) At the same time as pupils who reside in the school district or near the charter school or university school, as applicable; and

(2) In the same manner as pupils in the school district or near the charter school or university school, as applicable, or remotely using electronic means, regardless of whether such means are generally authorized for other pupils.

(b) Deem the address of a military installation to which a parent or legal guardian of the pupil has a documented pending military transfer to be the address of the pupil for all purposes relating to enrollment for which an address is required until the pupil notifies the public school of the actual address at which the pupil will reside in the appropriate attendance area.

(c) Authorize the pupil and the parent or legal guardian of the pupil to specify an additional, current address solely for the purpose of receiving correspondence.

(d) In accordance with NRS 388F.010, make other reasonable efforts to accommodate a pupil who transfers to a public school in the school district or to the charter school or university school, as applicable, from a school inside or outside this State because of the military transfer of the parent or legal guardian of the pupil.

2. If the superintendent of a school district or the superintendent's designee is not able to grant a standard high school diploma to a pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil, the superintendent or the superintendent's designee shall work cooperatively with the local education agency in the state in which the pupil was previously enrolled to determine if the pupil is eligible to receive a diploma from that local education agency and, if the pupil is eligible, to facilitate receiving a high school diploma from that local education agency.

3. *If a pupil at a public school in a school district, a charter school or a university school for profoundly gifted pupils plans to leave the school during the school year because of the documented pending military transfer of the parent or legal guardian of the pupil, the superintendent of the school district or the superintendent's designee or the governing body of the charter school or university school, as applicable, shall make reasonable efforts to accommodate the pupil, including, without limitation, by:*

(a) Authorizing and assisting the pupil to complete the requirements for the current school year through a program of distance education, if such a program is available; and

(b) Cooperating with any school or school district to which the pupil plans to transfer.

4. *A pupil who enrolls in a public school, charter school or university school for profoundly gifted pupils pursuant to subsection 1 for all or part of a school year and plans to enroll in the school for the next school year shall,*

before the beginning of the next school year, provide proof of residency in this State and, as applicable, in:

- (a) The school district;*
- (b) The zone of attendance of the school established pursuant to NRS 388.040; or*
- (c) The geographic area served by the charter school or university school.*

5. *As used in this section, "program of distance education" means a program comprised of one or more courses of study for which instruction is delivered by means of video, computer, television or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which instruction is delivered.*

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1, 1.5 and 2 of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 545 to Assembly Bill No. 185 broadens priority charter school enrollment to a child whose parent or legal guardian is currently a member of the military and adds Senator Buck as a cosponsor to the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 189.

Bill read second time and ordered to third reading.

Assembly Bill No. 219.

Bill read second time and ordered to third reading.

Assembly Bill No. 251.

Bill read second time and ordered to third reading.

Assembly Bill No. 265.

Bill read second time and ordered to third reading.

Assembly Bill No. 274.

Bill read second time and ordered to third reading.

Assembly Bill No. 275.

Bill read second time and ordered to third reading.

Assembly Bill No. 282.

Bill read second time and ordered to third reading.

Assembly Bill No. 291.

Bill read second time and ordered to third reading.

Assembly Bill No. 311.

Bill read second time and ordered to third reading.

Assembly Bill No. 318.

Bill read second time and ordered to third reading.

Assembly Bill No. 350.

Bill read second time and ordered to third reading.

Assembly Bill No. 359.

Bill read second time and ordered to third reading.

Assembly Bill No. 372.

Bill read second time and ordered to third reading.

Assembly Bill No. 407.

Bill read second time and ordered to third reading.

Assembly Bill No. 426.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 37, 55, 62 and 67.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Harris, the privilege of the floor of the Senate Chamber for this day was extended to Regina Suwono.

Senator Lange moved that the Senate adjourn until Monday, May 22, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 1:01 p.m.

Approved:

STAVROS ANTHONY
President of the Senate

Attest: BRENDAN BUCY

Secretary of the Senate