

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 16, 2007

Assembly called to order at 11:04 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rabbi Jacob Benzaquen.

To the Almighty, creator of all and God of our ancestors: We ask Your blessings for our republic and the great State of Nevada—for its government, legislature, leaders, and for all who exercise just and rightful authority, based on your eternal promise in Genesis to our forefather Abraham, “. . . I will bless those who bless You.” Therefore, lift up their hearts and minds with Your light so that we may neither labor in vain, nor give birth to confusion and that they may bless all inhabitants and administer all affairs of state fairly and justly; that peace and security, happiness and prosperity, justice and freedom may forever abide in our midst. And let us say:

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Ocegüera 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

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 144, 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 1, 88, 103, 195, 216, 235 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 Commerce and Labor, to which were referred Assembly Bills Nos. 419, 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Ways and Means.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Concurrent Committee on Education, to which were referred Assembly Bills Nos. 460, 591 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Bills Nos. 79, 80, 143 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 572, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 603, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 248, 428, 522, 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 67, 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 Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and rerefer to the Committee on Ways and Means.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 13, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 555; Senate Bills Nos. 132, 456, 470, 542; Senate Joint Resolution No. 9.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 5, 43, 53, 58, 69, 86, 95, 100, 115, 118, 124, 169, 171, 206, 266, 267, 396.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 9, Senate Amendment No. 26, and respectfully requests your honorable body to concur in said amendment.

SHERRY L. RODRIGUEZ

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 15, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 410, 420, 531 and 572.

MARK STEVENS
Fiscal Analysis Division

NOTICE OF WAIVER

A Waiver requested by Legislative Counsel.

For: Senate Bill No. 556.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

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

Has been granted effective: Monday, April 09, 2007.

WILLIAM J. RAGGIO
Senate Majority Leader

BARBARA E. BUCKLEY
Speaker of the Assembly

Assemblyman Ocegüera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bills Nos. 1, 15, 67, 79, 80, 88, 103, 143, 144, 165, 195, 216, 235, 248, 267, 428, 460, 469, 477, 522, 534, and 591 just reported out committee, be placed on the Second Reading File.

Motion carried.

By Assemblymen Mabey, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 19—Honoring Richard Matta, the Band Instructor at Walter Johnson Junior High School in Las Vegas.

WHEREAS, Richard Matta was born and raised on a farm in Central Illinois, where his passion for music started at an early age while playing the trumpet in his junior high school band; and

WHEREAS, His passion for music and teaching led Richard to Murray State University where he received a bachelor's degree in music education and to the University of Illinois where he received a master's degree in music education; and

WHEREAS, Richard Matta has studied and performed with many world-renowned musicians, such as Vince Cichowicz, who is regarded as one of North America's foremost experts in brass pedagogy; and

WHEREAS, Prior to his relocation to Nevada, Richard Matta taught music to students in Illinois, Texas and Wisconsin, and is now in his 19th year as a band director for the Clark County School District, and many of his students have continued on to perform in top musical positions throughout the country; and

WHEREAS, During his tenure in Clark County, Richard has consistently had the top bands in the District at festivals, and his concerts are always enthusiastically received; and

WHEREAS, Richard Matta is a cancer survivor, thanks to one of his first music students who is now a world-class oncologist, who flew from Peoria, Illinois, to Las Vegas to supervise personally Richard's treatment for non-Hodgkin's lymphoma; and

WHEREAS, Richard Matta's passion for music and commitment to his students could not be quelled by his illness, and he continued to teach even while he was receiving cancer treatments; and

WHEREAS, Richard Matta's other passion is his family, the childhood sweetheart he married 45 years ago, his two children, four grandchildren and great-grandchild, all of whom reside in Las Vegas; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada State Legislature and the residents of the State of Nevada recognize what an inspiration Richard Matta is to his students, his peers and the residents of this State; and be it further

RESOLVED, That the residents of the State of Nevada are encouraged to follow Richard Matta's advice to "find their dream, set goals and go for it"; and be it further

RESOLVED, That the Legislature and the residents of the State of Nevada thank Richard Matta for his hard work and dedication in furthering the musical talent and appreciation for music in this State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Richard Matta.

Assemblyman Mabey moved the adoption of the resolution.

Remarks by Assemblyman Mabey.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MABEY:

I rise in support of Assembly Concurrent Resolution 19. Mr. Richard Matta is one of the finest teachers I have ever met. Mr. Matta has been a band instructor at Johnson Middle School and the band director for Clark County School District for over 19 years. Fortunately, my children are zoned for Johnson Middle School. Even before my daughters were old enough to attend middle school, I heard many wonderful things about Mr. Matta. When my children finally began to attend middle school I learned why.

My daughter, Alicia, started playing in the beginning band as a sixth grader. When it was time to try out for the jazz band, which met every afternoon, she was accepted. She played the keyboard for the jazz band. I thought, "Well, I have got to go see this." One Wednesday afternoon, which I always took off, I decided to go listen to the jazz band. When I went in there, I was totally amazed. They played much better than junior high kids. They played like high school or college kids. When it was time to go home, they would not go. They would say, "We want to play another song." They would play the song and say, "We want to play another song." Finally, parents started wondering, "Where's my kid? Why aren't they leaving?" They would go in and they would see their kids playing music, loving to be there. I was so impressed with Mr. Matta that he could inspire those kids to do so much, and they all knew that he loved them.

Every Wednesday, I would go to listen to the jazz band play. It was my treat. On one occasion I remember, the jazz band was invited to play for the Clark County Jazz Festival. It was at the amphitheater in Clark County. Mainly, high school and college jazz bands were there as well as some professional players. The middle school was invited to bring their jazz band. When it was their time, I could tell most of the audience felt that this was the time to take a break. I can tell you, when they started to play, people started to listen, and they were so impressed. Mr. Matta could inspire them to higher levels.

When my second daughter started to play, Mr. Matta was diagnosed with non-Hodgkins lymphoma, and I can tell you that he was there every day except for the days that he received his chemotherapy. Coincidentally, one of his first students was one of those physicians that was able to help him with his disease.

Mr. Matta has received many awards. I could mention those, but I won't. Let me read a couple of comments from his students.

"Mr. Matta is so amazing. He is not only a great teacher, but also a great person. I love him so much. He truly loves and cares about each and every one of his students. Not only does he teach us about music, but he teaches us about the real world."

"Mr. Matta is an awesome guy. He always knows how to make your problems better. He is an awesome trumpet player, and I love to hear him play. He not only teaches us about music but also about the real world around us. He cares about all of us and his students and always wishes us safety every time we leave the band room."

Madam Speaker, I know there are many fine teachers, and I wish we could honor them all, but it is my privilege to speak in support of this resolution honoring Mr. Richard Matta. Thank you.

Resolution adopted unanimously.

Assemblyman Mabey moved that all rules be suspended and that Assembly Concurrent Resolution No. 19 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Anderson, Allen, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Stewart, Weber, and Womack; Senators Townsend, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 20—Commemorating the 75th anniversary of legalized gaming in Nevada.

WHEREAS, Gambling, both legal and illegal, has played a prominent role in Nevada's history since its frontier days and the days of the Comstock Lode, so much so that Mark Twain noted in his book *Roughing It*, "In Nevada, for a time, the lawyer, the editor, the banker, the chief desperado, the chief gambler, and the saloon keeper, occupied the same level in society, and it was the highest"; and

WHEREAS, Legalization of gaming was a constant source of debate in Nevada, and on March 19, 1931, Assembly Bill No. 98 was introduced by freshman Assemblyman Phil Tobin, a Winnemucca rancher, and was signed into law by Governor Fred Balzar, legalizing wide-open gaming in Nevada; and

WHEREAS, The only requirement for a gaming license was that the applicant be an American citizen, and prison inmates were even allowed to operate casinos within prisons; and

WHEREAS, The first gaming license was given to Mayme Stocker, a woman who had no gaming background, and among the pioneers who contributed to the tremendous growth, popularity and respectability of the gaming industry were Bill Harrah, Howard Hughes and Steve Wynn, who gave gaming a more corporate structure, further legitimizing the industry and making Nevada one of the best places in the nation to live and work; and

WHEREAS, The State Gaming Control Board and the Nevada Gaming Commission were put in place to regulate the gaming industry for the protection of the public; and

WHEREAS, In 2006, more than 51 million people visited Nevada, with the casino resort industry contributing approximately \$2.6 billion to the revenue of this State, with the gaming industry accounting for 49 percent of the State's revenue; and

WHEREAS, Gaming companies are among the largest employers in the State, with 11 of the top 20 employers being gaming companies, the gaming industry directly employs nearly 228,000 people, which is approximately 21 percent of the work force of Nevada, and hotel casinos account for 18 percent of the wages paid in Nevada; and

WHEREAS, The efforts of the gaming industry and gaming employees have contributed to making Nevada a better place to live and work by volunteering their time and resources in their communities; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That April 16, 2007, is hereby recognized as the commemoration of the 75th anniversary of legalized gaming in Nevada; and be it further

RESOLVED, That the resort employees are commended for their dedication to their jobs and their contributions to the economic well-being of this State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the State Gaming Control Board and the Nevada Gaming Commission.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Marvel, and Cobb.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Clearly, the resolution speaks for itself. Seventy-five years of an industry which has been able to reinvent itself so many times over, to make it adaptable, is clearly important for all the citizens of our state. While Mr. Tobin brought the concept forward and the legislation was first passed by this Legislature 75 years ago, he is clearly remembered by all of us as the father of this process. It has had many fathers and mothers, who have kept it alive. In fact, the wages from gaming provides a substantial part of the livelihood for all our citizens. I urge my colleagues to vote for the resolution.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker. I rise in support of the resolution. I knew the Tobin family quite well. As a matter of fact, Phil Tobin had an identical twin named Frank. In those days, they were in the old Capitol Building. No one had an office. The legislation was lobbied at the old Senator Hotel. Some of the people said they couldn't tell Phil from Frank. So the two of them had a double-barreled shotgun and were able to get the bill passed. Thank you.

ASSEMBLYMAN COBB:

Thank you, Madam Speaker. I rise in support of ACR 20. To clear the record on my family's name, I wish it to be known that 76 years ago, on March 19, 1931, on Assembly Bill No. 98, two of my great grandfathers served in this Assembly at that time and voted against that bill. I just wanted to admit that they were wrong. Thank you.

Resolution adopted unanimously.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 20 be immediately transmitted to the Senate.

Motion carried unanimously.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 541, 542, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 541 and 542 just reported out committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 25 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 522 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 80 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Conklin.

Motion carried.

Assemblyman Mabey moved that Assembly Bill No. 242 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Smith moved that Assembly Bill No. 127 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Pierce moved that Assembly Bill No. 470 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 410 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 531 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 419 just reported out of committee, be rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 5.

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

Motion carried.

Senate Bill No. 43.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 53.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 58.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 69.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 86.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 95.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 100.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 115.

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

Motion carried.

Senate Bill No. 118.

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

Motion carried.

Senate Bill No. 124.

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

Motion carried.

Senate Bill No. 132.

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

Motion carried.

Senate Bill No. 169.

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

Motion carried.

Senate Bill No. 171.

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

Motion carried.

Senate Bill No. 206.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 266.

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

Motion carried.

Senate Bill No. 267.

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

Motion carried.

Senate Bill No. 396.

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

Motion carried.

Senate Bill No. 456.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 470.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 542.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 9.

Assemblyman Ocegüera moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 1.

Bill read second time.

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

Amendment No. 279.

SUMMARY ~~Provides that a geothermal energy system is a renewable energy system for the purposes of~~ **Revises provisions governing** the portfolio standards established by the Public Utilities Commission of Nevada for certain providers of electric service. (BDR 58-115)

AN ACT relating to energy; providing that ~~for~~ **certain** geothermal energy ~~system that reduces~~ **systems that reduce** the consumption of electricity or any fossil fuel ~~is a renewable energy system~~ **are energy efficiency measures** for purposes of complying with the portfolio standards that are established by the Public Utilities Commission of Nevada for certain providers of electric service; **revising the applicability of the portfolio standards with respect to certain providers of new electric resources**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

To encourage and accelerate the development of new renewable energy projects and to create successful markets for electricity generated by those projects, existing law requires the Public Utilities Commission of Nevada to establish portfolio standards for certain providers of electric service that require the providers to generate, acquire or save a certain amount of electricity each year from portfolio energy systems ~~or~~ **or efficiency measures**. (NRS 704.7821) This bill ~~adds~~ **provides that certain** geothermal energy systems that reduce the consumption of electricity or any fossil fuel ~~to the existing list of renewable energy systems, and thereby allows a provider of electric service to use electricity from such a geothermal~~

~~energy system to comply with its portfolio standard.] constitute energy efficiency measures for the purposes of complying with the portfolio standards. This bill also revises the applicability of the portfolio standards with respect to providers of new electric resources pursuant to chapter 704B of NRS.~~

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

Section 1. ~~[NRS 704.7815 is hereby amended to read as follows:~~

~~704.7815 — "Renewable energy system" means:~~

~~1. A facility or energy system that:~~

~~(a) Uses renewable energy or energy from a qualified energy recovery process to generate electricity; and~~

~~(b) Transmits or distributes the electricity that it generates from renewable energy or energy from a qualified energy recovery process via:~~

~~(1) A power line which is dedicated to the transmission or distribution of electricity generated from renewable energy or energy from a qualified energy recovery process and which is connected to a facility or system owned, operated or controlled by a provider of electric service; or~~

~~(2) A power line which is shared with not more than one facility or energy system generating electricity from nonrenewable energy and which is connected to a facility or system owned, operated or controlled by a provider of electric service.~~

~~2. A solar energy system that reduces the consumption of electricity or any fossil fuel.~~

~~3. A geothermal energy system that reduces the consumption of electricity or any fossil fuel.~~

~~4. A net metering system used by a customer generator pursuant to NRS 704.766 to 704.775, inclusive.] (Deleted by amendment.)~~

Sec. 2. NRS 704.7802 is hereby amended to read as follows:

704.7802 1. "Energy efficiency measure" means any measure designed, intended or used to improve energy efficiency ~~[(if)]:~~

(a) **If:**

(1) The measure is installed on or after January 1, 2005, at the service location of a retail customer of a provider of electric service in this State;

~~[(b)]~~ **(2)** The measure reduces the consumption of energy by the retail customer; and

~~[(c)]~~ **(3)** The costs of the acquisition or installation of the measure are directly reimbursed, in whole or in part, by the provider of electric service ~~[(f)]~~, **or by a customer of a provider of new electric resources pursuant to chapter 704B of NRS; or**

(b) Which is a geothermal energy system for the provision of heated water to one or more customers and which reduces the consumption of electricity or any fossil fuel, regardless of when constructed.

2. The term does not include:

(a) Any demand response measure or load limiting measure that shifts the consumption of energy by a retail customer from one period to another period.

(b) Any solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity or any fossil fuel.

Sec. 3. NRS 704.7821 is hereby amended to read as follows:

704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard. The portfolio standard must require each provider to generate, acquire or save electricity from portfolio energy systems or efficiency measures in an amount that is:

(a) For calendar years 2005 and 2006, not less than 6 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(b) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(c) For calendar years 2009 and 2010, not less than 12 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(d) For calendar years 2011 and 2012, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(e) For calendar years 2013 and 2014, not less than 18 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(f) For calendar year 2015 and for each calendar year thereafter, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

2. ~~It is~~ ***Except as otherwise provided in subsection 3, in*** addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than 5 percent of that amount must be generated or acquired from solar renewable energy systems.

(b) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not more than 25 percent of that amount may be based on energy efficiency measures. If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential

customers of the provider, unless a different percentage is approved by the Commission.

(c) If the provider acquires or saves electricity from a portfolio energy system or efficiency measure pursuant to a renewable energy contract or energy efficiency contract with another party:

(1) The term of the contract must be not less than 10 years, unless the other party agrees to a contract with a shorter term; and

(2) The terms and conditions of the contract must be just and reasonable, as determined by the Commission. If the provider is a utility provider and the Commission approves the terms and conditions of the contract between the utility provider and the other party, the contract and its terms and conditions shall be deemed to be a prudent investment and the utility provider may recover all just and reasonable costs associated with the contract.

3. *The provisions of paragraphs (b) and (c) of subsection 2 do not apply to a provider of new electric resources pursuant to chapter 704B of NRS with respect to its use of an energy efficiency measure that is financed by a customer, or which is a geothermal energy system for the provision of heated water to one or more customers and which reduces the consumption of electricity or any fossil fuel, except that, of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not more than 25 percent of that amount may be based on energy efficiency measures.*

4. If, for the benefit of one or more ~~of its~~ retail customers in this State, the provider , or the customer of a provider of new electric resources pursuant to chapter 704B of NRS, has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

~~4.~~ 5. The Commission shall adopt regulations that establish a system of portfolio energy credits that may be used by a provider to comply with its portfolio standard.

~~5.~~ 6. Except as otherwise provided in subsection ~~6.~~ 7, each provider shall comply with its portfolio standard during each calendar year.

~~6.~~ 7. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. If the Commission determines that, for a calendar year, there is not

or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission.

~~7.8.~~ 8. The Commission shall adopt regulations that establish:

(a) Standards for the determination of just and reasonable terms and conditions for the renewable energy contracts and energy efficiency contracts that a provider must enter into to comply with its portfolio standard.

(b) Methods to classify the financial impact of each long-term renewable energy contract and energy efficiency contract as an additional imputed debt of a utility provider. The regulations must allow the utility provider to propose an amount to be added to the cost of the contract, at the time the contract is approved by the Commission, equal to a compensating component in the capital structure of the utility provider. In evaluating any proposal made by a utility provider pursuant to this paragraph, the Commission shall consider the effect that the proposal will have on the rates paid by the retail customers of the utility provider.

~~8.9.~~ 9. As used in this section:

(a) "Energy efficiency contract" means a contract to attain energy savings from one or more energy efficiency measures owned, operated or controlled by other parties.

(b) "Renewable energy contract" means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.

(c) "Terms and conditions" includes, without limitation, the price that a provider must pay to acquire electricity pursuant to a renewable energy contract or to attain energy savings pursuant to an energy efficiency contract.

~~Sec. 2.~~ **Sec. 4.** This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 15.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 199.

AN ACT relating to abduction of children; enacting the Uniform Child Abduction Prevention Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Uniform Law Commissioners promulgated the Uniform Child Abduction Prevention Act in 2006. The Act is designed to deter domestic and international child abductions by parents and any persons acting on behalf of

the parents. Because abduction situations will likely involve more than one state, the Act is drafted to be compatible with and to augment the existing mechanisms for interstate jurisdiction and enforcement of orders that are contained in the Uniform Child Custody Jurisdiction and Enforcement Act. (Chapter 125A of NRS)

Section 16 of this bill provides that an action for abduction prevention measures may be brought by a court on its own motion, by a party to a child custody determination, by a person who has a right to seek a child custody determination, by a district attorney or by the Attorney General. Section 17 of this bill provides that the party seeking the abduction prevention measures must file a petition with the court specifying the risk factors for abduction, as well as other biographical information. Section 19 of this bill sets out a wide variety of factors that should be considered in determining whether there is a credible risk that a child will be abducted, such as previous abductions, attempts to abduct the child or threats of abduction, as well as signs of general abuse including domestic violence, negligence or refusal to obey a child custody determination. Section 19 also identifies a wide range of activities that may indicate a planned abduction, such as abandoning employment, liquidating assets, obtaining travel documents or travel tickets, or requesting the child's school or medical records, and recognizes the special problems involved with international child abduction by including several risk factors specifically related to international abduction. **Section 19 further provides that an order must not be issued if the court finds that the conduct of the respondent is intended to avoid imminent harm to the respondent or the child of the respondent.**

Section 20 of this bill provides that if a court determines that a credible risk exists that the child will be abducted, the court may enter an order containing provisions and measures meant to prevent abduction, such as imposing travel restrictions, prohibiting the individual from removing the child from the State or requiring the individual to obtain an order from a foreign country containing identical terms to the child custody determination. If abduction appears imminent, section 21 of this bill provides that a court may issue a warrant to take physical custody of the child. Section 22 of this bill provides that an abduction prevention order is effective until the earliest of the order's expiration, the child's emancipation, the child's 18th birthday or until the order is modified, revoked or vacated.

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

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 24, inclusive, of this act.

Sec. 2. *This chapter may be cited as the Uniform Child Abduction Prevention Act.*

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Abduction" means the wrongful removal or wrongful retention of a child.*

Sec. 5. *"Child" means an unemancipated individual who is less than 18 years of age.*

Sec. 6. *"Child custody determination" means a judgment, decree or other order of a court providing for the legal custody, physical custody or visitation with respect to a child. The term includes a permanent, temporary, initial and modification order.*

Sec. 7. *"Child custody proceeding" means a proceeding in which legal custody, physical custody or visitation with respect to a child is at issue. The term includes a proceeding for divorce, dissolution of marriage, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights or protection from domestic violence.*

Sec. 8. *"Court" means an entity authorized pursuant to the law of a state to establish, enforce or modify a child custody determination.*

Sec. 9. *"Petition" includes a motion or its equivalent.*

Sec. 10. *"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 11. *"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe or nation.*

Sec. 12. *"Travel document" means records relating to a travel itinerary, including travel tickets, passes, reservations for transportation or accommodations. The term does not include a passport or visa.*

Sec. 13. *"Wrongful removal" means the taking of a child that breaches rights of custody or visitation given or recognized pursuant to the law of this State.*

Sec. 14. *"Wrongful retention" means the keeping or concealing of a child that breaches rights of custody or visitation given or recognized pursuant to the law of this State.*

Sec. 15. *NRS 125A.275, 125A.285 and 125A.295 apply to cooperation and communication among courts in proceedings pursuant to the provisions of this chapter.*

Sec. 16. *1. A court on its own motion may order abduction prevention measures in a child custody proceeding if the court finds that the evidence establishes a credible risk of abduction of the child.*

2. A party to a child custody determination or another individual or entity having a right pursuant to the law of this State or any other state to seek a child custody determination for the child may file a petition seeking

abduction prevention measures to protect the child pursuant to the provisions of this chapter.

3. A district attorney or the Attorney General acting pursuant to NRS 125A.565 may seek a warrant to take physical custody of a child pursuant to section 21 of this act or other appropriate abduction prevention measures.

Sec. 17. 1. A petition pursuant to the provisions of this chapter may be filed only in a court that has jurisdiction to make a child custody determination with respect to the child at issue pursuant to the provisions of chapter 125A of NRS.

2. A court of this State has temporary emergency jurisdiction pursuant to NRS 125A.335 if the court finds a credible risk of abduction.

Sec. 18. A petition pursuant to the provisions of this chapter must be verified and include a copy of any existing child custody determination, if available. The petition must specify the risk factors for abduction, including the relevant factors described in section 19 of this act. Subject to subsection 5 of NRS 125A.385, if reasonably ascertainable, the petition must contain:

- 1. The name, date of birth and gender of the child;*
- 2. The customary address and current physical location of the child;*
- 3. The identity, customary address and current physical location of the respondent;*
- 4. A statement of whether a prior action to prevent abduction or domestic violence has been filed by a party or other individual or entity having custody of the child, and the date, location and disposition of the action;*
- 5. A statement of whether a party to the proceeding has been arrested for a crime related to domestic violence, stalking, or child abuse or neglect, and the date, location and disposition of the case; and*
- 6. Any other information required to be submitted to the court for a child custody determination pursuant to NRS 125A.385.*

Sec. 19. 1. In determining whether there is a credible risk of abduction of a child, the court shall consider any evidence that the petitioner or respondent:

- (a) Has previously abducted or attempted to abduct the child;*
- (b) Has threatened to abduct the child;*
- (c) Has recently engaged in activities that may indicate a planned abduction, including:*
 - (1) Abandoning employment;*
 - (2) Selling a primary residence;*
 - (3) Terminating a lease;*
 - (4) Closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents, or conducting any unusual financial activities;*

(5) Applying for a passport or visa or obtaining travel documents for the respondent, a family member or the child; or

(6) Seeking to obtain the child's birth certificate or school or medical records;

(d) Has engaged in domestic violence, stalking, or child abuse or neglect;

(e) Has refused to follow a child custody determination;

(f) Lacks strong familial, financial, emotional or cultural ties to the State or the United States;

(g) Has strong familial, financial, emotional or cultural ties to another state or country;

(h) Is likely to take the child to a country that:

(1) Is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child;

(2) Is a party to the Hague Convention on the Civil Aspects of International Child Abduction but:

(I) The Hague Convention on the Civil Aspects of International Child Abduction is not in force between the United States and that country;

(II) Is noncompliant according to the most recent compliance report issued by the United States Department of State; or

(III) Lacks legal mechanisms for immediately and effectively enforcing a return order pursuant to the Hague Convention on the Civil Aspects of International Child Abduction;

(3) Poses a risk that the child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the child or because of human rights violations committed against children;

(4) Has laws or practices that would:

(I) Enable the respondent, without due cause, to prevent the petitioner from contacting the child;

(II) Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, nationality, marital status or religion; or

(III) Restrict the child's ability legally to leave the country after the child reaches the age of majority because of the child's gender, nationality or religion;

(5) Is included by the United States Department of State on a current list of state sponsors of terrorism;

(6) Does not have an official United States diplomatic presence in the country; or

(7) Is engaged in active military action or war, including a civil war, to which the child may be exposed;

(i) *Is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;*

(j) *Has had an application for United States citizenship denied;*

(k) *Has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a social security card, a driver's license or other government-issued identification card or has made a misrepresentation to the United States Government;*

(l) *Has used multiple names to attempt to mislead or defraud; or*

(m) *Has engaged in any other conduct the court considers relevant to the risk of abduction.*

2. *In the hearing on a petition pursuant to the provisions of this chapter, the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child.*

3. *If the court finds during the hearing on the petition that the respondent's conduct is intended to avoid imminent harm to the child or respondent, the court shall not issue an abduction prevention order.*

Sec. 20. 1. *If a petition is filed pursuant to the provisions of this chapter, the court may enter an order that must include:*

(a) *The basis for the court's exercise of jurisdiction;*

(b) *The manner in which notice and opportunity to be heard were given to the persons entitled to notice of the proceeding;*

(c) *A detailed description of each party's custody and visitation rights and residential arrangements for the child;*

(d) *A provision stating that a violation of the order may subject the party in violation to civil and criminal penalties; and*

(e) *Identification of the child's country of habitual residence at the time of the issuance of the order.*

2. ~~¶¶~~ *Except as otherwise provided in subsection 3 of section 19 of this act, if, at a hearing on a petition pursuant to the provisions of this chapter or on the court's own motion, the court after reviewing the evidence finds a credible risk of abduction of the child, the court shall enter an abduction prevention order. The order must include the provisions required by subsection 1 and measures and conditions, including those in subsections 3, 4 and 5, that are reasonably calculated to prevent abduction of the child, giving due consideration to the custody and visitation rights of the parties. The court shall consider the age of the child, the potential harm to the child from an abduction, the legal and practical difficulties of returning the child to the jurisdiction if abducted, and the reasons for the potential abduction, including evidence of domestic violence, stalking, or child abuse or neglect.*

3. *An abduction prevention order may include one or more of the following:*

(a) An imposition of travel restrictions that require that a party traveling with the child outside a designated geographical area provide the other party with the following:

(1) The travel itinerary of the child;

(2) A list of physical addresses and telephone numbers at which the child can be reached at specified times; and

(3) Copies of all travel documents;

(b) A prohibition of the respondent directly or indirectly:

(1) Removing the child from this State, the United States or another geographic area without permission of the court or the petitioner's written consent;

(2) Removing or retaining the child in violation of a child custody determination;

(3) Removing the child from school or a child care or similar facility;
or

(4) Approaching the child at any location other than a site designated for supervised visitation;

(c) A requirement that a party register the order in another state as a prerequisite to allowing the child to travel to that state;

(d) With regard to the child's passport:

(1) A direction that the petitioner place the child's name in the United States Department of State's Child Passport Issuance Alert Program;

(2) A requirement that the respondent surrender to the court or the petitioner's attorney any United States or foreign passport issued in the child's name, including a passport issued in the name of both the parent and the child; and

(3) A prohibition upon the respondent from applying on behalf of the child for a new or replacement passport or visa;

(e) As a prerequisite to exercising custody or visitation, a requirement that the respondent provide:

(1) To the United States Department of State's Office of Children's Issues and to the relevant foreign consulate or embassy, an authenticated copy of the order detailing passport and travel restrictions for the child;

(2) To the court:

(I) Proof that the respondent has provided the information in subparagraph (1); and

(II) An acknowledgment in a record from the relevant foreign consulate or embassy that no passport application has been made, or passport issued, on behalf of the child;

(3) To the petitioner, proof of registration with the United States Embassy or other United States diplomatic presence in the destination country and with the Central Authority for the Hague Convention on the Civil Aspects of International Child Abduction, if that Convention is in

effect between the United States and the destination country, unless one of the parties objects; and

(4) A written waiver pursuant to the provisions of the Privacy Act, 5 U.S.C. § 552a, as amended, with respect to any document, application or other information pertaining to the child authorizing its disclosure to the court and the petitioner; and

(f) Upon the petitioner's request, a requirement that the respondent obtain an order from the relevant foreign country containing terms identical to the child custody determination issued in the United States.

4. In an abduction prevention order, the court may impose conditions on the exercise of custody or visitation that:

(a) Limit visitation or require that visitation with the child by the respondent be supervised until the court finds that supervision is no longer necessary, and order the respondent to pay the costs of supervision;

(b) Require the respondent to post a bond or provide other security in an amount sufficient to serve as a financial deterrent to abduction, the proceeds of which may be used to pay for the reasonable expenses of recovery of the child, including reasonable attorney's fees and costs if there is an abduction; and

(c) Require the respondent to obtain education on the potentially harmful effects to the child from abduction.

5. To prevent imminent abduction of a child, a court may:

(a) Issue a warrant to take physical custody of the child pursuant to section 21 of this act or the law of this State other than this chapter;

(b) Direct the use of law enforcement to take any action reasonably necessary to locate the child, obtain return of the child or enforce a custody determination pursuant to the provisions of this chapter or the law of this State other than this chapter; or

(c) Grant any other relief allowed pursuant to the law of this State other than this chapter.

6. The remedies provided in this chapter are cumulative and do not affect the availability of other remedies to prevent abduction.

Sec. 21. 1. If a petition pursuant to the provisions of this chapter contains allegations, and the court finds that there is a credible risk that the child is imminently likely to be wrongfully removed, the court may issue an ex parte warrant to take physical custody of the child.

2. The respondent on a petition pursuant to subsection 1 must be afforded an opportunity to be heard at the earliest possible time after the ex parte warrant is executed, but not later than the next judicial day unless a hearing on that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible.

3. An ex parte warrant pursuant to subsection 1 to take physical custody of a child must:

(a) Recite the facts upon which a determination of a credible risk of imminent wrongful removal of the child is based;

(b) *Direct law enforcement officers to take physical custody of the child immediately;*

(c) *State the date and time for the hearing on the petition; and*

(d) *Provide for the safe interim placement of the child pending further order of the court.*

4. *If feasible, before issuing a warrant and before determining the placement of the child after the warrant is executed, the court may order a search of the relevant databases of the National Crime Information Center and similar state databases to determine if either the petitioner or respondent has a history of domestic violence, stalking, or child abuse or neglect.*

5. *The petition and warrant must be served on the respondent when or immediately after the child is taken into physical custody.*

6. *A warrant to take physical custody of a child, issued by this State or another state, is enforceable throughout this State. If the court finds that a less intrusive remedy will not be effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances, the court may authorize law enforcement officers to make a forcible entry at any hour.*

7. *If the court finds, after a hearing, that a petitioner sought an ex parte warrant pursuant to subsection 1 for the purpose of harassment or in bad faith, the court may award the respondent reasonable attorney's fees, costs and expenses.*

8. *This chapter does not affect the availability of relief allowed pursuant to the law of this State other than this chapter.*

Sec. 22. *An abduction prevention order remains in effect until the earliest of:*

1. *The time stated in the order;*

2. *The emancipation of the child;*

3. *The child's attaining 18 years of age; or*

4. *The time the order is modified, revoked, vacated or superseded by a court with jurisdiction pursuant to NRS 125A.305, 125A.315 and 125A.325.*

Sec. 23. *In applying and construing the Uniform Child Abduction Prevention Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

Sec. 24. *This chapter modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001, et seq., but does not modify, limit or supersede 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in 15 U.S.C. § 7003(b).*

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 67.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 329.

AN ACT relating to air pollution; authorizing the State Department of Conservation and Natural Resources to collect money from the sale of emission credits or allocations; increasing the maximum amount the State Environmental Commission may establish as an administrative fine for certain lesser violations relating to air pollution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State Department of Conservation and Natural Resources is designated as the Air Pollution Control Agency of the State for the purposes of the Clean Air Act, insofar as it pertains to state programs. (NRS 445B.135, 445B.205) Section ~~1~~ 2 of this bill authorizes the Department to collect money from the sale of emission credits or allocations. **Section 1 of this bill makes it a state policy periodically to retire a portion of the emission credits.**

The State Environmental Commission is required by law to adopt regulations that set forth a schedule of administrative fines not exceeding \$500 for minor violations of certain statutes and regulations relating to the prevention, abatement and control of air pollution. (NRS 445B.640) Section ~~2~~ 3 of this bill increases the maximum amount that the Commission may establish for such fines from \$500 to \$2,000.

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

Section 1. NRS 445B.100 is hereby amended to read as follows:

445B.100 1. It is the public policy of the State of Nevada and the purpose of NRS 445B.100 to 445B.640, inclusive, to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve visibility and scenic, esthetic and historic values of the State.

2. It is the intent of NRS 445B.100 to 445B.640, inclusive, to:

(a) Require the use of reasonably available methods to prevent, reduce or control air pollution throughout the State of Nevada;

(b) Maintain cooperative programs between the State and its local governments; and

(c) Facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within a single jurisdiction.

3. The quality of air is declared to be affected with the public interest, and NRS 445B.100 to 445B.640, inclusive, are enacted in the exercise of the police power of this State to protect the health, peace, safety and general welfare of its people.

4. It is also the public policy of this State ~~to~~ :

(a) To provide for the integration of all programs for the prevention of accidents in this State involving chemicals, including, without limitation, accidents involving hazardous air pollutants, highly hazardous chemicals, highly hazardous substances and extremely hazardous substances ~~to~~; *and*

(b) Periodically to retire a portion of the emission credits specified in NRS 445B.235 that may otherwise be available for use or sale pursuant to that section.

~~Section 1~~ *Sec. 2.* NRS 445B.235 is hereby amended to read as follows:

445B.235 *1.* In carrying out the purposes of NRS 445B.100 to 445B.640, inclusive, the Department may ~~if it considers it necessary or appropriate~~:

~~to~~:

(a) Collect money from the sale of emission credits or allocations.

(b) Cooperate with appropriate federal officers and agencies of the Federal Government, other states, interstate agencies, local governmental agencies and other interested parties in all matters relating to air pollution control in preventing or controlling the pollution of the air in any area.

~~to~~ *(c)* On behalf of this State, apply for and receive ~~funds~~ *money* made available to the State for programs from any private source or from any agency of the Federal Government under the Federal Act. All ~~moneys~~ *money* received from any federal agency or private source as provided in this section ~~shall~~ *must* be paid into the State Treasury and ~~shall~~ *must* be expended, under the direction of the Department, solely for the purpose ~~or purposes~~ for which the grant ~~or grants have~~ *has* been made.

~~to~~ *(d)* Certify to the appropriate federal authority that facilities are in conformity with the state program and requirements for control of air pollution, or will be in conformity with the state program and requirements for control of air pollution if such facility is constructed and operated in accordance with the application for certification.

~~to~~ *(e)* Develop measures for control of air pollution originating in the State.

2. All money collected by the Department pursuant to paragraph (a) of subsection 1 must be deposited in the State General Fund for credit to the Account for the Management of Air Quality.

3. The Commission shall, in cooperation with the Department, adopt regulations setting forth the requirements for the sale of emission credits pursuant to paragraph (a) of subsection 1. The regulations must include, without limitation, provisions for public participation in that sale.

~~Sec. 2~~ *Sec. 3.* NRS 445B.640 is hereby amended to read as follows:

445B.640 *1.* Except as otherwise provided in subsection 4 and NRS 445C.010 to 445C.120, inclusive, any person who violates any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, or any regulation in force pursuant thereto, other than

NRS 445B.570 on confidential information, is guilty of a civil offense and shall pay an administrative fine levied by the Commission of not more than \$10,000 per day per offense. Each day of violation constitutes a separate offense.

2. The Commission shall by regulation establish a schedule of administrative fines not exceeding ~~[\$500]~~ **\$2,000** for lesser violations of any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, or any regulation in force pursuant thereto.

3. Action pursuant to subsection 1 or 2 is not a bar to enforcement of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, regulations in force pursuant thereto, and orders made pursuant to NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, by injunction or other appropriate remedy, and the Commission or the Director may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

4. Any person who fails to pay a fine levied pursuant to subsection 1 or 2 within 30 days after the fine is imposed is guilty of a misdemeanor. The provisions of this subsection do not apply to persons found by the court to be indigent.

5. All administrative fines collected by the Commission pursuant to this section must be deposited in the county school district fund of the county where the violation occurred.

~~{Sec. 3}~~ **Sec. 4.** This act becomes effective upon passage and approval.

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 79.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 91.

AN ACT relating to ethics in government; prohibiting a public officer or employee from using any governmental time, property, equipment or other facility for any activity relating to a political campaign or for the preparation of certain disclosures or reports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits a public officer or employee from using governmental time, property, equipment or other facilities for an activity relating to a political campaign, the preparation of a statement of financial disclosure or the preparation of certain campaign reports. (NRS 281.481)

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

Section 1. NRS 281.481 is hereby amended to read as follows:

281.481 A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.

2. A public officer or employee shall not use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person. As used in this subsection:

(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281.501.

(b) "Unwarranted" means without justification or adequate reason.

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which he has a significant pecuniary interest.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.

5. If a public officer or employee acquires, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, he shall not use the information to further the pecuniary interests of himself or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.

7. A public officer or employee, other than a member of the Legislature, shall not use governmental time, property, equipment or other facility to benefit his personal or financial interest. ~~This [Except for an activity relating to a political campaign, the preparation of a statement of financial disclosure required pursuant to NRS 281.559 to 281.581, inclusive, or the preparation of a report required pursuant to chapter 294A of NRS, this]~~ subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not include any activity relating to a political campaign or the preparation of a report required pursuant to chapter 294A of NRS;

(3) For an elected public officer, the use does not include any activity relating to the preparation of a statement of financial disclosure required pursuant to NRS 281.559 to 281.581, inclusive;

(4) The use does not interfere with the performance of his public duties;

~~(5)~~ (5) The cost or value related to the use is nominal; and

~~(6)~~ (6) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

↪ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A member of the Legislature shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person. This ~~{Except for an activity relating to a political campaign, the preparation of a statement of financial disclosure required pursuant to NRS 281.559 to 281.581, inclusive, or the preparation of a report required pursuant to chapter 294A of NRS, this}~~ paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of his public duties;

(II) The cost or value related to the use is nominal; ~~and~~

(III) The use does not create the appearance of impropriety; and

(IV) The use does not include any activity relating to a political campaign, the preparation of a statement of financial disclosure required pursuant to NRS 281.559 to 281.581, inclusive, or the preparation of a report required pursuant to chapter 294A of NRS;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the Legislator or legislative employee to perform his official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit his personal or financial interest through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts through the use of his official position.

11. As used in this section, "activity relating to a political campaign" means activity designed to affect the outcome of any primary, general or special election or question on the ballot.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 88.

Bill read second time.

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

Amendment No. 282.

AN ACT relating to collection agencies; **providing that certain violations of the Fair Debt Collection Practices Act are a violation of certain provisions governing collection agencies;** requiring a collection agency to ~~submit~~ send a written notice to a debtor within a certain period after the initial communication with the debtor; requiring a collection agency to ~~cease collection of~~ **verify** a debt ~~under certain circumstances; prohibiting a collection agency from applying a payment to a debt or portion of a debt that is disputed by the debtor under certain circumstances; revising the circumstances under which a collection agency may commence a legal action against a debtor;~~ **by obtaining or attempting to obtain certain documents;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.5 of this bill provides that a violation of certain provisions of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692g and 1692h, shall be deemed to be a violation of chapter 649 of NRS governing collection agencies.

Section 2 of this bill requires a collection agency, within 5 days after the initial communication with a debtor in connection with the collection of a debt, ~~owed by the debtor,~~ to send to the debtor a written notice setting forth ~~certain information, including, without limitation, the amount of~~ **a statement indicating that the payment or agreement to pay the debt** ~~and the name of the creditor to whom~~ **may be construed as an acknowledgment of the debt** ~~is owed,~~ **and as a waiver of the statute of limitations applicable to the collection of the debt.** Section 2 also provides that, ~~if a debtor notifies a collection agency in writing that the debtor~~

~~disputes a debt or any portion of a debt, the] to verify a debt, a collection agency is required to ~~cease collection of the debt until the collection agency obtains and mails] obtain certain documents from the creditor and mail those documents~~ to the debtor . ~~[a verification of the debt or a copy of a judgment against the debtor concerning the debt or, if requested by the debtor, the name and address of the original creditor.~~~~

~~Section 3 of this bill provides that if a debtor owes multiple debts and makes a payment to a collection agency for any of those debts, the collection agency is required to apply the payment in accordance with the debtor's directions, if any, and is prohibited from applying the payment to any debt or portion of a debt that is disputed by the debtor.~~

~~Section 4 of this bill provides that a collection agency may commence a legal action against a debtor only in certain courts depending upon where the debtor resides or whether the action involves the enforcement of an interest in real property secured by a debt or a contract signed by the debtor.]~~

Section 5 of this bill makes the provisions of sections 1.5 and 2 of this bill applicable to a foreign collection agency.

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

Section 1. Chapter 649 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2, 3 and 4]~~ **1.5 and 2** of this act.

Sec. 1.5. A violation of any provision of section 809 or 810 of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692g and 1692h, or any regulation adopted pursuant thereto, shall be deemed to be a violation of this chapter.

Sec. 2. 1. Within 5 days after the initial communication with a debtor in connection with the collection of a debt, [owed by the debtor,] a collection agency shall, unless the [debtor has paid the debt, submit] following information is included in the initial communication, send a written notice to the debtor [setting forth:

~~(a) The amount of the debt;~~

~~(b) The name of the creditor to whom the debt is owed;~~

~~(c) A statement indicating that unless the debtor, within 30 days after receiving the written notice, disputes the validity of the debt or any portion of the debt, the collection agency will presume that the debt is valid;~~

~~(d) A statement indicating that, if the debtor notifies the collection agency in writing within 30 days after receiving the written notice that the debtor disputes the debt or any portion of the debt, the collection agency will:~~

~~(1) Obtain a verification of the debt or a copy of a judgment issued against the debtor concerning the debt; and~~

~~(2) Mail a copy of the verification or judgment to the debtor;~~

~~(e) A statement indicating that, if the debtor so requests from the collection agency in writing within 30 days after receiving the written notice, the collection agency will provide to the debtor the name and address of the~~

original creditor, if different from the name and address of the current creditor for the debt; and

(f) A statement indicating that, if the debtor pays or agrees to pay the debt or any portion of the debt, the payment or agreement to pay may be construed as:

- (1) An acknowledgment of the debt; or
- (2) A waiver of any applicable statute of limitations.

2.—If a debtor, within 30 days after receiving a written notice from a collection agency pursuant to subsection 1, notifies the collection agency in writing that the debtor disputes the debt or any portion of the debt or requests in writing the name and address of the original creditor, the collection agency shall cease collection of the debt or any disputed portion of the debt until the collection agency:

(a) Obtains a verification of the debt or a copy of a judgment issued against the debtor concerning the debt or, if requested by the debtor, the name and address of the original creditor; and

(b) Mails to the debtor a copy of the verification or judgment or the name and address of the original creditor.

3.—The failure by a debtor to dispute the validity of a debt or any portion of a debt pursuant to this section must not be construed as an admission of liability by the debtor. that includes a statement indicating that:

(a) If the debtor pays or agrees to pay the debt or any portion of the debt, the payment or agreement to pay may be construed as:

- (1) An acknowledgment of the debt by the debtor; and
- (2) A waiver by the debtor of any applicable statute of limitations set forth in NRS 11.190 that otherwise precludes the collection of the debt; and

(b) If the debtor does not understand or has questions concerning his legal rights or obligations relating to the debt, the debtor should seek legal advice.

2. To verify a debt, a collection agency shall:

(a) Obtain or attempt to obtain from the creditor any document that is not in the possession of the collection agency and is reasonably responsive to the dispute of the debtor, if any; and

(b) If such a document is obtained, mail the document to the debtor.

Sec. 3. ~~If a debtor owes multiple debts and makes a single payment to a collection agency in payment of any of those debts, the collection agency:~~

1.—~~Shall apply the payment in accordance with the debtor's directions, if any; and~~

2.—~~Shall not apply the payment to any debt or portion of a debt that is disputed by the debtor.~~ (Deleted by amendment.)

Sec. 4. ~~If a collection agency commences any legal action against a debtor concerning a debt owed by the debtor, the collection agency shall:~~

~~(a) If the legal action is commenced to enforce an interest in real property securing the debt, commence the legal action only in a court of competent jurisdiction in the area in which the real property is located; or~~

~~(b) If the legal action is not commenced to enforce such an interest, commence the legal action only in a court of competent jurisdiction in the area in which the debtor:~~

~~(1) Signed the contract that is the subject of the legal action; or~~

~~(2) Resides at the commencement of the legal action.~~

~~2. The provisions of this section do not authorize a collection agency to commence any legal action specified in this section.] (Deleted by amendment.)~~

Sec. 5. NRS 649.171 is hereby amended to read as follows:

649.171 1. A person who is not licensed in this State as a collection agency may apply to the Commissioner for a certificate of registration as a foreign collection agency.

2. To be issued and to hold a certificate of registration as a foreign collection agency, a person:

(a) Must hold a license or permit to do business as a collection agency in another state;

(b) Must meet the qualifications to do business as a collection agency in this State;

(c) Must not have any employees or agents present in this State who engage in the collection of claims and must not maintain any business locations in this State as a collection agency;

(d) Must submit proof to the Commissioner, upon application and upon each annual renewal of the ~~certification~~ **certificate** of registration, that the person and his employees and agents will not, in this State:

(1) Engage in the business of soliciting the right to collect or receive payment for another of any claim; or

(2) Advertise or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim;

(e) When collecting claims against debtors who are present in this State, must:

(1) Limit his activities and those of his employees and agents to interstate communications by telephone, mail or facsimile; and

(2) Comply with the requirements of NRS 649.305 to 649.375, inclusive, **and sections [2, 3 and 4] 1.5 and 2 of this act**, with regard to his activities and those of his employees and agents;

(f) Must pay:

(1) A fee to apply for a certificate of registration of not less than \$200 and not more than \$600, prorated on the basis of the registration year as determined by the Commissioner; and

(2) An annual renewal fee of not more than \$200;

(g) Must deposit and maintain a bond or an appropriate substitute for the bond in the same manner as an applicant or licensee pursuant to NRS 649.105, 649.115 and 649.119;

(h) Must maintain his accounts, books and records in accordance with generally accepted accounting principles and in accordance with the requirements of subsection 1 of NRS 649.335; and

(i) Must pay any fees related to any examination of his accounts, books and records conducted by the Commissioner pursuant to subsection 3.

3. The Commissioner may conduct an annual examination and any additional examinations pursuant to NRS 649.335 of the accounts, books and records of each person who holds a certificate of registration as a foreign collection agency.

4. The Commissioner may take disciplinary action pursuant to NRS 649.385, 649.390 and 649.395 against a person who holds a certificate of registration as a foreign collection agency for any act or omission that would be grounds for taking such disciplinary action under those sections.

5. The Commissioner shall adopt:

(a) Regulations establishing the amount of the fees required pursuant to this section; and

(b) Any other regulations as may be necessary to carry out the provisions of this section.

Sec. 6. ~~[This act becomes effective on July 1, 2007.]~~ **(Deleted by amendment.)**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 103.

Bill read second time.

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

Amendment No. 230.

AN ACT relating to public utilities; altering schedules under which electric utilities must file general rate applications with the Public Utilities Commission of Nevada; authorizing public utilities to provide, with a general rate application, a statement of reasonably known and measurable changes for specified periods beyond the date the application is filed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for public utilities to apply to the Public Utilities Commission of Nevada for proposed rate changes and provides a schedule under which electric utilities must file general rate applications with the Commission every 24 months. (NRS 704.110) Section 2 of this bill revises that schedule to require filing every 36 months.

Existing law requires public utilities to provide financial data for the prior 12 months when filing general rate applications and authorizes natural gas utilities to provide ~~forecasted~~ **expected** financial data for the period ending 210 days after the general rate application is filed. (NRS 704.110) Section 2

of this bill authorizes **all** public utilities ~~[except PAR carriers]~~ to provide such ~~[forecasted]~~ **expected** financial data when filing general rate applications and ~~[provides that, in the instance of a PAR carrier filing a general rate application, the period that the forecasted financial data may cover is 180 days.]~~ **revises the provisions governing the consideration of that data by the Commission. Section 2 also deletes certain provisions relating to PAR carriers.**

Section 1 of this bill ~~[repeals]~~ **revises** the requirement that the Commission report biennially to the Legislature on the amount of assessments charged public utilities ~~[]~~ **to require the reporting upon the request of the Legislative Commission.** (NRS 703.145) Section 3 of this bill ~~[repeals]~~ **revises** the requirement that the Commission report quarterly to the Legislative Commission on proposed transactions between customers and providers of new electric sources ~~[]~~ **to require the reporting upon the request of the Legislative Commission.** (NRS 704B.210)

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

Section 1. NRS 703.145 is hereby amended to read as follows:

703.145 1. Any public utility subject to the jurisdiction of the Commission which elects to maintain its books and records outside the State of Nevada shall, in addition to any other assessment and fees provided for by law, be assessed by the Commission for an amount equal to the travel expenses and the excess of the out-of-state subsistence allowances over the in-state subsistence allowances, as fixed by NRS 281.160, of Commission members and staff, for investigations, inspections and audits required to be performed outside this State.

2. Any public utility subject to the jurisdiction of the Commission shall, in addition to any other assessment and fees provided for by law, be assessed by the Commission for an amount equal to the travel expenses and the excess of the out-of-state subsistence allowances over the in-state subsistence allowances, as fixed by NRS 281.160, of Commission members and staff, for investigations, audits and appearances required to be performed out of this State as a result of interventions in:

(a) Federal Energy Regulatory Commission proceedings as authorized in NRS 703.152; or

(b) Actions involving the Federal Communications Commission or other federal regulatory agencies,

↪ if the intervention is made to benefit the public utility or its customers.

3. The assessments provided for by this section must be determined by the Commission upon the completion of each such investigation, inspection, audit or appearance and are due ~~[and payable]~~ within 30 days ~~[of]~~ **after** receipt by the affected utility of the notice of assessment. The total amount assessed by the Commission in 1 year pursuant to subsection 2 must not exceed \$50,000.

4. The records of the Commission relating to the additional costs incurred by reason of the necessary additional travel must be open for inspection by the affected utility at any time within the 30-day period.

5. The Commission shall, not later than 2 business days after receiving a written request from the Legislative Commission, report to the Legislature [no later than February 1 of each odd-numbered year] the amount of assessments charged public utilities pursuant to subsection 2 during the previous biennium [pursuant to subsection 2.] or any other period specified by the Legislative Commission.

Sec. 2. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68904 to 704.68984, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an application to clear its deferred accounts, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in ~~subsections 3 and 13,~~ subsection 3, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall, not later than 210 days after the application is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes. ~~For~~

~~(a) For a public utility that is a PAR carrier, not later than 180 days after the date on which the application is filed; and~~

~~(b) For all other public utilities, not later than 210 days after the date on which the application is filed.]~~

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the

changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. An electric utility shall file a general rate application pursuant to this subsection at least once every ~~{24}~~ 36 months based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application ***not later than 5 p.m.*** on or before ~~{October}~~ ~~{3, 2005,}~~ ~~{1,}~~ ***the first Monday in December 2007***, and at least once every ~~{24}~~ 36 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application ***not later than 5 p.m.*** on or before ~~{November}~~ ~~{15, 2006,}~~ ~~{17,}~~ ***the first Monday in December 2008***, and at least once every ~~{24}~~ 36 months thereafter.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility ~~{which purchases natural gas for resale}~~ may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed ~~by a public utility other than a PAR carrier,~~ it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. ~~{If such a statement is filed by a PAR carrier, it must include all increases or decreases in revenue and expenses which may occur within 180 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy.}~~ If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. ***The Commission shall consider expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying***

only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement, including all reasonable projected or forecasted offsets in revenue and expenses that are directly attributable to or associated with the expected changes in circumstances under consideration, in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7 or an application to clear its deferred accounts pursuant to subsection 9, if the public utility is otherwise authorized by those provisions to file such an application.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility using deferred accounting pursuant to NRS 704.187; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. If the Commission approves such a request:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment between annual rate adjustment applications. A quarterly rate adjustment is not subject to the

requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; and

(IV) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and a review of the transactions and recorded costs of natural gas included in each quarterly rate adjustment and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

9. Except as otherwise provided in subsection 10 and subsection 5 of NRS 704.100, if an electric utility using deferred accounting pursuant to NRS 704.187 files an application to clear its deferred accounts and to change

one or more of its rates based upon changes in the costs for purchased fuel or purchased power, the Commission, after a public hearing and by an appropriate order:

(a) Shall allow the electric utility to clear its deferred accounts by refunding any credit balance or recovering any debit balance over a period not to exceed 3 years, as determined by the Commission.

(b) Shall not allow the electric utility to recover any debit balance, or portion thereof, in an amount that would result in a rate of return during the period of recovery that exceeds the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility.

10. Before allowing an electric utility to clear its deferred accounts pursuant to subsection 9, the Commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric utility collected from customers in this State for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The Commission shall not allow the electric utility to recover any costs for purchased fuel and purchased power that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility.

11. If an electric utility files an application to clear its deferred accounts pursuant to subsection 9 while a general rate application is pending, the electric utility shall:

(a) Submit with its application to clear its deferred accounts information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

12. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

~~13. [A PAR carrier may, in accordance with this section and NRS 704.100, file with the Commission a request to approve or change any schedule to provide volume or duration discounts to rates for telecommunication service for an offering made to all or any class of business customers. The Commission may conduct a hearing relating to the request, which must occur within 45 days after the date the request is filed with the Commission. The request and schedule shall be deemed approved if the request and schedule are not disapproved by the Commission within 60 days after the date the Commission receives the request.~~

~~14.~~ As used in this section:

(a) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(b) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.187.

~~¶ (d) "PAR carrier" has the meaning ascribed to it in NRS 704.68942.~~

Sec. 3. NRS 704B.210 is hereby ~~repealed.~~ **amended to read as follows:**

704B.210 ~~Not~~ **The Commission shall, not** later than ~~30~~ **2 business** days after ~~the end of each calendar quarter, the Commission shall~~ **receiving a request in writing from the Legislative Commission,** submit to the Legislative Commission a written report which summarizes for ~~that calendar quarter.~~ **the period requested by the Legislative Commission.**

1. Each application which was filed with the Commission pursuant to the provisions of this chapter and which requested approval of a proposed transaction between an eligible customer and a provider of new electric resources;

2. The information that the eligible customer included with the application;

3. The findings of the Commission concerning the effect of the proposed transaction on the public interest; and

4. Whether the Commission approved the application and, if so, the effective date of the proposed transaction, the terms and conditions of the proposed transaction, and the terms, conditions and payments ordered by the Commission.

Sec. 4. This act becomes effective on July 1, 2007.

¶

~~TEXT OF REPEALED SECTION~~

~~704B.210—Submission of report to Legislative Commission.—Not later than 30 days after the end of each calendar quarter, the Commission shall submit to the Legislative Commission a written report which summarizes for that calendar quarter:~~

~~1.—Each application which was filed with the Commission pursuant to the provisions of this chapter and which requested approval of a proposed transaction between an eligible customer and a provider of new electric resources;~~

~~2.—The information that the eligible customer included with the application;~~

~~3.—The findings of the Commission concerning the effect of the proposed transaction on the public interest; and~~

~~4.—Whether the Commission approved the application and, if so, the effective date of the proposed transaction, the terms and conditions of the proposed transaction, and the terms, conditions and payments ordered by the Commission.]~~

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 106.

AN ACT relating to the Commission on Ethics; **requiring the Commission to render certain opinions within a certain period;** increasing the time within which the Executive Director of the Commission ~~(on Ethics)~~ is required to complete his investigation of the facts and circumstances relating to ~~(a request)~~ **certain requests** for an opinion; requiring the Commission to disclose the general status of **such** a request for an opinion to the person who made the request; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a public officer or employee to request from the Commission on Ethics an opinion interpreting the statutory ethical standards and applying those standards to a particular set of facts and circumstances which directly relate to the propriety of his own past, present or future conduct as an officer or employee. (NRS 281.511) This bill requires the Commission to render the opinion within 45 days after receiving the request.

Existing law **also** authorizes ~~(a person)~~ **certain other persons** to request from the Commission ~~(on Ethics)~~ an opinion interpreting the statutory ethical standards and applying those standards to a particular set of facts and circumstances. Upon receipt of such a request, the Executive Director of the Commission must investigate the facts and circumstances relating to the request and determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The Executive Director has 45 days after the receipt of the request to investigate and present his recommendation to a panel of the Commission. (NRS 281.511) This bill increases from 45 days to ~~(1 year)~~ **120 days** the period given the Executive Director to make his investigation and present his recommendation to a panel of the Commission. This bill also requires the Commission to disclose the general status of **such** a request for an opinion to the person who made the request.

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

Section 1. NRS 281.511 is hereby amended to read as follows:

281.511 1. The Commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances ~~(upon)~~ **within 45 days after receiving a** request, on a form

prescribed by the Commission, from a public officer or employee who is seeking guidance on questions which directly relate to the propriety of his own past, present or future conduct as an officer or employee. He may also request the Commission to hold a public hearing regarding the requested opinion. If a requested opinion relates to the propriety of his own present or future conduct, the opinion of the Commission is:

- (a) Binding upon the requester as to his future conduct; and
- (b) Final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the requester.

2. The Commission may render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances:

- (a) Upon request from a specialized or local ethics committee.
- (b) Except as otherwise provided in this subsection, upon request from a person, if the requester submits:

- (1) The request on a form prescribed by the Commission; and

- (2) All related evidence deemed necessary by the Executive Director and the panel to make a determination of whether there is just and sufficient cause to render an opinion in the matter.

- (c) Upon the Commission's own motion regarding the propriety of conduct by a public officer or employee. The Commission shall not initiate proceedings pursuant to this paragraph based solely upon an anonymous complaint.

↪ The Commission shall not render an opinion interpreting the statutory ethical standards or apply those standards to a given set of facts and circumstances if the request is submitted by a person who is incarcerated in a correctional facility in this State.

3. Upon receipt of a request for an opinion by the Commission or upon the motion of the Commission pursuant to subsection 2, the Executive Director shall investigate the facts and circumstances relating to the request to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The public officer or employee that is the subject of the request may submit to the Executive Director any information relevant to the request. The Executive Director shall complete an investigation and present his recommendation relating to just and sufficient cause to the panel within ~~[45 days]~~ ~~[1 year]~~ 120 days after the receipt of or the motion of the Commission for the request, unless the public officer or employee waives this time limit. If the Executive Director determines after an investigation that just and sufficient cause exists for the Commission to render an opinion in the matter, he shall state such a recommendation in writing, including, without limitation, the specific evidence that supports his recommendation. If, after an investigation, the Executive Director does not determine that just and sufficient cause exists for the Commission to render

an opinion in the matter, he shall state such a recommendation in writing, including, without limitation, the specific reasons for his recommendation. Within 15 days after the Executive Director has provided his recommendation in the matter to the panel, the panel shall make a final determination regarding whether just and sufficient cause exists for the Commission to render an opinion in the matter, unless the public officer or employee waives this time limit. The panel shall not determine that there is just and sufficient cause for the Commission to render an opinion unless the panel has provided the public officer or employee an opportunity to respond to the allegations against him. The panel shall cause a record of its proceedings in each matter to be kept, and such a record must remain confidential until the panel determines whether there is just and sufficient cause for the Commission to render an opinion in the matter.

4. If the panel determines that just and sufficient cause exists for the Commission to render an opinion requested pursuant to this section, the Commission shall hold a hearing and render an opinion in the matter within 30 days after the determination of just and sufficient cause by the panel, unless the public officer or employee waives this time limit.

5. Each request for an opinion that a public officer or employee submits to the Commission pursuant to subsection 1, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the public officer or employee who requested the opinion:

(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;

(b) Discloses the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto; or

(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.

6. Except as otherwise provided in this subsection, each document in the possession of the Commission or its staff that is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2, including, without limitation, the Commission's copy of the request and all materials and information gathered in an investigation of the request, is confidential until the panel determines whether there is just and sufficient cause to render an opinion in the matter. The public officer or employee who is the subject of a request for an opinion submitted or initiated pursuant to subsection 2 may in writing authorize the Commission to make its files, material and information which are related to the request publicly available.

7. Except as otherwise provided in paragraphs (a) and (b), the proceedings of a panel are confidential until the panel determines whether there is just and sufficient cause to render an opinion. A person who:

(a) Requests an opinion from the Commission pursuant to paragraph (b) of subsection 2 may:

(1) At any time, reveal to a third party the alleged conduct of a public officer or employee underlying the request that he filed with the Commission or the substance of testimony, if any, that he gave before the Commission.

(2) After the panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that he requested an opinion from the Commission.

(b) Gives testimony before the Commission may:

(1) At any time, reveal to a third party the substance of testimony that he gave before the Commission.

(2) After the panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that he gave testimony before the Commission.

8. *The Commission shall disclose to a person who requests an opinion from the Commission pursuant to paragraph (b) of subsection 2 the general status of his request, including, without limitation, whether the request has been received and an abbreviated summary of the actions that the Commission is taking with regard to the request. The provisions of this subsection do not require the Commission, its officers or members to provide, and do not authorize or entitle a person requesting an opinion to obtain:*

(a) Personally identifying information concerning a person other than the requester of the opinion;

(b) Information that is confidential;

(c) Information that is otherwise protected from disclosure by any other provision of federal or state law; or

(d) Information the release of which, as determined by the Executive Director, would interfere with:

(1) The ability of the Executive Director to conduct an investigation;

(2) The ability of a panel to determine whether there is just and sufficient cause for the Commission to render an opinion; or

(3) The ability of the Commission to render an opinion.

9. Whenever the Commission holds a hearing pursuant to this section, the Commission shall:

(a) Notify the person about whom the opinion was requested of the place and time of the Commission's hearing on the matter;

(b) Allow the person to be represented by counsel; and

(c) Allow the person to hear the evidence presented to the Commission and to respond and present evidence on his own behalf.

↪ The Commission's hearing may be held no sooner than 10 days after the notice is given unless the person agrees to a shorter time.

~~9.1~~ **10.** If a person who is not a party to a hearing before the Commission, including, without limitation, a person who has requested an opinion pursuant to paragraph (a) or (b) of subsection 2, wishes to ask a

question of a witness at the hearing, the person must submit the question to the Executive Director in writing. The Executive Director may submit the question to the Commission if he deems the question relevant and appropriate. This subsection does not require the Commission to ask any question submitted by a person who is not a party to the proceeding.

~~{10.}~~ **11.** If a person who requests an opinion pursuant to subsection 1 or 2 does not:

- (a) Submit all necessary information to the Commission; and
 - (b) Declare by oath or affirmation that he will testify truthfully,
- ↳ the Commission may decline to render an opinion.

~~{11.}~~ **12.** For good cause shown, the Commission may take testimony from a person by telephone or video conference.

~~{12.}~~ **13.** For the purposes of NRS 41.032, the members of the Commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking an action related to the rendering of an opinion pursuant to this section.

~~{13.}~~ **14.** A meeting or hearing that the Commission or the panel holds to receive information or evidence concerning the propriety of the conduct of a public officer or employee pursuant to this section and the deliberations of the Commission and the panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 144.

Bill read second time and ordered to third reading.

Assembly Bill No. 165.

Bill read second time.

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

Amendment No. 215.

SUMMARY—Creates the Justice Assistance Grant Trust ~~{Fund}~~ **Account** in the State ~~{Treasury}~~ **General Fund**. (BDR 43-1083)

AN ACT relating to public safety; creating the Justice Assistance Grant Trust ~~{Fund}~~ **Account** in the State ~~{Treasury}~~ **General Fund**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Edward Byrne Memorial Justice Assistance Grant Program. (42 U.S.C. §§ 3750 et seq.) The grant program authorizes the Attorney General of the United States to make grants of money to states to provide additional personnel, equipment, supplies, contractual support, training, technical assistance and information systems for criminal justice. (42 U.S.C. § 3751) The grant program also requires each

state to establish a trust fund in which to deposit money received by the state from the grant program. (42 U.S.C. § 3757) This bill, in compliance with federal law, establishes such a trust ~~{Fund}~~ **account** for all money received by the State of Nevada from the Grant Program.

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

Section 1. Chapter 480 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Justice Assistance Grant Trust ~~{Fund}~~ Account is hereby created in the State ~~{Treasury}~~ General Fund. All money received by the State of Nevada pursuant to the Edward Byrne Memorial Justice Assistance Grant Program, 42 U.S.C. §§ 3750 et seq., must be deposited in the Trust ~~{Fund}~~ Account.*

2. *The Director shall administer the Trust ~~{Fund}~~ Account.*

3. *The money in the Trust ~~{Fund}~~ Account may only be expended in accordance with the provisions of the Edward Byrne Memorial Justice Assistance Grant Program, 42 U.S.C. §§ 3750 et seq., and any regulations adopted pursuant thereto.*

4. *The interest and income earned on the money in the Trust ~~{Fund}~~ Account, after deducting any applicable charges, must be credited to the Trust ~~{Fund}~~ Account.*

Sec. 2. This act becomes effective on July 1, 2007.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 195.

Bill read second time.

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

Amendment No. 138.

AN ACT relating to property; revising the provisions relating to the conversion of a common-interest community; requiring a landlord to provide copies of written rental agreements; revising the provisions relating to the required disclosure of the names and addresses of managers and owners; providing that a dwelling unit is not habitable if it violates ~~{building}~~ **certain provisions of housing or health codes**; revising provisions relating to the enforceability of an adopted rule or regulation governing a rental agreement; making changes to the provisions relating to a tenant's remedies under certain circumstances; making various other changes relating to residential landlords and tenants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements for notification of residential tenants and subtenants relating to the conversion of a common-interest

community. (NRS 116.4112) Section 1 of this bill establishes a rebuttable presumption of an intent by the owner to evade such notice requirements if a declaration of conversion is filed within 6 months after a tenant is evicted. Section 1 also provides that a tenant retains his right to receive an offer to convey the unit and to recover damages if he was unlawfully evicted before the declaration was filed.

Existing law sets forth certain requirements relating to a written rental agreement. (NRS 118A.200) Section 2 of this bill requires a landlord to provide to the tenant one free copy of any written agreement entered into by the tenant and landlord. Section 2 also requires a landlord to provide additional copies of any such agreement upon request by the tenant within a reasonable time and for a reasonable fee.

Existing law requires a landlord to disclose the name and address of managers and owners and provides that service of process in any action may be made upon the manager of the property. (118A.260) Section 3 of this bill requires a landlord to provide an address in Nevada for a person authorized to act for and on behalf of the landlord for service of process. Section 3 also allows service of process to be made upon certain persons in addition to the manager. Section 4 of this bill provides that a dwelling unit is not habitable if it violates ~~any building,~~ provisions of housing or health codes ~~or~~ **concerning the health, safety, sanitation or fitness for habitation of the dwelling unit.** (NRS 118A.290)

Existing law provides that rules and regulations adopted after a tenant enters into a rental agreement are enforceable against the tenant under certain circumstances. (NRS 118A.320) Section 5 of this bill provides **that the adoption** of such rules or regulations ~~are enforceable before the end of the duration of the agreement only if the tenant consents in writing or if such rules or regulations must be enforced to comply with a change in law and the tenant is given advance notice of the change.~~ **does not affect the tenant's obligation to pay rent and other charges or the tenant's right under a rental agreement to keep a pet.**

Existing law sets forth various remedies for a tenant when there is a breach of a rental agreement **or a failure by the landlord to maintain the dwelling unit in a habitable condition** and requires a tenant to give notice of such breach **or failure** to the landlord before the tenant may recover damages under certain circumstances. (NRS 118A.350, 118A.380) ~~Section~~ **Sections 1.5 and 6** of this bill **separate the provisions concerning a breach of a rental agreement from the provisions concerning a landlord's failure to maintain a dwelling unit in a habitable condition** ~~allows~~ and allow a tenant to withhold rent when there is a breach if he gives notice of such breach to the landlord. Sections **1.5, 6** and 7 of this bill also allow a tenant to withhold rent without giving such notice if the landlord has received a notice of the condition constituting the breach **or failure** from a governmental agency and the landlord fails to remedy or attempt in good faith to remedy the breach or failure within a specified time. ~~Sections 6 and 7 further~~

~~provide~~ **Section 6 further provides that** a tenant's failure to give notice of a breach does not affect the tenant's ability to recover damages for a violation of the rental agreement.

Existing law provides that a tenant is guilty of an unlawful detainer if he suffers, permits or maintains on or about the premises any nuisance. (NRS 40.2514) Section 8 of this bill requires that such a nuisance must consist of ~~(persistent)~~ conduct or an ongoing condition that obstructs the free use of property and causes injury and damage for the nuisance to evidence guilt of an unlawful detainer.

Section 9 of this bill makes a technical correction to an internal reference to a statute.

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

Section 1. NRS 116.4112 is hereby amended to read as follows:

116.4112 1. A declarant of a common-interest community containing converted buildings, and any dealer who intends to offer units in such a common-interest community, shall give each of the residential tenants and any residential subtenant in possession of a portion of a converted building notice of the conversion and provide those persons with the public offering statement no later than 120 days before the tenants and any subtenant in possession are required to vacate. The notice must set forth generally the rights of tenants and subtenants under this section and must be hand-delivered to the unit or mailed by prepaid United States mail to the tenant and subtenant at the address of the unit or any other mailing address provided by a tenant. No tenant or subtenant may be required to vacate upon less than 120 days' notice, except by reason of nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period. Failure to give notice as required by this section is a defense to an action for possession.

2. For 60 days after delivery or mailing of the notice described in subsection 1, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that 60-day period, the offeror may not offer to dispose of an interest in that unit during the following 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant. This subsection does not apply to any unit in a converted building if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

3. If a seller, in violation of subsection 2, conveys a unit to a purchaser for value who has no knowledge of the violation, the recordation of the deed conveying the unit or, in a cooperative, the conveyance of the unit, extinguishes any right a tenant may have under subsection 2 to purchase that unit if the deed states that the seller has complied with subsection 2, but the

conveyance does not affect the right of a tenant to recover damages from the seller for a violation of subsection 2.

4. If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of NRS 40.251 and 40.280, the notice also constitutes a notice to vacate specified by those sections.

5. This section does not permit termination of a lease by a declarant in violation of its terms.

6. *A purchaser shall not evade the provisions of this section by evicting a tenant other than for cause, including the nonpayment of rent, and subsequently recording a declaration pursuant to NRS 116.2101. A declaration that is filed within 6 months of removing a tenant pursuant to NRS 40.255 creates a rebuttable presumption of an intent to evade the provisions of this section which may only be overcome by clear and convincing evidence that the owner did not intend to convert at the time of the notice. A tenant evicted in violation of this subsection:*

(a) Retains the right to receive an offer to convey the unit occupied by the tenant pursuant to subsection 2 for 60 days after the declaration; and

(b) May recover damages pursuant to NRS 116.4117.

Sec. 1.5. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this chapter, if a landlord fails to maintain a dwelling unit in a habitable condition as required by this chapter, the tenant may deliver a written notice to the landlord specifying each failure by the landlord to maintain the dwelling unit in a habitable condition and requesting that the landlord remedy the failures. If a failure is remediable and the landlord adequately remedies the failure or uses his best efforts to remedy the failure within 14 days after receipt of the notice, the tenant may not proceed under this section. If the landlord fails to remedy a material failure to maintain the dwelling unit in a habitable condition or to make a reasonable effort to do so within the prescribed time, the tenant may:

(a) Terminate the rental agreement immediately.

(b) Recover actual damages.

(c) Apply to the court for such relief as the court deems proper under the circumstances.

(d) Withhold any rent that becomes due without incurring late fees, charges for notice or any other charge or fee authorized by this chapter or the rental agreement until the landlord has remedied, or has attempted in good faith to remedy, the failure.

2. The tenant may not proceed under this section:

(a) For a condition caused by his own deliberate or negligent act or omission or that of a member of his household or other person on the premises with his consent; or

(b) If the landlord's inability adequately to remedy the failure or use his best efforts to remedy the failure within 14 days is due to the tenant's refusal to allow lawful access to the dwelling unit as required by the rental agreement or this chapter.

3. If the rental agreement is terminated, the landlord shall return all prepaid rent and security recoverable by the tenant under this chapter.

4. A tenant may not proceed under this section unless he has given notice as required by subsection 1, except that the tenant may, without giving that notice:

(a) Recover damages under paragraph (b) of subsection 1 if the landlord:

(1) Admits to the court that he had knowledge of the condition constituting the failure to maintain the dwelling in a habitable condition;
or

(2) Has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (d) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the failure to maintain the dwelling in a habitable condition from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the failure within the time prescribed in the written notice of that condition from the governmental agency.

Sec. 2. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his agent and the tenant or his agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

- (a) Duration of the agreement.
- (b) Amount of rent and the manner and time of its payment.
- (c) Occupancy by children or pets.
- (d) Services included with the dwelling rental.
- (e) Fees which are required and the purposes for which they are required.
- (f) Deposits which are required and the conditions for their refund.
- (g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.
- (h) Inspection rights of the landlord.

(i) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

~~{3-}~~ 4. The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

~~{4-}~~ 5. It is unlawful for a landlord or any person authorized to enter into a rental agreement on his behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

Sec. 3. NRS 118A.260 is hereby amended to read as follows:

118A.260 1. The landlord, or any person authorized to enter into a rental agreement on his behalf, shall disclose to the tenant in writing at or before the commencement of the tenancy:

(a) The name and address of:

(1) The persons authorized to manage the premises;

(2) A person *within this State* authorized to act for and on behalf of the landlord for the purpose of service of process and receiving notices and demands; and

(3) The principal or corporate owner.

(b) A telephone number at which a responsible person who resides in the county or within 60 miles of where the premises are located may be called in case of emergency.

2. The information required to be furnished by this section must be kept current, and this section is enforceable against any successor landlord or manager of the premises.

3. A party who enters into a rental agreement on behalf of the landlord and fails to comply with this section is an agent of the landlord for purposes of:

- (a) Service of process and receiving notices and demands; and
- (b) Performing the obligations of the landlord under law and under the rental agreement.

4. In any action against a landlord which involves his rental property, service of process upon the manager of the property *or a person described in paragraph (a) of subsection 1* shall be deemed to be service upon the landlord. The obligations of the landlord devolve upon the persons authorized to enter into a rental agreement on his behalf.

5. This section does not limit or remove the liability of an undisclosed landlord.

Sec. 4. NRS 118A.290 is hereby amended to read as follows:

118A.290 1. The landlord shall at all times during the tenancy maintain the dwelling unit in a habitable condition. A dwelling unit is not habitable *if it violates ~~[building]~~ provisions of housing or health codes concerning the health, safety, sanitation or fitness for habitation of the dwelling unit or if it substantially lacks:*

- (a) Effective waterproofing and weather protection of the roof and exterior walls, including windows and doors.

- (b) Plumbing facilities which conformed to applicable law when installed and which are maintained in good working order.

- (c) A water supply approved under applicable law, which is:

- (1) Under the control of the tenant or landlord and is capable of producing hot and cold running water;

- (2) Furnished to appropriate fixtures; and

- (3) Connected to a sewage disposal system approved under applicable law and maintained in good working order to the extent that the system can be controlled by the landlord.

- (d) Adequate heating facilities which conformed to applicable law when installed and are maintained in good working order.

- (e) Electrical lighting, outlets, wiring and electrical equipment which conformed to applicable law when installed and are maintained in good working order.

- (f) An adequate number of appropriate receptacles for garbage and rubbish in clean condition and good repair at the commencement of the tenancy. The landlord shall arrange for the removal of garbage and rubbish from the premises unless the parties by written agreement provide otherwise.

- (g) Building, grounds, appurtenances and all other areas under the landlord's control at the time of the commencement of the tenancy in every part clean, sanitary and reasonably free from all accumulations of debris, filth, rubbish, garbage, rodents, insects and vermin.

- (h) Floors, walls, ceilings, stairways and railings maintained in good repair.

- (i) Ventilating, air-conditioning and other facilities and appliances, including elevators, maintained in good repair if supplied or required to be supplied by the landlord.

2. The landlord and tenant may agree that the tenant is to perform specified repairs, maintenance tasks and minor remodeling only if:

- (a) The agreement of the parties is entered into in good faith; and
- (b) The agreement does not diminish the obligations of the landlord to other tenants in the premises.

3. An agreement pursuant to subsection 2 is not entered into in good faith if the landlord has a duty under subsection 1 to perform the specified repairs, maintenance tasks or minor remodeling and the tenant enters into the agreement because the landlord or his agent has refused to perform them.

Sec. 5. NRS 118A.320 is hereby amended to read as follows:

118A.320 1. The landlord, from time to time, may adopt rules or regulations concerning the tenant's use and occupancy of the premises. Such a rule or regulation is enforceable against the tenant only if:

- (a) Its purpose is to promote the convenience, safety or welfare of the landlord or tenants in the premises, preserve the landlord's property from abusive use or make a fair distribution of services and facilities held out for the tenants generally;
- (b) It is reasonably related to the purpose for which it is adopted;
- (c) It applies to all tenants in the premises in a fair manner;
- (d) It is sufficiently explicit in its prohibition, direction or limitation of the tenant's conduct fairly to inform the tenant of what must or must not be done to comply;
- (e) It is in good faith and not for the purpose of evading an obligation of the landlord; ~~and~~

(f) **It does not affect the tenant's obligation to pay rent, utilities or other charges;**

(g) **It does not affect, before the end of the duration of the rental agreement, any right the tenant may have under the rental agreement to keep a pet; and**

(h) The tenant has notice of the rule or regulation at the time he enters into the rental agreement or after the rule or regulation is adopted by the landlord.

2. A rule or regulation adopted after the tenant enters into the rental agreement which works a material modification of the bargain is enforceable against a tenant :

(a) ~~Who~~ ~~[before the end of the duration of the rental agreement only if:~~

~~(a) The tenant~~ expressly consents to ~~it~~ **the rule or regulation** in writing;

or

(b) ~~Who~~ ~~[The rule or regulation must be enforced to comply with a change in the law that becomes effective during the duration of the rental agreement and the tenant]~~ has 30 days' advance written notice of ~~it~~ **the rule or regulation.**

Sec. 6. NRS 118A.350 is hereby amended to read as follows:

118A.350 1. Except as otherwise provided in this chapter, if the landlord fails to comply with the rental agreement, ~~for fails to maintain the dwelling unit in a habitable condition as required by this chapter,~~ the tenant

shall deliver a written notice to the landlord specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate as provided in this section. If the breach is remediable and the landlord adequately remedies the breach or uses his best efforts to remedy the breach within 14 days after receipt of the notice, the rental agreement does not terminate by reason of the breach. If the landlord fails to remedy the breach or make a reasonable effort to do so within the prescribed time, the tenant may:

- (a) Terminate the rental agreement immediately.
- (b) Recover actual damages.
- (c) Apply to the court for such relief as the court deems proper under the circumstances.

(d) Withhold any rent that becomes due without incurring late fees, charges for notice or any other charge or fee authorized by this chapter or the rental agreement, until the landlord has attempted in good faith to remedy the breach.

2. The tenant may not terminate *the rental agreement* for a condition caused by his own deliberate or negligent act or omission or that of a member of his household or other person on the premises with his consent.

3. If the rental agreement is terminated, the landlord shall return all prepaid rent and security recoverable by the tenant under this chapter.

4. A tenant may not proceed under this section unless he has given notice as required by subsection 1, except that the tenant may, without giving that notice ~~[-, recover]~~:

(a) Recover damages under paragraph (b) of subsection 1 if the landlord:

~~[(a)]~~ (1) Admits to the court that he had knowledge of the condition constituting the breach; or

~~[(b)]~~ (2) Has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (d) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the breach from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the breach within the time prescribed in the written notice of that condition from the governmental agency.

5. ***A tenant's failure to give notice as required by subsection 1 does not affect a tenant's ability to recover damages for a violation of the rental agreement.***

Sec. 7. NRS 118A.380 is hereby amended to read as follows:

118A.380 1. If the landlord is required by the rental agreement or this chapter to supply heat, air-conditioning, running water, hot water, electricity, gas, or another essential service and he willfully or negligently fails to do so, causing the premises to become unfit for habitation, the tenant shall give

written notice to the landlord specifying the breach. If the landlord does not adequately remedy the breach, or use his best efforts to remedy the breach within 48 hours, except a Saturday, Sunday or legal holiday, after it is received by the landlord, the tenant may, in addition to any other remedy:

(a) Procure reasonable amounts of such essential services during the landlord's noncompliance and deduct their actual and reasonable cost from the rent;

(b) Recover actual damages, including damages based upon the lack of use of the premises or the diminution of the fair rental value of the dwelling unit;

(c) Withhold any rent that becomes due during the landlord's noncompliance without incurring late fees, charges for notice or any other charge or fee authorized by this chapter or the rental agreement, until the landlord has attempted in good faith to restore the essential services; or

(d) Procure other housing which is comparable during the landlord's noncompliance, and the rent for the original premises fully abates during this period. The tenant may recover the actual and reasonable cost of that other housing which is in excess of the amount of rent which is abated.

2. If the tenant proceeds under this section, he may not proceed under NRS 118A.350 and 118A.360 as to that breach.

3. The rights of the tenant under this section do not arise until he has given written notice as required by subsection 1, except that the tenant may, without having given that notice ~~{, recover}~~:

(a) **Recover** damages as authorized under paragraph (b) of subsection 1 if the landlord:

~~{(a)}~~ (1) Admits to the court that he had knowledge of the lack of such essential services; or

~~{(b)}~~ (2) Has received written notice of the uninhabitable condition caused by such a lack from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) **Withhold rent under paragraph (c) of subsection 1 if the landlord:**

(1) **Has received written notice of the condition constituting the breach from a governmental agency authorized to inspect for violations of building, housing or health codes; and**

(2) **Fails to remedy or attempt in good faith to remedy the breach within the time prescribed in the written notice of that condition from the governmental agency.**

4. The rights of the tenant under paragraph (c) of subsection 1 do not arise unless the tenant is current in the payment of rent at the time of giving written notice pursuant to subsection 1.

5. If such a condition was caused by the deliberate or negligent act or omission of the tenant, a member of his household or other person on the premises with his consent, the tenant has no rights under this section.

~~{6. — A tenant's failure to give notice as required by subsection 1 does not affect a tenant's ability to recover damages for a violation of the rental agreement.}~~

Sec. 8. NRS 40.2514 is hereby amended to read as follows:

40.2514 A tenant of real property or a mobile home for a term less than life is guilty of an unlawful detainer when he:

1. Assigns or sublets the leased premises contrary to the covenants of the lease;
2. Commits or permits waste thereon;
3. Sets up or carries on therein or thereon any unlawful business;
4. Suffers, permits or maintains on or about the premises any nuisance ~~{;}~~ **that consists of ~~{persistent}~~ conduct or an ongoing condition which constitutes an unreasonable obstruction to the free use of property and causes injury and damage to other tenants or occupants of that property or adjacent buildings or structures;** or
5. Violates any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, therein or thereon,

↪ and remains in possession after service upon him of 3 days' notice to quit.

Sec. 9. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253, the notices required by NRS 40.251 to 40.260, inclusive, may be served:

- (a) By delivering a copy to the tenant personally, in the presence of a witness;
- (b) If he is absent from his place of residence or from his usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at his place of residence or place of business; or
- (c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. Service upon a subtenant may be made in the same manner as provided in subsection 1.

3. Before an order to remove a tenant is issued pursuant to subsection ~~{6}~~ 5 of NRS 40.253, a landlord shall file with the court a proof of service of any notice required by that section. Except as otherwise provided in subsection 4, this proof must consist of:

- (a) A statement, signed by the tenant and a witness, acknowledging that the tenant received the notice on a specified date;
- (b) A certificate of mailing issued by the United States Postal Service; or
- (c) The endorsement of a sheriff, constable or other process server stating the time and manner of service.

4. If service of the notice was not delivered in person to a tenant whose rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, proof of service must include:

- (a) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or his agent; or
- (b) The endorsement of a sheriff or constable stating the:
 - (1) Time and date the request for service was made by the landlord or his agent;
 - (2) Time, date and manner of the service; and
 - (3) Fees paid for the service.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 216.

Bill read second time.

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

Amendment No. 234.

AN ACT relating to manufactured home parks; requiring a landlord who proposes to close or convert a manufactured home park to submit a resident impact statement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law describes the obligations that a landlord must meet when closing or converting a manufactured home park. (NRS 118B.177, 118B.180, 118B.183) Sections 1-4 of this bill add to those requirements by requiring the landlord to submit a resident impact statement before beginning the process of closure or conversion. Additionally, section 1 sets forth the requirements for a resident impact statement.

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

Section 1. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

Before a landlord begins the process of closing or converting a manufactured home park, he shall first submit a resident impact statement to the appropriate local zoning board, planning commission or governing body. The resident impact statement must be in such form as the Division shall prescribe by regulation and must include, without limitation, the following information:

1. *The {names,} addresses and corresponding manufactured home identification numbers of all tenants of the park;*
2. *An analysis of replacement housing needs or requirements for the tenants; and*

3. *An analysis of any sites to which the homes of the tenants may be moved.*

Sec. 2. NRS 118B.177 is hereby amended to read as follows:

118B.177 1. If a landlord closes a manufactured home park, or if a landlord is forced to close a manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park permanently for health or safety reasons, the landlord shall pay the amount described in subsection 2 or 3, in accordance with the choice of the tenant.

2. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving each tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles, including fees for inspection, any deposits for connecting utilities, and the cost of taking down, moving, setting up and leveling the manufactured home and its appurtenances in the new lot or park.

3. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged ~~or~~ or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

4. Written notice of any closure must be served timely on each:

(a) Tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

(b) Prospective tenant by:

(1) Handing each prospective tenant or his agent a copy of the written notice; and

(2) Maintaining a copy of the written notice at the entrance of the manufactured home park.

5. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

6. A landlord shall not increase the rent of a tenant after notice is served on the tenant as required by subsection 4.

7. ***Before a landlord may begin the process of closing a manufactured home park, he shall submit a resident impact statement pursuant to section 1 of this act.***

8. As used in this section, "timely" means not later than 3 days after the landlord learns of a closure.

Sec. 3. NRS 118B.180 is hereby amended to read as follows:

118B.180 1. A landlord may convert an existing manufactured home park into individual manufactured home lots for sale to manufactured home owners if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord offers, in writing, to sell the lot to the tenant at the same price the lot will be offered to the public and holds that offer open for at least 90 days or until the landlord receives a written rejection of the offer from the tenant, whichever occurs earlier;

(c) The landlord does not sell the lot to a person other than the tenant for 90 days after the termination of the offer required pursuant to paragraph (b) at a price or on terms that are more favorable than the price or terms offered to the tenant;

(d) If a tenant does not exercise his option to purchase the lot pursuant to paragraph (b), the landlord pays:

(1) The cost of moving the tenant's manufactured home and its appurtenances to a comparable location within 50 miles from the manufactured home park; or

(2) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles, including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park; ~~and~~

(e) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, notice in writing is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot ~~to~~; ***and***

(f) Before he begins the process of converting a manufactured home park, the landlord submits a resident impact statement pursuant to section 1 of this act.

3. Notice sent pursuant to paragraph (a) of subsection 2 or an offer to sell a manufactured home lot to a tenant required pursuant to paragraph (b) of subsection 2 does not constitute notice of termination of the tenancy.

4. Upon the sale of a manufactured home lot and a manufactured home which is situated on that lot, the landlord shall indicate what portion of the purchase price is for the manufactured home lot and what portion is for the manufactured home.

5. The provisions of this section do not apply to a corporate cooperative park.

Sec. 4. NRS 118B.183 is hereby amended to read as follows:

118B.183 1. A landlord may convert an existing manufactured home park to any other use of the land if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord pays the amount described in subsection 3 or 4, in accordance with the choice of the tenant; ~~and~~

(c) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, written notice is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot ~~to~~; **and**

(d) Before he begins the process of converting a manufactured home park, the landlord submits a resident impact statement pursuant to section 1 of this act.

3. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles, including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.

4. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged ~~to~~ or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

- (a) May remove and dispose of the manufactured home; and
- (b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

5. A landlord shall not increase the rent of any tenant:

- (a) For 180 days before filing an application for a change in land use, permit or variance affecting the manufactured home park; or
- (b) At any time after filing an application for a change in land use, permit or variance affecting the manufactured home park unless:

(1) The landlord withdraws the application or the appropriate local zoning board, planning commission or governing body denies the application; and

(2) The landlord continues to operate the manufactured home park after the withdrawal or denial.

6. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

- (a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or
- (b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

7. The provisions of this section do not apply to a corporate cooperative park.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 235.

Bill read second time.

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

Amendment No. 135.

AN ACT relating to pharmacy; requiring a practitioner to include on a prescription the symptom or purpose for which a prescription drug is prescribed if requested by the patient; requiring such information to be included on the label of a prescription if requested by the patient; authorizing a practitioner to prohibit the inclusion on the label of a prescription certain information concerning the substitution of a generic drug for a drug with a brand name; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires a practitioner to include on a prescription the symptom or purpose for which the drug is prescribed if requested by the patient. Section 2 of this bill requires each pharmacy located outside Nevada that provides prescription drugs to residents of this State to include in the information it is required to report to the State Board of Pharmacy concerning each prescription, the symptom or purpose for which the drug is prescribed ~~if that information is included on the label pursuant to the request of~~ **requested by** the patient. Section 3 of this bill requires the symptom or purpose for which a drug is prescribed to be included on a written prescription ~~if requested by the patient.~~ **under certain circumstances.** Section 4 of this bill authorizes a practitioner to prohibit the inclusion on the label of a prescription certain information concerning the substitution of a generic drug for a brand name drug. Section 5 of this bill requires each label of a prescription to include the symptom or purpose for which a drug is prescribed ~~if requested by the patient.~~ **under certain circumstances.** Section 6 of this bill requires the symptom or purpose for which a dangerous drug is prescribed to be included on a written prescription ~~if requested by the patient.~~ **under certain circumstances.**

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

Before issuing a prescription, a practitioner may ask the patient whether he wishes to have included on the label of the prescription the symptom or purpose for which the drug is prescribed. If the patient requests that the information be included on the label, the practitioner shall include on the prescription the symptom or purpose for which the drug is prescribed.

Sec. 2. NRS 639.23284 is hereby amended to read as follows:

639.23284 1. Every pharmacy located outside Nevada that provides mail order service to a resident of Nevada:

(a) Shall report to the Board any change of information that appears on its license and pay the fee required by regulation of the Board.

(b) Shall make available for inspection all pertinent records, reports, documents or other material or information required by the Board.

(c) As required by the Board, must be inspected by the Board or:

(1) The regulatory board or licensing authority of the state or country in which the pharmacy is located; or

(2) The Drug Enforcement Administration.

(d) As required by the Board, shall provide the following information concerning each prescription for a drug that is shipped, mailed or delivered to a resident of Nevada:

(1) The name of the patient;

(2) The name of the prescriber;

- (3) The number of the prescription;
- (4) The date of the prescription;
- (5) The name of the drug; ~~and~~
- (6) ***The symptom or purpose for which the drug is prescribed, if ~~that information is included on the label~~ requested by the patient pursuant to section 1 of this act; and***
- (7) The strength and quantity of the dose.

2. In addition to complying with the requirements of subsection 1, every Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to subsection 9 of NRS 223.560 that provides mail order service to a resident of Nevada shall not sell, distribute or furnish to a resident of this State:

- (a) A controlled substance;
- (b) A prescription drug that has not been approved by the Federal Food and Drug Administration;
- (c) A generic prescription drug that has not been approved by the Federal Food and Drug Administration;
- (d) A prescription drug for which the Federal Food and Drug Administration has withdrawn or suspended its approval; or
- (e) A quantity of prescription drugs at one time that includes more drugs than are prescribed to the patient as a 3-month supply of the drugs.

Sec. 3. NRS 639.2353 is hereby amended to read as follows:

639.2353 Except as otherwise provided in a regulation adopted pursuant to NRS 453.385 or 639.2357:

- 1. A prescription must be given:
 - (a) Directly from the practitioner to a pharmacist;
 - (b) Indirectly by means of an order signed by the practitioner;
 - (c) By an oral order transmitted by an agent of the practitioner; or
 - (d) Except as otherwise provided in subsection 5, by electronic transmission or transmission by a facsimile machine, including, without limitation, transmissions made from a facsimile machine to another facsimile machine, a computer equipped with a facsimile modem to a facsimile machine or a computer to another computer, pursuant to the regulations of the Board.
- 2. A written prescription must contain:
 - (a) Except as otherwise provided in this section, the name and signature of the practitioner, and his address if not immediately available to the pharmacist;
 - (b) The classification of his license;
 - (c) The name of the patient, and his address if not immediately available to the pharmacist;
 - (d) The name, strength and quantity of the drug prescribed;

(e) *The symptom or purpose for which the drug is prescribed, if [requested] included by the [patient] practitioner pursuant to section 1 of this act;*

(f) Directions for use; and

~~[(f)]~~ (g) The date of issue.

3. The directions for use must be specific in that they indicate the portion of the body to which the medication is to be applied or, if to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.

4. Each written prescription must be written in such a manner that any registered pharmacist would be able to dispense it. A prescription must be written in Latin or English and may include any character, figure, cipher or abbreviation which is generally used by pharmacists and practitioners in the writing of prescriptions.

5. A prescription for a controlled substance must not be given by electronic transmission or transmission by a facsimile machine unless authorized by federal law.

6. A prescription that is given by electronic transmission is not required to contain the signature of the practitioner if:

(a) It contains a facsimile signature, security code or other mark that uniquely identifies the practitioner; or

(b) A voice recognition system, biometric identification technique or other security system approved by the Board is used to identify the practitioner.

Sec. 4. NRS 639.2587 is hereby amended to read as follows:

639.2587 If a generic drug is substituted for a drug prescribed by brand name, the pharmacist or practitioner:

1. Shall note the name of the manufacturer, packer or distributor of the drug actually dispensed on the prescription; and

2. ~~May~~ *Unless prohibited by the practitioner, may* indicate the substitution *by writing or typing* on the label ~~by use of~~ the words "substituted for" following the generic name and preceding the brand name of the drug.

Sec. 5. NRS 639.2801 is hereby amended to read as follows:

639.2801 Unless specified to the contrary in writing on the prescription by the prescribing practitioner, all prescriptions filled by any practitioner must be dispensed in a container to which is affixed a label or other device which clearly shows:

1. The date.

2. The name, address and prescription serial number of the practitioner who filled the prescription.

3. The names of the prescribing practitioner and of the person for whom prescribed.

4. The number of dosage units.

5. *The symptom or purpose for which the drug is prescribed, if ~~requested~~ included by the ~~patient~~ practitioner pursuant to section 1 of this act.*

6. Specific directions for use given by the prescribing practitioner.

~~{6.}~~ 7. The expiration date of the effectiveness of the drug or medicine dispensed, if that information is included on the original label of the manufacturer of that drug or medicine. If the expiration date specified by the manufacturer is not less than 1 year after the date of dispensing, the practitioner may use a date that is 1 year after the date of dispensing as the expiration date.

~~{7.}~~ 8. The proprietary or generic name of the drug or medicine as written by the prescribing practitioner.

~~{8.}~~ 9. The strength of the drug or medicine.

↪ The label must contain the warning:

Caution: Do not use with alcohol or nonprescribed drugs without consulting the prescribing practitioner.

Sec. 6. NRS 454.223 is hereby amended to read as follows:

454.223 1. Each prescription for a dangerous drug must be written on a prescription blank or as an order on the chart of a patient. A chart of a patient may be used to order multiple prescriptions for that patient.

2. A written prescription must contain:

(a) The name of the practitioner, his signature if the prescription was not transmitted orally and his address if not immediately available to the pharmacist;

(b) The classification of his license;

(c) The name of the patient, and his address if not immediately available to the pharmacist;

(d) The name, strength and quantity of the drug or drugs prescribed;

(e) *The symptom or purpose for which the drug is prescribed, if ~~requested~~ included by the ~~patient~~ practitioner pursuant to section 1 of this act;*

(f) Directions for use; and

~~{(f)}~~ (g) The date of issue.

3. Directions for use must be specific in that they must indicate the portion of the body to which the medication is to be applied, or, if to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 248.

Bill read second time and ordered to third reading.

Assembly Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 275.

SUMMARY—~~Requires~~ **Authorizes** the board of trustees of ~~the~~ **certain** school ~~district in certain counties~~ **districts** to cause each meeting of the board to be televised. (BDR 34-1164)

AN ACT relating to school districts; ~~requiring~~ **authorizing** the board of trustees of a school district in certain counties to cause each meeting of the board to be televised; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~This~~ **Section 1 of this bill** ~~requires~~ **authorizes** the board of trustees of a school district in a county whose population is ~~400,000~~ **50,000** or more ~~(currently Clark County)~~ **(currently Clark and Washoe Counties and Carson City)** to cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the **school district**, county or any city located in the county. **Section 2 of this bill requires those school districts to provide a report to the Legislative Committee on Education and the Legislature concerning the progress of the school district in televising the meetings of the board of trustees.**

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

Section 1. NRS 386.330 is hereby amended to read as follows:

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the members of the board of trustees.

5. *In any county whose population is ~~400,000~~ 50,000 or more, the board of trustees ~~shall~~ may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall*

~~cooperate fully with each other [in arranging for the use of the facilities by the board in carrying out the requirements of this subsection.] to determine:~~

~~(a) The feasibility of televising the meetings of the board of trustees;~~

~~(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and~~

~~(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.~~

Sec. 2. The board of trustees of each school district in a county whose population is 50,000 or more shall cooperate with the board of county commissioners of the county and the governing body of each city in the county, if applicable, to prepare a written report describing their progress in carrying out the provisions of NRS 386.330, as amended by section 1 of this act. The report must be submitted on or before February 1, 2009, to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Legislature.

~~[Sec. 2.]~~ **Sec. 3.** This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 428.

Bill read second time and ordered to third reading.

Assembly Bill No. 460.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 254.

AN ACT relating to education; ~~[increasing the minimum number of school days in each school year; revising provisions governing apportionments from the State Distributive School Account to provide money to school districts for professional development;]~~ requiring each school district to develop a program to provide enhanced compensation to employees of the school district; making various changes regarding the evaluation and admonition of educational personnel; ~~[making appropriations;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~¶ This bill amends existing law to increase the minimum required days of school from 180 days to 183 days in each school year. (NRS 386.550, 388.090)~~

~~Existing law requires the basic support guarantee per pupil to be established by law for each school year. (NRS 387.122) Section 2 of this bill requires an additional apportionment from the State Distributive School Account to be distributed to the school districts for the professional development of the teachers and other educational personnel employed by the school district.]~~

Section 5 of this bill requires the board of trustees of each school district to establish a design team to facilitate the design, development and implementation of a program to provide enhanced compensation to employees of the school district.

Existing law requires each probationary teacher to be evaluated at least three times during each school year and a postprobationary teacher to be evaluated at least once each school year. (NRS 391.3125) Section 6 of this bill requires an administrator who is responsible for evaluating a teacher to personally observe that teacher in the classroom for not less than 60 minutes during each evaluation period. If a deficiency is discovered during the evaluation process, ~~every~~ **a reasonable** effort must be made to assist the teacher to correct the deficiency. Existing law prescribes the circumstances under which an administrator may admonish an employee. (NRS 391.313) Section 7 of this bill requires an admonition to include a description of the deficiencies of the teacher and the actions that are necessary to correct those deficiencies.

~~{ Sections 9 and 10 of this bill make appropriations to provide the additional apportionment for professional development and for the additional instructional days per school year. }~~

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

Section 1. ~~[NRS 386.550 is hereby amended to read as follows:
386.550 1. A charter school shall:~~

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

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

~~(c) Refrain from charging tuition or fees, levying taxes or issuing bonds.~~

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

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

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

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

~~(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of [180] 182 days.~~

~~(g) Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 and the examinations required pursuant to NRS 389.550 to the pupils who are enrolled in the charter school.~~

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

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

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

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

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

~~(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the [Commission on Schools of the] Northwest Association of Accredited Schools [and of Colleges and Universities.]~~

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

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

~~2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.} (Deleted by amendment.)~~

Sec. 2. ~~{NRS 387.122 is hereby amended to read as follows:~~

~~287.122 1. For making the apportionments of the State Distributive School Account in the State General Fund required by the provisions of this title, the basic support guarantee per pupil for each school district and the basic support guarantee for each special education program unit maintained and operated during at least 9 months of a school year are established by law for each school year.~~

~~2. After the basic support guarantee is established for each school year pursuant to subsection 1, the Legislature will provide for an additional apportionment for each school year from the State Distributive School Account to each school district in an amount equal to one half of one percent of the basic support guarantee established for the school district for each pupil included in the count of basic support of the school district. Each school district shall use the money received pursuant to this subsection only to provide professional development for the teachers and other educational personnel employed by the school district.~~ (Deleted by amendment.)

Sec. 3. [NRS 388.090 is hereby amended to read as follows:

~~388.090 1. Except as otherwise provided in this section, boards of trustees of school districts shall schedule and provide a minimum of [180] 183 days of free school in the districts under their charge.~~

~~2. Except for an alternative schedule described in subsection 3, the Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize the school district to provide a program of instruction based on an alternative schedule if the number of minutes of instruction to be provided is equal to or greater than the number of minutes of instruction that would be provided in a program of instruction consisting of [180] 183 school days. The Superintendent of Public Instruction shall notify the board of trustees of the school district of the approval or denial of the application not later than 30 days after the Superintendent of Public Instruction receives the application. An alternative schedule proposed pursuant to this subsection must be developed in accordance with chapter 288 of NRS. If a school district is located in a county whose population is 100,000 or more, the school district may not submit an application pursuant to this subsection unless the proposed alternative schedule of the school district will apply only to a rural portion or a remote portion of the county in which the school district is located, as defined by the State Board pursuant to subsection 9.~~

~~3. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize a reduction of not more than 15 school days in that particular district to establish or maintain an alternative schedule consisting of a 12 month school program if the board of trustees demonstrates that the proposed alternative schedule for the program provides for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of [180] 183 school days. Before authorizing a reduction in the number of required school days pursuant to this subsection, the Superintendent of Public Instruction must~~

~~find that the proposed alternative schedule will be used to alleviate problems associated with a growth in enrollment or overcrowding.~~

~~4. The Superintendent of Public Instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than 5 days of free school so lost may be rescheduled in this manner. The provisions of this subsection do not apply to an alternative schedule approved pursuant to subsection 2.~~

~~5. The number of minutes of instruction required for a particular group of pupils in a program of instruction based on an alternative schedule approved pursuant to this section must be determined by multiplying the appropriate minimum daily period of instruction established by the State Board by regulation for that particular group of pupils by [180.] 183.~~

~~6. Each school district shall schedule at least 3 contingent days of school, or its equivalent if the school district operates under an alternative schedule authorized pursuant to this section, in addition to the number of days required by this section, which must be used if a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within the district. The 3 contingent days of school, or its equivalent, may be scheduled as:~~

~~(a) Full days of school;~~

~~(b) An equivalent number of minutes of instruction added to any scheduled day of instruction, except that the minutes added must not be less than 30 minutes per school day; or~~

~~(c) Any combination thereof.~~

~~7. If more than 3 days of free school or minutes of instruction equaling 3 days of free school, or the equivalent if the school district operates under an alternative schedule authorized pursuant to this section, are lost because a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within a school district, the Superintendent of Public Instruction, upon application by the school district, may permit the additional days or equivalent minutes of instruction lost to be counted as school days in session. The application must be submitted in the manner prescribed by the Superintendent of Public Instruction.~~

~~8. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize additional days or minutes of instruction for a program of remedial education that is fully paid for through the school district, including, without limitation, the provision of transportation. If the Superintendent of Public Instruction authorizes such additional days or minutes, the board of trustees may adopt a policy prescribing the minimum number of days of attendance or the minimum number of minutes of attendance for a pupil who is determined to need such remedial education. If the board of trustees adopts such a policy, the policy must include, without limitation, the criteria for determining that a pupil be enrolled in the program of remedial education, the procedure pursuant to~~

~~which parents and guardians will be notified of the pupil's progress throughout the school year and a process for appealing a determination regarding a pupil's need for remedial education.~~

~~9. The State Board shall adopt regulations:~~

~~(a) Providing procedures for changing schedules of instruction to be used if a natural disaster, inclement weather or an accident necessitates the closing of a particular school within a school district.~~

~~(b) Defining a rural portion of a county and a remote portion of a county for the purposes of subsection 2. (Deleted by amendment.)~~

Sec. 4. ~~[NRS 388.842 is hereby amended to read as follows:~~

~~388.842 1. A program of distance education may include, without limitation, an opportunity for pupils to participate in the program:~~

~~(a) For a shorter school day or a longer school day than that regularly provided for in the school district or charter school, as applicable; and~~

~~(b) During any part of the calendar year.~~

~~2. If a program of distance education is provided for pupils on a full time basis, the program must include at least as many hours or minutes of instruction as would be provided under a program consisting of [180] 183 days. (Deleted by amendment.)~~

Sec. 5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall establish a design team to facilitate the design, development and implementation of strategies to improve conditions of teaching and learning within the school district.

2. The membership of a design team created pursuant to subsection 1 must consist of persons appointed by the board of trustees from among:

(a) Representatives of the school district; and

(b) Representatives of recognized employee organizations which represent one or more groups of employees of the school district.

↳ At least 50 percent of the members that the board of trustees appoints to the design team must be representatives of recognized employee organizations which represent one or more groups of employees of the school district.

3. In carrying out its duties to facilitate the design, development and implementation of strategies to improve conditions of teaching and learning within the school district, the design team for each school district shall develop a program for the school district pursuant to which an employee of the school district may become eligible to earn an enhanced level of compensation by achieving outstanding development in his profession or employment, as assessed in accordance with the criteria developed pursuant to subsection 4.

4. To determine whether an employee of the school district has achieved outstanding development in his profession or employment, the design team for each school district shall develop criteria for use in the school district setting forth, without limitation:

(a) The activities in which an employee of the school district must participate to achieve outstanding development in his profession or employment;

(b) The duties an employee of the school district must carry out to achieve outstanding development in his profession or employment; and

(c) The knowledge and skills an employee of the school district must acquire to achieve outstanding development in his profession or employment.

5. A program of enhanced compensation developed pursuant to subsection 3 must be:

(a) Applicable to all employees of the school district for which the program is developed, regardless of whether those employees are licensed or unlicensed; and

(b) Bargained for in accordance with the provisions of chapter 288 of NRS.

6. As used in this section, "employee organization" has the meaning ascribed to it in NRS 288.040.

Sec. 6. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded ~~on or~~ **not** later than:

(a) December 1;

(b) February 1; and

(c) April 1,

↪ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. ***An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes***

during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, he shall bring the matter to the employee's attention in a written document which is separate from the evaluation ~~no~~ **not** later than ~~February 15~~ **March 1** of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. *An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.*

6. The evaluation of a probationary teacher or a postprobationary teacher must ~~if~~ **include, without limitation:**

- (a) An evaluation of the classroom management skills of the teacher;*
- (b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;*
- (c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;*
- (d) An evaluation of the whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;*
- (e) If necessary, ~~include~~ recommendations for improvements in ~~this~~ the performance ~~[. A reasonable effort must be made to assist the teacher to correct any deficiencies noted in the evaluation.] of the teacher;~~*
- (f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and*
- (g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.*

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. *Upon the request of a teacher, a reasonable effort must be made to assist the teacher*

to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 7. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that he believes may lead to demotion ~~or~~ **or** dismissal or cause the employee not to be reemployed under the provisions of NRS 391.312, he shall:

(a) Except as otherwise provided in subsection ~~{2.}~~ **3**, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to his demotion, dismissal or a refusal to reemploy him, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for his potential demotion, dismissal or a potential recommendation not to reemploy him; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

↪ The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for him by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

~~{2.}~~ **3.** An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his employment will be terminated pursuant to NRS 391.3197. If by ~~February 15~~ **March 1** of the first or second year of his probationary period a probationary employee does not receive a written notice pursuant to subsection 4 of NRS 391.3125 of a potential decision not to reemploy him, he must receive an admonition before any such decision is made.

~~{3.}~~ **4.** A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of NRS 391.312.

Sec. 8. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before May

10 of the first or second year of his probationary period, as appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes his 2-year probationary period and receives a notice of reemployment from the school district in the second year of his probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. ~~[A]~~ ***If a probationary employee [who receives an unsatisfactory evaluation] receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him, the employee*** may request a supplemental evaluation by another administrator in the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in ~~the~~ ***this*** State. If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of his probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that he will not be reemployed for the second year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after either year of his probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

↳ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the additional probationary period, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

Sec. 9. ~~{1. There is hereby appropriated from the State General Fund to the State Distributive School Account created by NRS 387.030 in the State General Fund:~~

~~For the Fiscal Year 2007-2008 \$38,844,422~~

~~For the Fiscal Year 2008-2009 \$41,774,035~~

~~2. The money appropriated by subsection 1 must be distributed by the Department of Education in a fair and equitable manner among the 17 county school districts to provide 3 additional instructional days to the school year.~~

~~3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years 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, 2008, and September 18, 2009, respectively, 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, 2008, and September 18, 2009, respectively.] (Deleted by amendment.)~~

Sec. 10. ~~{1. There is hereby appropriated from the State General Fund to the State Distributive School Account created by NRS 387.030 in the State General Fund:~~

~~For the Fiscal Year 2007-2008 \$11,084,643~~

~~For the Fiscal Year 2008-2009 \$11,843,603~~

~~2.—The money appropriated by subsection 1 must be distributed in accordance with the provisions of NRS 387.122, as amended by section 2 of this act.~~

~~3.—Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years 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, 2008, and September 18, 2009, respectively, 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, 2008, and September 18, 2009, respectively.] (Deleted by amendment.)~~

Sec. 11. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 469.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 370.

SUMMARY—~~[Provides for the creation of a state]~~ **Requires the Division of State Parks of the State Department of Conservation and Natural Resources to conduct a study to consider the feasibility of establishing a park for the protection of certain paleontologically sensitive sites.** (BDR ~~35~~ S-717)

AN ACT relating to ~~[state parks; creating a state park in the Upper Las Vegas Wash]~~ **parks**; requiring the Division of State Parks of the State Department of Conservation and Natural Resources to conduct a study of the feasibility of **establishing and** developing ~~[the park]~~ **a park in the Upper Las Vegas Wash**; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~[1]~~ 2 of this bill ~~[creates a state park on approximately 315 acres of land owned by the State in the Upper Las Vegas Wash. Section 2 of this bill]~~ requires the Division of State Parks of the State Department of Conservation and Natural Resources to work with the University of Nevada, Las Vegas, to conduct a study of the feasibility of **establishing and** developing ~~[the park created in section 1 to contain]~~ **a park in the Upper Las Vegas Wash. Section 1 further requires the study to include a consideration of the feasibility of developing** a museum and a live dig site that the public may

visit. Section 3 of this bill contains an appropriation for the costs of the study.

WHEREAS, The portion of the Upper Las Vegas Wash known as the Tule Springs Archaeological Site was the site of significant archaeological and paleontological digs in the 1960s; and

WHEREAS, The Upper Las Vegas Wash is world-famous for its abundant and well-preserved fossils of extinct animals dating to the latter part of the ice age; and

WHEREAS, The fossils found in the Upper Las Vegas Wash range in age from more than 40,000 years old to 11,000 years old and include remains of extinct mammoths, ground sloths, giant lions, camels and llamas, giant bison and large and small horses, as well as abundant small mammals, birds, reptiles, amphibians and fish; and

WHEREAS, Study of these fossils could provide significant educational resources to the people of the State of Nevada; and

WHEREAS, The Upper Las Vegas Wash is one of the last remnants of untouched desert immediately adjacent to the City of Las Vegas, and thus is an important natural resource for the State of Nevada; and

WHEREAS, The Upper Las Vegas Wash should be preserved to ensure the resource is not lost; and

WHEREAS, A ~~state~~ park created in the Upper Las Vegas Wash could become a major attraction for the people of Nevada, bringing national and international tourists to the State in the same way that the La Brea Tar Pits of Los Angeles attract visitors to California; now, therefore,

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

Section 1. ~~Chapter 407 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~Lot 7, SE 1/4 of the SW 1/4, S 1/2 of the SE 1/4 of section 6; and lot 1, the NE 1/4 of the NW 1/4, the N 1/2 of the NE 1/4 of section 7; all in T. 19 S., R. 61 E., M.D.B. & M., containing 315 acres, more or less, are hereby reserved from sale and are set apart for all time for state park and recreational purposes. (Deleted by amendment.)~~

Sec. 2. 1. The Division of State Parks of the State Department of Conservation and Natural Resources, in cooperation with the University of Nevada, Las Vegas, shall conduct or cause to be conducted, a study to consider the feasibility of **establishing and developing** ~~the park created by section 1 of this act to contain~~ **a park in the area of Clark County, Nevada, known as the Upper Las Vegas Wash. The study must include, without limitation, a consideration of the feasibility of developing a museum and a live dig site that is available for the public to visit.**

2. The Division may receive and expend money from any public or private institution or person to carry out the provisions of this act.

3. The Administrator of the Division of State Parks may appoint an advisory board consisting of recognized paleontologists from within or without the State of Nevada to assist him in carrying out the study required by subsection 1.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of \$50,000 to be used for the study required by section 2 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, 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 18, 2009, 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 18, 2009.

Sec. 4. This act becomes effective on July 1, 2007.

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

Assemblyman Claborn moved that upon return from the printer, Assembly Bill No. 469 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 477.

Bill read second time and ordered to third reading.

Assembly Bill No. 534.

Bill read second time and ordered to third reading.

Assembly Bill No. 541.

Bill read second time and ordered to third reading.

Assembly Bill No. 542.

Bill read second time and ordered to third reading.

Assembly Bill No. 591.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 255.

AN ACT relating to education; revising provisions governing the sponsorship of charter schools; prescribing the circumstances under which certain charter schools are exempt from annual **performance** audits and are authorized to receive **certain money** ~~for financing~~ for facilities ; ~~from a school district~~ revising provisions regarding the membership of a governing

body of a charter school; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district and the State Board of Education may sponsor charter schools. (NRS 386.515) Section 17 of this bill authorizes a college or university within the Nevada System of Higher Education to sponsor charter schools. Sections 1-14, 17-20, 25, 26 and 28 of this bill revise provisions to reflect sponsorship by a college or university.

~~Existing law requires annual audits of charter schools. (NRS 386.540; NAC 386.380)~~ Section 15 of this bill sets forth the requirements for a charter school that has been in operation for at least 5 years to be exempt from ~~the~~ an annual **performance** audit and undergo ~~an~~ a **performance** audit every 3 years and to be eligible for **available** money ~~for financing~~ **from legislative appropriation or otherwise** for facilities. ~~from the school district in which the charter school is located. Section 27 of this bill requires the board of trustees of a school district that includes such a charter school to provide money or financing for the charter school for facilities under certain circumstances.~~ Section 30 of this bill makes an appropriation for those charter schools which satisfy the requirements ~~for~~ **for school facilities**.

Existing law requires the Department of Education and the sponsor of a charter school to provide certain assistance and information to charter schools. (NRS 386.545) Section 22 of this bill expands the services that a school district must provide if the school district sponsors a charter school.

Existing law prescribes the membership of the governing body of a charter school. (NRS 386.549) Existing regulation of the Department of Education prohibits more than one member on the governing body representing the same nonprofit organization or business. (NAC 386.345) Section 23 of this bill prohibits more than two persons who serve on the governing body from representing the same organization or business or otherwise representing the interests of the same organization or business.

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

Section 1. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed **educational** personnel in ~~education in~~ the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall ~~+~~

~~(a) Report~~ **report** the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.

~~[(b) For the information that is reported in an aggregated format, include the data that is applicable to]~~ **The information for charter schools must be reported separately and must denote** the charter schools sponsored by the school district ~~[but not the charter schools that are sponsored by the State Board.~~

~~(c) Denote separately in the report those charter schools that are located within the school district and]~~ , **the charter schools** sponsored by the State Board ~~[-] and the charter schools sponsored by a college or university within the Nevada System of Higher Education.~~

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and 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 in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

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

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

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

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

(4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

(5) The percentage of pupils who were not tested;

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph (3);

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

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

↪ A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

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

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

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

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

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

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty

schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

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

(I) On and after July 1, 2005, 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) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, 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) On and after July 1, 2006, 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.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

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

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

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

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole, excluding pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

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

(3) Withdraw from school to attend another school.

(i) 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 in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

- (1) A standard high school diploma.
- (2) An adjusted diploma.
- (3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

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

- (1) The number of paraprofessionals employed at the school; and
- (2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 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 he is employed for one of the following reasons:

- (a) Acquisition of knowledge or skills relating to the professional development of the teacher; or
- (b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

- (a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and
- (b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration; and
- (6) Legislative Counsel Bureau,

→ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

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

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

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

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.349 is hereby amended to read as follows:

385.349 1. The board of trustees of each school district shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.347 on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) The information set forth in subsection 1 of NRS 385.34692, reported for the school district as a whole and for each school within the school district;

(b) Information on the involvement of parents and legal guardians in the education of their children; and

(c) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. The Department shall, in consultation with the Bureau and the school districts, prescribe a form that contains the basic information required by subsection 1. The board of trustees of a school district may use 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.

4. On or before September 7 of each year, the board of trustees of each school district shall:

(a) Submit the summary in an electronic format to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) Schools within the school district.

(b) Provide for the public dissemination of the summary by posting a copy of the summary on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the summary. The board of trustees of each school district shall ensure that the parents and guardians of pupils enrolled in the school district have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website maintained by the school district, if any. Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the summary.

5. The board of trustees of each school district shall ~~[-~~

~~(a) Report~~ **report** the information required by this section for each charter school that is located within the school district, regardless of the sponsor of the charter school.

~~[(b) For the information that is reported in an aggregated format, include the data that is applicable to]~~ **The information for charter schools must be reported separately and must denote** the charter schools sponsored by the school district ~~[but not the charter schools that are sponsored by the State Board.~~

~~(c) Denote separately in the report those charter schools that are located within the school district and]~~ , **the charter schools** sponsored by the State Board ~~[-]~~ **and the charter schools sponsored by a college or university within the Nevada System of Higher Education.**

Sec. 3. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. Except as otherwise provided in subsection 2, on or before June 15 of each year, the Department shall determine whether each public school is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

2. On or before June 30 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Board ~~[-]~~ **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 Board ~~[-]~~ **or the institution 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 June 15 or June 30 of each year, as applicable, the Department shall transmit:

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

(b) To the State Board the determination made for each charter school that is sponsored by the State Board.

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

4. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any subgroup identified in paragraph (b) of subsection 1 of NRS 385.361

does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school shall be deemed to have made adequate yearly progress even though a subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the annual measurable objectives of the State Board.

5. In addition to the provisions of subsection 4, the Department shall determine that a public school has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils enrolled in the school who were required to take the examinations; or

(b) Except as otherwise provided in subsection 6, for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the subgroup enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils in that subgroup enrolled in the school who were required to take the examinations.

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

(a) The Department shall not determine that the school has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 5 based solely upon that particular subgroup.

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

↪ The State Board shall prescribe the mechanism for determining the number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

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

8. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 4. NRS 385.362 is hereby amended to read as follows:

385.362 1. If a public school fails to make adequate yearly progress for 1 year:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district in which the school is located shall ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. For a charter school sponsored by the school district, the board of trustees shall provide the technical assistance to the charter school in conjunction with the governing body of the charter school.

(b) For a charter school sponsored by the State Board ~~of~~ *or a college or university within the Nevada System of Higher Education*, the Department shall ensure, in conjunction with the governing body of the charter school, that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

2. If a public school fails to make adequate yearly progress for 1 year, the principal of the school shall ensure that the plan to improve the achievement of pupils enrolled in the school is reviewed, revised and approved in accordance with NRS 385.357.

Sec. 5. NRS 385.366 is hereby amended to read as follows:

385.366 1. Based upon the information received from the Department pursuant to NRS 385.3613, the board of trustees of each school district shall, on or before July 1 of each year, issue a preliminary designation for each public school in the school district in accordance with the criteria set forth in NRS 385.3623, excluding charter schools sponsored by the State Board ~~of~~ *or a college or university within the Nevada System of Higher Education*. The board of trustees shall make preliminary designations for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary designations for all charter schools that are sponsored by the State Board ~~of~~ *and all charter schools sponsored by a college or university within the Nevada System of Higher Education*. The initial designation of a school as demonstrating need for improvement must be based upon 2 consecutive years of data and information for that school.

2. Before making a final designation for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary designation is based and to present evidence in the manner set forth in 20 U.S.C. § 6316(b)(2) and the regulations adopted pursuant thereto. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the designation for the school on August 1. If the school is a charter school sponsored by the State Board ~~of~~ *or a college or university within the Nevada System of Higher Education*, the Department shall make a final determination concerning the designation for the school on August 1.

3. On or before August 1 of each year, the Department shall provide written notice of the determinations made pursuant to NRS 385.3613 and the final designations made pursuant to this section as follows:

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

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

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

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

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

Sec. 6. NRS 385.3661 is hereby amended to read as follows:

385.3661 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply, the technical assistance partnership established for the school pursuant to this section shall carry out the requirements of NRS 385.3692.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382;

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto; and

(c) Establish a technical assistance partnership for the school, with the membership prescribed pursuant to NRS 385.3691.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply:

(a) The governing body of the charter school shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Establish a technical assistance partnership for the charter school, with the membership prescribed pursuant to NRS 385.3691.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. The provisions of this paragraph do not require the school

district to pay for the technical assistance partnership established by the governing body of the charter school.

(c) For a charter school sponsored by the State Board ~~{ }~~ **or a college or university within the Nevada System of Higher Education**, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

4. In addition to the requirements of subsection 2 or 3, as applicable, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall provide school choice to the parents and guardians of pupils enrolled in the school, including, without limitation, a charter school sponsored by the school district, in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(b) For a charter school sponsored by the State Board ~~{ }~~ **or a college or university within the Nevada System of Higher Education**, the Department shall work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

Sec. 7. NRS 385.3691 is hereby amended to read as follows:

385.3691 1. The membership of each technical assistance partnership established by the board of trustees of a school district for a public school pursuant to NRS 385.3661:

(a) Must consist of:

(1) At least one employee of the public school for which the partnership is established; and

(2) At least one representative of the school district.

(b) May consist of other persons, as determined by the board of trustees, in accordance with the needs of the school based upon the data and information pertaining to that school.

2. The membership of each technical assistance partnership established by the governing body of a charter school:

(a) Must consist of:

(1) At least one employee of the charter school;

(2) At least one member of the governing body of the charter school;

(3) For a charter school sponsored by the board of trustees of the school district, at least one representative of the school district, appointed by the school district; ~~and~~

(4) For a charter school sponsored by the State Board, at least one representative of the Department, appointed by the Department ~~{ }~~; **and**

(5) For a charter school sponsored by a college or university within the Nevada System of Higher Education, at least one representative of that institution, appointed by the president of the institution.

(b) May consist of other persons, as determined by the governing body, in accordance with the needs of the charter school based upon the data and information pertaining to that charter school.

Sec. 8. NRS 385.3693 is hereby amended to read as follows:

385.3693 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the technical assistance partnership established for the school pursuant to NRS 385.3661 shall carry out the requirements of NRS 385.3692.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382;

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto; and

(c) Continue the technical assistance partnership for the school.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years:

(a) The governing body of the charter school shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Continue the technical assistance partnership for the school.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. The provisions of this paragraph do not require the school district to pay for the technical assistance partnership established by the governing body of the charter school.

(c) For a charter school sponsored by the State Board ~~of~~ **or a college or university within the Nevada System of Higher Education**, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

Sec. 9. NRS 385.372 is hereby amended to read as follows:

385.372 1. In addition to the requirements of NRS 385.3693, if a Title I school is designated as demonstrating need for improvement pursuant to

NRS 385.3623 for 2 consecutive years for failing to make adequate yearly progress:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) Except as otherwise provided in subsection 2, provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) Sponsored by the State Board ~~of~~ *or a college or university within the Nevada System of Higher Education*, the Department shall work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(3) Except as otherwise provided in subsection 3, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of supplemental educational services for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3721 apply to the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of supplemental educational services for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3721 apply to the charter school as if the delay never occurred.

Sec. 10. NRS 385.3721 is hereby amended to read as follows:

385.3721 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years, the support team established for the school pursuant to this section shall carry out the requirements of NRS 385.3741 and 385.3742.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) The board of trustees of the school district shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The Department shall establish a support team for the school, with the membership prescribed pursuant to NRS 385.374.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) For a charter school sponsored by the State Board of ~~Trustees~~ *or a college or university within the Nevada System of Higher Education*, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(d) The Department shall establish a support team for the school, with the membership prescribed pursuant to NRS 385.374.

Sec. 11. NRS 385.3741 is hereby amended to read as follows:

385.3741 1. Each support team established for a public school pursuant to NRS 385.3721 shall:

(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

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

(c) Review the most recent plan to improve the achievement of the school's pupils.

(d) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

(e) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

(f) Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school. For a charter school sponsored by the State Board, the support team shall make the recommendations to the State Board and the Department. ***For a charter school sponsored by a college or university within the Nevada System of Higher Education, the support team shall make the recommendations to the sponsor, the State Board and the Department.***

(g) In accordance with its findings pursuant to this section and NRS 385.3742, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

- (1) Comply with NRS 385.357;
- (2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;
- (3) Include the data and findings of the support team that provide support for the revisions;
- (4) Set forth goals, objectives, tasks and measures for the school that are:
 - (I) Designed to improve the achievement of the school's pupils;
 - (II) Specific;
 - (III) Measurable; and
 - (IV) Conducive to reliable evaluation;
- (5) Set forth a timeline to carry out the revisions;
- (6) Set forth priorities for the school in carrying out the revisions; and
- (7) Set forth the names and duties of each person who is responsible for carrying out the revisions.

(h) Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State Board, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school. ***If a charter school is sponsored by a college or university within the Nevada System of Higher Education, that institution shall assist the school with carrying out and monitoring the plan for improvement of the school.***

(i) Prepare a monthly progress report in the format prescribed by the Department and:

- (1) Submit the progress report to the Department.
- (2) Distribute copies of the progress report to each employee of the school for review.

(j) In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise monthly progress report for use by each support team in accordance with paragraph (i) of subsection 1.

Sec. 12. NRS 385.3743 is hereby amended to read as follows:

385.3743 1. In addition to the requirements of NRS 385.3721, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto;

(2) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and

(3) Except as otherwise provided in subsection 2, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(2) Sponsored by the State Board ~~[-]~~ **or a college or university within the Nevada System of Higher Education**, the Department shall:

(I) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(3) Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider

approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of corrective action for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3745 apply as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of corrective action for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3745 apply as if the delay never occurred.

Sec. 13. NRS 385.3745 is hereby amended to read as follows:

385.3745 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years, the support team established for the school pursuant to NRS 385.3721 shall carry out the requirements of NRS 385.3741, 385.3742 and 385.3744, as applicable.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years:

(a) The board of trustees of the school district shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The Department shall continue a support team for the school.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) For a charter school sponsored by the State Board ~~[-]~~ **or a college or university within the Nevada System of Higher Education**, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(d) The Department shall continue a support team for the charter school.

Sec. 14. NRS 385.3746 is hereby amended to read as follows:

385.3746 1. In addition to the requirements of NRS 385.3745, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto;

(2) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and

(3) Except as otherwise provided in subsection 2, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and

(II) Except as otherwise provided in subsection 3, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(2) Sponsored by the State Board ~~of~~ *or a college or university within the Nevada System of Higher Education*, the Department shall:

(I) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(3) Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of a plan for restructuring for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the board of trustees shall proceed with a plan for restructuring the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of a plan for restructuring for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the Department shall proceed with a plan for restructuring the charter school as if the delay never occurred.

4. Before the board of trustees of a school district or the Department proceeds with a plan for restructuring, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees or the Department, as applicable, will develop a plan for restructuring the school;

(b) An opportunity to comment before the plan to restructure is developed; and

(c) An opportunity to participate in the development of the plan to restructure.

Sec. 15. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~1. [A]~~ To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the ~~board of trustees of a school district~~ Department for money for facilities ~~pursuant to section 27 of this act~~ if:

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

(b) Each financial audit and each performance audit of the charter school required by the Department ~~pursuant to NRS 386.540~~ contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 for the majority of the years of its operation; ~~and~~

(d) The charter school offers instruction on a daily basis during the school week of the charter school on the campus of the charter school; and

(e) ~~The charter school enrolls pupils at a high school grade level and at~~ At least 75 percent of ~~those~~ the pupils enrolled in the charter school who are required to take the high school proficiency examination have passed that examination ~~;~~, 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 ~~an~~ 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 ~~an~~ a performance audit of the charter school more frequently than every 3 years without showing good cause for such a request.

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. 16. NRS 386.500 is hereby amended to read as follows:

386.500 For the purposes of NRS 386.500 to 386.610, inclusive, **and section 15 of this act** a pupil is “at risk” if he has an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are limited English proficient, 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. 17. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Board shall sponsor charter schools whose applications have been approved by the State Board pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Board sponsors a charter school, the State Board or the Department is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may sponsor charter schools.

Sec. 18. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in subsection 4. In addition to the teachers who serve, the committee may consist of:

- (a) Members of the general public;
- (b) Representatives of nonprofit organizations and businesses; or
- (c) Representatives of a college or university within the Nevada System of Higher Education.

↪ A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this State at the time that the application to form the charter school is submitted to the Department.

2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, the Subcommittee on Charter Schools, ~~the~~ the State Board ~~or~~ **or a college or university within the Nevada System of Higher Education**, it must submit the application to the Department. The application must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive.

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates of enrollment for the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

3. The Department shall review an application to form a charter school to determine whether it is complete. If an application proposes to convert an existing public school, home school or other program of home study into a charter school, the Department shall deny the application. The Department shall provide written notice to the applicant of its approval or denial of the application. If the Department denies an application, the Department shall include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

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

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

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

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

Sec. 19. NRS 386.525 is hereby amended to read as follows:

386.525 1. Upon approval of an application by the Department, a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located , *a college or university within the Nevada System of Higher Education* or directly to the Subcommittee on Charter Schools. If the board of trustees of a school district , *a college or a university, as applicable*, receives an application to form a charter school, the board of trustees *or the institution, as applicable*, shall consider the application at a meeting that must be held not later than 45 days after the receipt of the application, or a period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district ~~or~~ *or the institution, as applicable*, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, *the college, the university*, the Subcommittee on Charter Schools or the State Board, as applicable, shall review an application to determine whether the application:

(a) Complies with NRS 386.500 to 386.610, inclusive, and the regulations applicable to charter schools; and

(b) Is complete in accordance with the regulations of the Department.

2. The Department shall assist the board of trustees of a school district , *the college or the university, as applicable*, in the review of an application. The board of trustees , *the college or the university, as applicable*, may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. The board of trustees , *the college or the university, as applicable*, shall provide written notice to the applicant of its approval or denial of the application.

3. If the board of trustees , *the college or the university, as applicable*, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees , *the college or the university, as applicable*, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request for sponsorship by the State Board to the Subcommittee on Charter Schools created pursuant to NRS 386.507 not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

5. If the Subcommittee on Charter Schools receives an application pursuant to subsection 1 or 4, it shall hold a meeting to consider the application. The meeting must be held not later than 45 days after receipt of the application. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The Subcommittee shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The Subcommittee may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.

6. The Subcommittee on Charter Schools shall transmit the application and the recommendation of the Subcommittee for approval or denial of the application to the State Board. Not more than 14 days after the date of the meeting of the Subcommittee pursuant to subsection 5, the State Board shall hold a meeting to consider the recommendation of the Subcommittee. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Board shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The State Board may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. Not more than 30 days after the meeting, the State Board shall provide written notice of its determination to the applicant.

7. If the State Board denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

8. If the State Board denies an application after it has been resubmitted pursuant to subsection 7, the applicant may, not more than 30 days after the receipt of the written notice from the State Board, appeal the final

determination to the district court of the county in which the proposed charter school will be located.

9. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, ~~for~~ the State Board, **a college or a university** during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 20. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the State Board, ~~or~~ the board of trustees of a school district **or a college or university within the Nevada System of Higher Education** approves an application to form a charter school, it shall grant a written charter to the applicant. The State Board, ~~or~~ the board of trustees, **the college or the university**, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

2. If the State Board approves the application:

(a) The State Board shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

3. ~~Upon the initial renewal of a written charter and each renewal thereafter, the~~ **If a college or university within the Nevada System of Higher Education approves the application:**

(a) **That institution shall be deemed the sponsor of the charter school.**

(b) **Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.**

4. **The** governing body of a charter school may request, **at any time**, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt objective criteria for the conditions under which such a request may be granted.

~~4.~~ 5. Except as otherwise provided in subsection ~~6.~~ 7, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to (o), inclusive, of subsection 2 of

NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Board is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

~~{5}~~ 6. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate. If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, and any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment. If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the governing body of the charter school must submit a new application to form a charter school. If such an application is approved, the charter school may continue to operate under the same governing body and an additional governing body does not need to be selected to operate the charter school with the expanded grade levels.

~~{6}~~ 7. The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

- (a) Period for which such a written charter is valid; and
- (b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

↪ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

~~{7}~~ 8. The holder of a written charter that is issued pursuant to subsection ~~{6}~~ 7 shall not commence operation of the charter school and is

not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection ~~{6}~~ 7 have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

↪ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 21. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district to the Department for authorization to sponsor charter schools and the contents of the application;

(b) The process for submission of an application to form a charter school to the Department, the board of trustees of a school district and the Subcommittee on Charter Schools, and the contents of the application;

(c) The process for submission of an application to renew a written charter; and

(d) The criteria and type of investigation that must be applied by the board of trustees, the Subcommittee on Charter Schools and the State Board in determining whether to approve an application to form a charter school or an application to renew a written charter.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, including, without limitation, regulations that prescribe the ~~{procedures}~~ :

(a) *Procedures* for accounting ~~{}~~ and budgeting ~~{and annual audits}~~ ;

(b) ~~{Audits}~~ **Requirements for performance audits and financial audits** of charter schools ~~{}~~ **on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of section 15 of this act; and**

(c) ~~{Audits of charter schools}~~ **Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of section 15 of this act.**

Sec. 22. NRS 386.545 is hereby amended to read as follows:

386.545 1. The Department and the board of trustees of a school district shall:

(a) Upon request, provide information to the general public concerning the formation and operation of charter schools; and

(b) Maintain a list available for public inspection that describes the location of each charter school.

2. The sponsor of a charter school shall:

(a) Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of NRS 386.500 to 386.610, inclusive;

(b) Provide technical and other reasonable assistance to a charter school for the operation of the charter school; ~~and~~

(c) Provide information to the governing body of a charter school concerning the availability of money for the charter school, including, without limitation, money available from the Federal Government ~~+~~; **and**

(d) Provide timely access to the electronic data concerning the pupils enrolled in the charter school that is maintained pursuant to NRS 386.650.

3. ***If the board of trustees of a school district is the sponsor of a charter school, the sponsor shall:***

(a) If a pupil enrolled in the charter school is on an extended leave of absence from the charter school due to a physical condition or illness, provide for in-home educational services to the pupil in the same manner as other pupils enrolled in the school district receive those services.

(b) Provide the charter school with an updated list of available substitute teachers within the school district.

(c) Provide access to school buses for use by the charter school for field trips. The school district may charge a reasonable fee for the use of the school buses.

(d) If the school district offers summer school or Internet-based credit recovery classes, allow the pupils enrolled in the charter school to participate if space is available. The school district shall apply the same fees, if any, for participation of the pupils enrolled in the charter school as it applies to pupils enrolled in the school district.

4. The Department shall provide appropriate information, education and training for charter schools and the governing bodies of charter schools concerning the applicable provisions of title 34 of NRS and other laws and regulations that affect charter schools and the governing bodies of charter schools.

Sec. 23. NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school must consist of at least three teachers, as defined in subsection 4, and may consist of, without limitation, parents and representatives of nonprofit organizations and businesses. ***Not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business.*** A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to

the sponsor of the charter school within 10 working days after such change. A person may serve on the governing body only if he submits an affidavit to the Department indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other material designed to assist the governing bodies of charter schools, if such material is provided to the person by the Department.

2. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

3. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located.

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

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

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

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

Sec. 24. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation ~~and~~, the provision of health services for the pupils who are enrolled in the charter school ~~and~~ **and the provision of school police officers.**

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the charter school is located shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➔ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

5. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the charter school is located shall authorize the pupil to participate in sports at the public school that he would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➔ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

6. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 4 and 5 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or an association for interscholastic activities. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 25. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays to the

charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose.

2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of a school year, the sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that school year if the sponsor provided administrative services during that school year. ***The request must include an itemized list of those costs.*** Upon receipt of such a request, the governing body shall pay the reimbursement to the board of trustees of the school district ~~if~~ if the board of trustees sponsors the charter school, ~~to~~ to the Department if the State Board sponsors the charter school ~~or to the college or university within the Nevada System of Higher Education if that institution sponsors the charter school.~~ If a governing body fails to pay the reimbursement, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. If the board of trustees of a school district is the sponsor of a charter school, the amount of money that may be paid to the sponsor pursuant to this subsection for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

(b) For any year after the first year of operation of the charter school, 1 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

4. If the State Board ***or a college or university within the Nevada System of Higher Education*** is the sponsor of a charter school, the amount of money that may be paid to the Department ***or to the institution, as applicable,*** pursuant to subsection 3 for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

(b) For any year after the first year of operation of the charter school, 1.5 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

5. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose

applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

6. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

7. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Board may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

8. If a charter school uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 26. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before August 15 of each year, if the board of trustees of a school district *or a college or university within the Nevada System of Higher Education* sponsors a charter school, the board of trustees *or the institution, as applicable*, shall submit a written report to the State Board. The written report must include:

(a) An evaluation of the progress of each charter school sponsored by the board of trustees *or institution, as applicable*, in achieving its educational goals and objectives.

(b) A description of all administrative support and services provided by the school district *or institution, as applicable*, to the charter school.

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in

accordance with the regulations of the Department, the sponsor may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.

Sec. 27. ~~[Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The board of trustees of a school district that includes a charter school which satisfies the requirements of subsection 1 of section 15 of this act, regardless of the sponsor of the charter school, shall provide money or financing for school facilities for those charter schools in an amount equal to 1 percent of the proceeds of all bonds issued by the school district for school facilities after July 1, 2007. This percentage is solely a measure of the amount for use by charter schools pursuant to this section and does not authorize or require a school district to set aside or in any way hold bond proceeds.~~

~~2. The governing body of a charter school that satisfies the requirements of subsection 1 of section 15 of this act may submit an application for money from the school district in which the charter school is located, regardless of the sponsor of the charter school, for the construction, alteration or remodel of a facility for the charter school. The application must include:~~

~~(a) A description of the project;~~

~~(b) The cost of the project;~~

~~(c) The amount requested by the governing body; and~~

~~(d) Unless standard plans, designs and specifications adopted by the State Board of Education pursuant to NRS 385.125 are to be used for the project, proof that the plans for the project have been approved by the State Public Works Board or local building department, as applicable, for the county.~~

~~3. Upon receipt of an application, the board of trustees of a school district shall provide a grant of money to the governing body of the charter school to the extent that money or other financing is available pursuant to subsection 1 if the application submitted by the governing body satisfies the requirements of subsection 2. The board of trustees shall ensure that the money available is distributed in a fair and equitable manner among those charter schools that submit applications which comply with this section.~~

~~4. If a charter school does not use the money provided pursuant to subsection 3 in the manner set forth in its application, the charter school shall repay the entire amount provided to the school district. If a charter school completes the project for which the money was provided and a portion of that money remains unexpended, the charter school shall repay the unexpended portion to the school district.~~

~~5. The board of trustees of each school district that includes one or more charter schools which satisfy the requirements of subsection 1 of section 15 of this act shall adopt a policy prescribing the procedure for the submission of applications by those charter schools and the annual deadline for submission of applications.] (Deleted by amendment.)~~

Sec. 28. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school and all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by NRS 388.854, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.

2. Except as otherwise provided in subsection 3, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. The apportionment to a charter school that is sponsored by the State Board ~~of~~ *or a college or university within the Nevada System of Higher Education*, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school.

4. In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program if an agreement is filed for that pupil pursuant to NRS 388.854 or 388.858, as applicable. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil

through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

7. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 29. ~~[NRS 387.335 is hereby amended to read as follows:~~

~~387.335 1. The board of trustees of a county school district may issue its general obligations to raise money for the following purposes, and no others:~~

~~(a) Construction, design or purchase of new buildings for schools, including, [but not limited to,] without limitation, charter schools that satisfy the requirements of subsection 1 of section 15 of this act, teacherages, dormitories, dining halls, gymnasiums and stadiums;~~

~~(b) Enlarging, remodeling or repairing existing buildings or grounds for schools, including, [but not limited to,] without limitation, charter schools that satisfy the requirements of subsection 1 of section 15 of this act, teacherages, dormitories, dining halls, gymnasiums and stadiums;~~

~~(c) Acquiring sites for building schools, or additional real property for necessary purposes related to schools, including, [but not limited to,] without limitation, charter schools that satisfy the requirements of subsection 1 of section 15 of this act, playgrounds, athletic fields and sites for stadiums;~~

~~(d) Paying expenses relating to the acquisition of school facilities which have been leased by a school district pursuant to NRS 393.080.~~

~~(e) Purchasing necessary furniture and equipment for schools. If money from the issuance of general obligations is used to purchase furniture and equipment to replace existing furniture and equipment, and that existing furniture and equipment subsequently is sold, the proceeds from the sale must be applied toward the retirement of those obligations.~~

~~2. Any one or more of the purposes enumerated in subsection 1 may, by order of the board of trustees entered in its minutes, be united and voted upon as one single proposition.~~

~~3. Any question submitted pursuant to this section and any question submitted pursuant to NRS 387.3285 may, by order of the board of trustees entered in its minutes, be united and voted upon as a single proposition.~~

(Deleted by amendment.)

Sec. 30. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of \$1,000,000 for distribution to charter schools that satisfy certain requirements ~~for~~ **for facilities for those charter schools.**

2. The governing body of a charter school that satisfies the requirements of subsection 1 of section 15 of this act may submit an application to the Department of Education, on a form prescribed by the Department, for a grant of money in the amount of \$250,000. The application must include proof satisfactory to the Department that the charter school satisfies the requirements of subsection 1 of section 15 of this act.

3. Upon receipt of an application and verification by the Department of Education that the charter school satisfies the requirements of subsection 1 of section 15 of this act, the Department shall provide the charter school with a grant of money in the amount of \$250,000. A charter school that receives a grant of money shall use the money ~~in accordance with its written charter.~~ **for facilities for the charter school.**

4. Applications must be considered and accepted in the order in which the applications are received. A charter school that satisfies the requirements of subsection 1 of section 15 of this act is eligible for one grant pursuant to this section and may not reapply after it receives a grant.

5. Any remaining balance of the appropriation made by ~~section 1 of this act~~ **subsection 1** must not be committed for expenditure after June 30, 2011, 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 16, 2011, 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 16, 2011.

Sec. 31. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

GENERAL FILE AND THIRD READING

Assembly Bill No. 127.

Bill read third time.

The following amendment was proposed by Assemblymen Mabey, Carpenter, Allen, Cobb and Goedhart:

Amendment No. 284.

SUMMARY—Revises provisions relating to interception of wire communications. (BDR ~~[15-1049]~~ **54-1049**)

AN ACT relating to communications; ~~[authorizing]~~ **clarifying that a person ~~to~~ may record certain telephone calls made by collection agents and collection agencies ~~[without obtaining their consent]~~ after providing notice that the call is being recorded and making a statement to that effect on the recording;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires two-party consent before a person may record a telephone conversation. (NRS 200.620) The Nevada Supreme Court has interpreted existing law to prohibit a person from recording his own telephone conversations unless the other party to the conversation gives prior consent to the recording. (*Lane v. Allstate Ins. Co.*, 114 Nev. 1176 (1998)) ~~[However, the law recognizes exceptions to the requirement of two party consent for certain situations, including: (1) interceptions of wire communications made pursuant to a court order; (2) interceptions of wire communications made with the consent of one party in an emergency situation and later ratified by a court; (3) interceptions of communications made by an offender in an institution or facility with a person outside of the institution or facility in certain circumstances; and (4) a public utility recording telephone calls relating to emergencies and service outages in certain circumstances. (NRS 179.410, 179.515, 209.419, 704.195)] Existing law also prohibits the surreptitious listening, monitoring or recording of private conversations engaged in by other persons. (NRS 200.650)~~

~~[Sections 1 and]~~ Section 4 of this bill ~~[provide an additional exception to the two party consent requirement set forth in NRS 200.620. Section 4]~~ authorizes a person to record any telephone call concerning a debt which is owed or asserted to be owed by the person if the telephone call is initiated by a collection agency or collection agent and received by the person who owes or is alleged to owe the debt ~~[. Section 4 further provides that the person who records the telephone call is not required to obtain the consent of the collection agency or collection agent to record the telephone call or provide]~~ **after providing notice to the collection agency or collection agent that the**

telephone call is being recorded ~~and~~ **and making a statement to that effect on the recording.**

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

Section 1. ~~NRS 200.620 is hereby amended to read as follows:
200.620 1. Except as otherwise provided in NRS 179.410 to 179.515,
inclusive, 209.419 and 704.195, and section 4 of this act, it is unlawful for
any person to intercept or attempt to intercept any wire communication
unless:~~

~~(a) The interception or attempted interception is made with the prior
consent of one of the parties to the communication; and~~

~~(b) An emergency situation exists and it is impractical to obtain a court
order as required by NRS 179.410 to 179.515, inclusive, before the
interception, in which event the interception is subject to the requirements of
subsection 3. If the application for ratification is denied, any use or disclosure
of the information so intercepted is unlawful, and the person who made the
interception shall notify the sender and the receiver of the communication
that:~~

~~(1) The communication was intercepted; and~~

~~(2) Upon application to the court, ratification of the interception was
denied.~~

~~2. This section does not apply to any person, or to the officers,
employees or agents of any person, engaged in the business of providing
service and facilities for wire communication where the interception or
attempted interception is to construct, maintain, conduct or operate the
service or facilities of that person.~~

~~3. Any person who has made an interception in an emergency situation
as provided in paragraph (b) of subsection 1 shall, within 72 hours of the
interception, make a written application to a justice of the Supreme Court or
district judge for ratification of the interception. The interception must not be
ratified unless the applicant shows that:~~

~~(a) An emergency situation existed and it was impractical to obtain a court
order before the interception; and~~

~~(b) Except for the absence of a court order, the interception met the
requirements of NRS 179.410 to 179.515, inclusive.~~

~~4. NRS 200.610 to 200.690, inclusive, do not prohibit the recording, and
NRS 179.410 to 179.515, inclusive, do not prohibit the reception in evidence,
of conversations on wire communications installed in the office of an official
law enforcement or fire-fighting agency, or a public utility, if the equipment
used for the recording is installed in a facility for wire communications or on
a telephone with a number listed in a directory, on which emergency calls or
requests by a person for response by the law enforcement or fire-fighting
agency or public utility are likely to be received. In addition, those sections
do not prohibit the recording or reception in evidence of conversations~~

initiated by the law enforcement or fire fighting agency or public utility from such a facility or telephone in connection with responding to the original call or request, if the agency or public utility informs the other party that the conversation is being recorded.] (Deleted by amendment.)

Sec. 2. ~~[NRS 200.650 is hereby amended to read as follows:~~

~~200.650 Except as otherwise provided in NRS 179.410 to 179.515, inclusive, and 704.195, and section 4 of this act, a person shall not intrude upon the privacy of other persons by surreptitiously listening to, monitoring or recording, or attempting to listen to, monitor or record, by means of any mechanical, electronic or other listening device, any private conversation engaged in by the other persons, or disclose the existence, content, substance, purport, effect or meaning of any conversation so listened to, monitored or recorded, unless authorized to do so by one of the persons engaging in the conversation.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 179.458 is hereby amended to read as follows:~~

~~179.458 The provisions of NRS 179.410 to 179.515, inclusive, do not prohibit the recording of any telephone call by [a]~~

~~1. A public utility pursuant to NRS 704.195 [.] ; or~~

~~2. A person authorized to record a telephone call made by a collection agency or collection agent pursuant to section 4 of this act.] (Deleted by amendment.)~~

Sec. 4. Chapter 649 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~{A}~~ **After providing notice that the telephone conversation will be recorded, a person may record any telephone call that:**

(a) ***Concerns a claim which is owed or asserted to be owed by the person;***

(b) ***Is made by a collection agency or collection agent; and***

(c) ***Is received by the person.***

2. ***A person who records a telephone call pursuant to this section is*** ~~[not] required to [:~~

~~(a) Obtain the consent of the collection agency or collection agent to record the telephone call; or~~

~~(b) Provide notice to the collection agency or collection agent that the person is recording the telephone call.] **make a statement immediately after the recording begins that the telephone call is being recorded.**~~

3. ***As used in this section, "record" means the acquisition of the contents of a wire communication through the use of a recording device.***

Assemblyman Mabey moved the adoption of the amendment.

Remarks by Assemblymen Mabey, Smith, and Segerblom.

Amendment lost.

Remarks by Assemblymen Smith, Carpenter, and Mortenson.

Roll call on Assembly Bill No. 127:

YEAS—28.

NAYS—Allen, Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settlemeyer, Stewart, Weber—14.

Assembly Bill No. 127 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 25.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 492.

AN ACT relating to business associations; revising certain fees charged by the Office of the Secretary of State; revising the provisions pertaining to the name of a foreign limited partnership; making various other changes pertaining to business associations; providing for the correction of certain records filed with the Office of the Secretary of State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2, 3 and 6 of this bill revise the fees for filing and certifying certain documents with the Office of the Secretary of State. (NRS 87.4318, 87.4328, 104.9525)

Section 4 of this bill allows a foreign limited partnership to abbreviate its name. (NRS 88.585)

Section 7 of this bill authorizes the Secretary of State to adopt regulations prescribing procedures for correcting certain fraudulent or false records filed with the Office of the Secretary of State.

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

Section 1. NRS 86.263 is hereby amended to read as follows:

86.263 1. A limited-liability company shall, on or before the last day of the first month after the filing of its articles of organization with the Secretary of State, file with the Secretary of State, on a form furnished by him, a list that contains:

- (a) The name of the limited-liability company;
- (b) The file number of the limited-liability company, if known;
- (c) The names and titles of all of its managers or, if there is no manager, all of its managing members;
- (d) The address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member;
- (e) The name and street address of its lawfully designated resident agent in this State; and

(f) The signature of a manager or managing member of the limited-liability company certifying that the list is true, complete and accurate.

2. The limited-liability company shall ~~annually~~ thereafter, on or before the last day of the month in which the anniversary date of its organization occurs, file with the Secretary of State, on a form furnished by him, an ~~amended~~ **annual** list containing all of the information required in subsection 1.

3. Each list required by subsections 1 and 2 must be accompanied by a declaration under penalty of perjury that the limited-liability company:

- (a) Has complied with the provisions of NRS 360.780; and
- (b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

4. Upon filing:

(a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of \$125.

(b) Each annual list required by subsection 2, the limited-liability company shall pay to the Secretary of State a fee of \$125.

5. If a manager or managing member of a limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of \$75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, cause to be mailed to each limited-liability company which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file a list required by subsection 2. Failure of any company to receive a notice or form does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a limited-liability company not in default received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

Sec. 2. NRS 87.4318 is hereby amended to read as follows:

87.4318 1. A statement may be filed in the Office of the Secretary of State. A certified copy of a statement that is filed in an office in another state may be filed in the Office of the Secretary of State. Either filing has the effect provided in NRS 87.4301 to 87.4357, inclusive, with respect to partnership property located in or transactions that occur in this State.

2. A certified copy of a statement that has been filed in the Office of the Secretary of State and recorded in the office of the applicable county recorder has the effect provided for recorded statements in NRS 87.4301 to 87.4357,

inclusive. A recorded statement that is not a certified copy of a statement filed in the Office of the Secretary of State does not have the effect provided for recorded statements in NRS 87.4301 to 87.4357, inclusive.

3. A statement filed by a partnership must be executed by at least two partners. Other statements must be executed by a partner or other person authorized by NRS 87.4301 to 87.4357, inclusive. A natural person who executes a statement as, or on behalf of, a partner or other person named as a partner in a statement shall personally declare under penalty of perjury that the contents of the statement are accurate. ***The fee for filing a statement of partnership authority is \$75.***

4. A person authorized by NRS 87.4301 to 87.4357, inclusive, to file a statement may amend or cancel the statement by filing an amendment or cancellation that names the partnership, identifies the statement and states the substance of the amendment or cancellation. ***The fee for filing an amendment or cancellation of a statement of partnership authority is \$175.***

5. A person who files a statement pursuant to this section shall promptly send a copy of the statement to every nonfiling partner and to any other person named as a partner in the statement. Failure to send a copy of a statement to a partner or other person does not limit the effectiveness of the statement as to a person not a partner.

Sec. 3. NRS 87.4328 is hereby amended to read as follows:

87.4328 A partner or other person named as a partner in a filed statement of partnership authority or in a list maintained by an agent pursuant to subsection 2 of NRS 87.4327 may file a statement of denial stating the name of the partnership and the fact that is being denied, which may include denial of a person's authority or status as a partner. A statement of denial is a limitation on authority as provided in subsections 4 and 5 of NRS 87.4327. ***The fee for filing a statement of denial is \$75.***

Sec. 4. NRS 88.585 is hereby amended to read as follows:

88.585 Except as otherwise provided in NRS 88.609, a foreign limited partnership may register with the Secretary of State under any name, whether or not it is the name under which it is registered in its state of organization, that ~~includes without abbreviation~~ ***contains*** the words "limited partnership" ***or the abbreviation "LP" or "L.P."*** and that could be registered by a domestic limited partnership.

Sec. 5. NRS 92A.205 is hereby amended to read as follows:

92A.205 1. After a plan of conversion is approved as required by this chapter, if the resulting entity is a domestic entity, the constituent entity shall deliver to the Secretary of State for filing:

(a) Articles of conversion setting forth:

(1) The name and jurisdiction of organization of the constituent entity and the resulting entity; and

(2) That a plan of conversion has been adopted by the constituent entity in compliance with the law of the jurisdiction governing the constituent entity.

(b) The charter document of the domestic resulting entity required by the applicable provisions of chapter 78, 78A, ~~{82,}~~ 86, 88, 88A or 89 of NRS.

(c) A certificate of acceptance of appointment of a resident agent for the resulting entity which is signed by the resident agent.

2. After a plan of conversion is approved as required by this chapter, if the resulting entity is a foreign entity, the constituent entity shall deliver to the Secretary of State for filing articles of conversion setting forth:

(a) The name and jurisdiction of organization of the constituent entity and the resulting entity;

(b) That a plan of conversion has been adopted by the constituent entity in compliance with the laws of this State; and

(c) The address of the resulting entity where copies of process may be sent by the Secretary of State.

3. If the entire plan of conversion is not set forth in the articles of conversion, the filing party must include in the articles of conversion a statement that the complete signed plan of conversion is on file at the registered office or principal place of business of the resulting entity or, if the resulting entity is a domestic limited partnership, the office described in paragraph (a) of subsection 1 of NRS 88.330.

4. If the conversion takes effect on a later date specified in the articles of conversion pursuant to NRS 92A.240, the charter document to be filed with the Secretary of State pursuant to paragraph (b) of subsection 1 must state the name and the jurisdiction of the constituent entity and that the existence of the resulting entity does not begin until the later date.

5. Any records filed with the Secretary of State pursuant to this section must be accompanied by the fees required pursuant to this title for filing the charter document.

Sec. 6. NRS 104.9525 is hereby amended to read as follows:

104.9525 1. Except as otherwise provided in subsection ~~{5,}~~ **6**, the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in subsection 2 of NRS 104.9502, is:

(a) Forty dollars if the record is communicated in writing and consists of one or two pages;

(b) Sixty dollars if the record is communicated in writing and consists of more than two pages, and \$2 for each page over 20 pages;

(c) Twenty dollars if the record is communicated by another medium authorized by filing-office rule; and

(d) Two dollars for each additional debtor, trade name or reference to another name under which business is done.

2. The filing officer may charge and collect \$2 for each page of copy or record of filings produced by him at the request of any person.

3. Except as otherwise provided in subsection ~~{5,}~~ **6**, the fee for filing and indexing an initial financing statement of the kind described in subsection 3 of NRS 104.9502 is ~~1-~~

~~(a) Sixty dollars]~~ **\$40** if the financing statement indicates that it is filed in connection with a public-finance transaction ~~[- and~~

~~(b) Forty dollars if the financing statement indicates that it is filed in connection with]~~ **or** a manufactured-home transaction.

4. The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is:

- (a) Forty dollars if the request is communicated in writing; and
- (b) Twenty dollars if the request is communicated by another medium authorized by filing-office rule.

5. ***The fee for certifying a copy of a financing statement, amendment or other record on file in the Office of the Secretary of State pursuant to chapter 104 of NRS is \$30.***

6. This section does not require a fee with respect to a mortgage that is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under subsection 3 of NRS 104.9502. However, the fees for recording and satisfaction which otherwise would be applicable to the mortgage apply.

Sec. 7. NRS 225.084 is hereby amended to read as follows:

225.084 1. A person shall not willfully file, promote the filing of, or cause to be filed, or attempt or conspire to file, promote the filing of, or cause to be filed, any record in the Office of the Secretary of State if the person has actual knowledge that the record:

- (a) Is forged or fraudulently altered;
- (b) Contains a false statement of material fact; or
- (c) Is being filed in bad faith or for the purpose of harassing or defrauding any person.

2. Any person who violates this section is liable in a civil action brought pursuant to this section for:

- (a) Actual damages caused by each separate violation of this section, or \$10,000 for each separate violation of this section, whichever is greater;
- (b) All costs of bringing and maintaining the action, including investigative expenses and fees for expert witnesses;
- (c) Reasonable attorney's fees; and
- (d) Any punitive damages that the facts may warrant.

3. A civil action may be brought pursuant to this section by:

(a) Any person who is damaged by a violation of this section, including, without limitation, any person who is damaged as the result of an action taken in reliance on a record filed in violation of this section; or

(b) The Attorney General, in the name of the State of Nevada, if the matter is referred to the Attorney General by the Secretary of State and if the Attorney General, after due inquiry, determines that a civil action should be brought pursuant to this section. Any money recovered by the Attorney General pursuant to this paragraph, after deducting all costs and expenses

incurred by the Attorney General and the Secretary of State to investigate and act upon the violation, must be deposited in the State General Fund.

4. For the purposes of this section, each filing of a single record that constitutes a violation of this section shall be deemed to be a separate violation.

5. The rights, remedies and penalties provided pursuant to this section are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to NRS 239.330.

6. *The Secretary of State may adopt regulations prescribing procedures for correcting any record filed in violation of this section.*

7. As used in this section, "record" means information that is:

- (a) Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and
- (b) Filed or offered for filing by a person pursuant to any provision of title 7 of NRS or Article 9 of the Uniform Commercial Code.

Sec. 8. Assembly Bill No. 26 of this session is hereby amended by adding thereto a new section to be designated as sec. 6.5, following sec. 6, to read as follows:

Sec. 6.5. The amendatory provisions of this act do not apply to a:

- 1. Corporation that files its articles of incorporation with the Secretary of State;**
 - 2. Foreign corporation that files the records required pursuant to subsection 1 of NRS 80.010 or NRS 80.110 with the Secretary of State;**
 - 3. Nonprofit corporation that files its articles of incorporation with the Secretary of State;**
 - 4. Limited-liability company that files its articles of organization with the Secretary of State;**
 - 5. Registered limited-liability partnership that files its certificate of registration with the Secretary of State; or**
 - 6. Limited partnership that files its certificate of limited partnership with the Secretary of State,**
- ↪ **before the effective date of this act.**

Sec. 9. 1. This section and section 8 of this act become effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective on October 1, 2007.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 329.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 329:

YEAS—41.

NAYS—None.

NOT VOTING—Arberry.

Assembly Bill No. 329 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 366.

Bill read third time.

Remarks by Assemblywoman Womack.

Roll call on Assembly Bill No. 366:

YEAS—42.

NAYS—None.

Assembly Bill No. 366 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 404.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 404:

YEAS—41.

NAYS—Goedhart.

Assembly Bill No. 404 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 560.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Assembly Bill No. 560:

YEAS—42.

NAYS—None.

Assembly Bill No. 560 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 4.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Assembly Bill No. 4:

YEAS—42.

NAYS—None.

Assembly Bill No. 4 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 8.
Bill read third time.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:32 p.m.

ASSEMBLY IN SESSION

At 12:35 p.m.
Madam Speaker presiding.
Quorum present.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 8:

YEAS—42.

NAYS—None.

Assembly Bill No. 8 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 37.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Assembly Bill No. 37:

YEAS—41.

NAYS—Cobb.

Assembly Bill No. 37 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 38.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 38:

YEAS—42.

NAYS—None.

Assembly Bill No. 38 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 52.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 52:

YEAS—42.

NAYS—None.

Assembly Bill No. 52 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 54.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 54:

YEAS—42.

NAYS—None.

Assembly Bill No. 54 having received a two-thirds majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 58.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 58:

YEAS—42.

NAYS—None.

Assembly Bill No. 58 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 71.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 71:

YEAS—42.

NAYS—None.

Assembly Bill No. 71 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 72.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Assembly Bill No. 72:

YEAS—42.

NAYS—None.

Assembly Bill No. 72 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 76.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 76:

YEAS—42.

NAYS—None.

Assembly Bill No. 76 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 106.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 106:

YEAS—41.

NAYS—Anderson.

Assembly Bill No. 106 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 136.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Bill No. 136:

YEAS—42.

NAYS—None.

Assembly Bill No. 136 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 176.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Assembly Bill No. 176:

YEAS—42.

NAYS—None.

Assembly Bill No. 176 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblymen Carpenter and Anderson.

Roll call on Assembly Bill No. 227:

YEAS—42.

NAYS—None.

Assembly Bill No. 227 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 247.

Bill read third time.

Remarks by Assemblymen Leslie and Conklin.

Roll call on Assembly Bill No. 247:

YEAS—38.

NAYS—Beers, Cobb, Gansert, Settlemeyer—4.

Assembly Bill No. 247 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that Assembly Bill No. 266 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:01 p.m.

ASSEMBLY IN SESSION

At 1:12 p.m.

Madam Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 282.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 282:

YEAS—42.

NAYS—None.

Assembly Bill No. 282 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 289.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 289:

YEAS—42.

NAYS—None.

Assembly Bill No. 289 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 299.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 299:

YEAS—42.

NAYS—None.

Assembly Bill No. 299 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 307.

Bill read third time.

Remarks by Assemblymen Claborn and Anderson.

Roll call on Assembly Bill No. 307:

YEAS—42.

NAYS—None.

Assembly Bill No. 307 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 334.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 334:

YEAS—39.

NAYS—Beers, Christensen, Settelmeyer—3.

Assembly Bill No. 334 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 350.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 350:

YEAS—42.

NAYS—None.

Assembly Bill No. 350 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 353.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 353:

YEAS—42.

NAYS—None.

Assembly Bill No. 353 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 358.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 358:

YEAS—32.

NAYS—Allen, Beers, Christensen, Cobb, Gansert, Hardy, Mabey, Marvel, Stewart, Weber—

10.

Assembly Bill No. 358 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 359.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 359:

YEAS—41.

NAYS—Goedhart.

Assembly Bill No. 359 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 373.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 373:

YEAS—42.

NAYS—None.

Assembly Bill No. 373 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 380.

Bill read third time.

Remarks by Assemblymen Kirkpatrick and Anderson.

Roll call on Assembly Bill No. 380:

YEAS—42.

NAYS—None.

Assembly Bill No. 380 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 381.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Assembly Bill No. 381:

YEAS—42.

NAYS—None.

Assembly Bill No. 381 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 468.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 468:

YEAS—42.

NAYS—None.

Assembly Bill No. 468 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 483:

YEAS—42.

NAYS—None.

Assembly Bill No. 483 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 497.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 497:

YEAS—42.

NAYS—None.

Assembly Bill No. 497 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 512.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 512:

YEAS—42.

NAYS—None.

Assembly Bill No. 512 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 515.

Bill read third time.

Remarks by Assemblymen Kihuen and Leslie.

Conflict of interest declared by Assemblywoman Leslie.

Roll call on Assembly Bill No. 515:

YEAS—29.

NAYS—Allen, Beers, Christensen, Cobb, Gansert, Goedhart, Hardy, Mabey, Marvel, Settlemeyer, Stewart, Weber—12.

NOT VOTING—Leslie.

Assembly Bill No. 515 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 552.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 552:

YEAS—42.

NAYS—None.

Assembly Bill No. 552 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 554.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 554:

YEAS—42.

NAYS—None.

Assembly Bill No. 554 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 575.

Bill read third time.

Remarks by Assemblymen Leslie and Carpenter.

Roll call on Assembly Bill No. 575:

YEAS—42.

NAYS—None.

Assembly Bill No. 575 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that Assembly Bill No. 584 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 585.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 585:

YEAS—42.

NAYS—None.

Assembly Bill No. 585 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 589.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 589:

YEAS—42.

NAYS—None.

Assembly Bill No. 589 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 593.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 593:

YEAS—42.

NAYS—None.

Assembly Bill No. 593 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 594 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 601.

Bill read third time.

Remarks by Assemblymen Claborn, Mabey, and Parnell.

Roll call on Assembly Bill No. 601:

YEAS—28.

NAYS—Allen, Beers, Carpenter, Christensen, Cobb, Gansert, Goedhart, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—14.

Assembly Bill No. 601 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Joint Resolution No. 1:

YEAS—41.

NAYS—Hardy.

Assembly Joint Resolution No. 1 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblymen Mortenson and Carpenter.

Roll call on Assembly Joint Resolution No. 9:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 9 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Joint Resolution No. 10:

YEAS—32.

NAYS—Allen, Beers, Christensen, Cobb, Goedhart, Hardy, Marvel, Settlemeyer, Stewart, Weber—10.

Assembly Joint Resolution No. 10 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 1 of the 22nd Special Session.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Joint Resolution No. 1 of the 22nd Special Session:

YEAS—41.

NAYS—Ohrenschall.

Assembly Joint Resolution No. 1 of the 22nd Special Session having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguela moved that Assembly Bill No. 420 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguela moved that Assembly Bill No. 572 be rereferred to the Committee on Ways and Means.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CONKLIN:

This morning, I would like to rise and congratulate Cimarron Memorial High School in Las Vegas. It is the high school that resides in my district. They participated this weekend in the FIRST Robotic World Championship in Atlanta. There were 344 teams.

I do not know how many folks are familiar with this program. It is a program where schools can participate. From six weeks out, they get a list of things that a robot must be able to do, and they start from scratch. In six weeks, they build these robots and send them to compete in tasks that are timed against the clock and against other programs around the world. The reason I believe it is so important to rise this morning, even though members of the team are not here, is because out of 344 teams, Cimarron Memorial High School placed first from around the world. That is absolutely fantastic, and when you consider how important it is to continue to recruit and retain good students in science, math, and engineering, I cannot tell you how incredibly proud I am of this accomplishment and how spectacular this really is. Please join me in congratulating the kids from Cimarron Memorial High School.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Randall Sayre.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to members of the National Coalition of Black Women: Ethel Archibald, Constance Brooks, Lula Caldwell, Ina Dorman, Azell Gittens, Sonya Hordford, E. Lavonne Lewis, Sandra Mack, Barbara McCants-Hill, Carrie Peery, Yvonne Qualls, Billie Rayford, Shirley Savage-Hampton, Diane E. Stith, and Muzetta Thrower; Verlia Davis Hoggard.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Home Educators of Faith: Jane Smith, Ryan Smith, Bradley Smith, Laura Smith, Pam Jackson, Rachel Jackson, Joshua Jackson, Harrison Jackson, Cynthia Robison, Chad Robison, Autumn Robison, Christian Robison, La Rena Fry, Brandi Vorderbruggen, Lorraine Vazquez, Bryan Vazquez, Mia Vazquez, Kayla Vazquez, Michael Vazquez, Jose Vazquez, Tasha Vazquez, Gabby Vazquez, Hannah Vazquez, Courtney Vazquez, Paola Vazquez, Devante Vazquez, Aimee Vazquez, Anahi Vazquez, Stephanie Parker, Will Parker, Scott Myer, Gina Myer, Olivia Myer, Kathleen Hill, Brian Hill, Barb Sikora, Annika Sikora, Kira Sikora, Annika Sikora, Kira Sikora, Alyce Pagniello, Travis Homan, Toree Homan, T.J. Pagniello, Andrew Pagniello, Bethany Callahan, Zachary Callahan, Ryan Callahan, Jennifer Anderson, Katelyn Anderson, Alex Anderson, Samantha Anderson, Lupita Tripp, Nathan Tripp, Debbie Palamar, Shannon Palamar, Jennifer Van Beuge, Eric Van Beuge, Jake Van Beuge, Vickie Etchart, Cameron Etchart, Haley Etchart, Terry Schendel, Madeline I.S. Bush, Nikki Willis, Emily Willis, Daniel Willis, Shawwna Roser, Mariya Roser, Yvette

Hansen, James Hansen, Jessica Hansen, Nicholas Hansen, Lisa Williams, Jonathan Williams, Andrew Williams, Romana Baxter, Courtney Baxter, Karen Foster, Ethan Foster, Alyssa Foster, Crystal Navarro, Symona Navarro, Jonah Navarro, Sequoia Navarro, Catalina Navarro, Josiah Navarro, Melanie Reyman, Gatalon Reyman, Shantel Reyman, Crieghton Reyman, Karen Anderson, Jacob Anderson, Grace Anderson, Anna Lise Anderson, Diane Centric, Elijah Centric, Helen Lundgren, Wendy Lundgren, Caleb Lundgren, Mia Wolf, Devina Wolf, Irene Rushing, Seleah Rushing, Aliana Rushing, Rimi Rushing, Tina Goodman and Harrison Jackson.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Richard B. Matta and Jan Matta.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Vela, Amy Jaffe, and Paula Hammack.

Assemblyman Ocegueda moved that the Assembly adjourn until Tuesday, April 17, 2007, at 11 a.m. and that it do so in support of the families and victims of the tragedy at Virginia Tech University.

Motion carried.

Assembly adjourned at 2:13 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly