

THE SIXTY-SEVENTH DAY

CARSON CITY (Thursday), April 12, 2007

Senate called to order at 11:10 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Peggy Locke.

The Bible says to commit whatever you do to God, most high, and your plans will succeed. For the eyes of the Lord range throughout the earth to strengthen those whose hearts are fully committed to Him.

Almighty God, we do commit our plans to You today. We thank You that You have not given to us a spirit of fear and timidity but of power, love and a sound mind. You, dear Lord, are the one who takes hold of our right hands and says to us, "do not fear; I will help you."

So, dear Lord, according to Your Word, give strength to the weary, and increase the power of the weak. May we receive the strength to soar, today, on the wings of eagles.

God bless Nevada. God bless and protect our troops. God bless our families, and God bless these days of service. May our hope always be in You. May we be fully committed to Your plans and purposes.

In faith, believing all we ask for,

AMEN.

Pledge of Allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 474, 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 Senate Bills Nos. 19, 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDOLPH J. TOWNSEND, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 496, 508, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WARREN B. HARDY II, *Chair*

Mr. President:

Your Committee on Human Resources and Education, to which were referred Senate Bills Nos. 158, 532, 541; Senate Joint Resolutions Nos. 14, 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAURICE E. WASHINGTON, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bill No. 378; Senate Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK E. AMODEI, *Chair*

Mr. President:

Your Committee on Natural Resources, to which were referred Senate Joint Resolutions Nos. 11, 12, 13, 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEAN A. RHOADS, *Chair*

Mr. President:

Your Committee on Taxation, to which were referred Senate Bills Nos. 273, 308, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which were referred Senate Bills Nos. 94, 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MIKE MCGINNESS, *Chair*

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 11, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 33.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 247, 502.

GARY GHIGGERI
Fiscal Analysis Division

April 12, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 362.

GARY GHIGGERI
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Cegavske, Amodei, Beers, Care, Carlton, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen 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, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack:

Senate Concurrent Resolution No. 22—Directing the Legislative Commission to conduct an interim study of background investigations of persons and of records of criminal history.

Senator Cegavske moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senator Raggio moved that the Secretary of the Senate dispense with reading the histories and titles of all bills and resolutions for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 5.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 6.

"SUMMARY—Requires the establishment of the Cancer Drug Donation Program. (BDR 40-19)"

"AN ACT relating to cancer; requiring the ~~Health Division of the Department of Health and Human Services~~ State Board of Pharmacy to establish the Cancer Drug Donation Program; requiring the ~~Health Division~~ Board to adopt regulations to carry out the Program; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes a system for the reporting and analyzing of information relating to cancer and establishes task forces on prostate cancer and cervical cancer. (Chapter 457 of NRS)

Section 6 of this bill requires the ~~Health Division of the Department of Health and Human Services~~ State Board of Pharmacy to establish the Cancer Drug Donation Program. The Program will distribute and dispense cancer drugs donated to the Program to cancer patients. Section 6 also authorizes persons to donate cancer drugs at any pharmacy, ~~hospital or~~ medical facility, health clinic or provider of health care that participates in the Program. The donated drugs must be in the original, unopened and sealed packages and must not be adulterated or misbranded. Section 9 of this bill requires the ~~Health Division~~ Board to adopt regulations to carry out the Program. Section 10 of this bill provides immunity from civil liability for damages caused by any act or omission of a person who donates a cancer drug to the Program, or who accepts, distributes or dispenses a cancer drug donated to the Program. Section 10 also provides immunity from civil and criminal liability to a manufacturer of a cancer drug that is donated, accepted, distributed or dispensed pursuant to the Program.

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

Section 1. Chapter 457 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 ~~f, 4 and 5~~ to 5.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. "Cancer drug" means a prescription drug that is used to treat:

1. Cancer or its side effects; or
2. The side effects of a prescription drug that is used to treat cancer or its side effects.

↪ The term includes medical supplies used in the administration of a cancer drug.

Sec. 4. ~~["Hospital"]~~ "Medical Facility" has the meaning ascribed to it in NRS ~~449.012~~ 449.0151.

Sec. 5. "Program" means the Cancer Drug Donation Program established pursuant to section 6 of this act.

Sec. 5.5. "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 6. 1. ~~The Health Division~~ State Board of Pharmacy shall establish and maintain the Cancer Drug Donation Program to accept, distribute and dispense cancer drugs donated to the Program.

2. Any person may donate a cancer drug to the Program. A cancer drug may be donated at a pharmacy, ~~hospital or~~ medical facility, health clinic or provider of health care that participates in the Program.

3. A pharmacy, ~~hospital or~~ medical facility, health clinic or provider of health care that participates in the Program may charge a patient who receives a cancer drug a handling fee in accordance with the regulations adopted by the ~~Health Division~~ State Board of Pharmacy pursuant to section 9 of this act.

4. A cancer drug may be accepted, distributed or dispensed pursuant to the Program only if the cancer drug:

(a) Is in its original, unopened, sealed and tamper-evident unit dose packaging or, if packaged in single-unit doses, the single-unit dose packaging is unopened;

(b) Is not adulterated or misbranded; and

(c) Bears an expiration date that is later than 30 days after the drug is donated.

5. A cancer drug donated to the Program may not be:

(a) Resold; or

(b) Designated by the donor for a specific person.

6. The provisions of this section do not require a pharmacy, ~~hospital or~~ medical facility, health clinic or provider of health care to participate in the Program.

Sec. 7. A cancer drug donated for use in the Program may only be dispensed:

1. By a pharmacist who is registered pursuant to chapter 639 of NRS; ~~and~~

2. Pursuant to a prescription written by a person who is authorized to write prescriptions ~~and~~ and

3. To a person who is eligible to receive cancer drugs dispensed pursuant to the Program.

Sec. 8. A pharmacy, ~~hospital or~~ medical facility, health clinic or provider of health care that participates in the Program:

1. Shall comply with all applicable state and federal laws concerning the storage, distribution and dispensing of the cancer drugs; and

2. May distribute a cancer drug donated to the Program to another pharmacy, ~~hospital or~~ medical facility, health clinic or provider of health care for use in the Program.

Sec. 9. The ~~Health Division~~ State Board of Pharmacy shall adopt regulations to carry out the provisions of sections 2 to 10, inclusive, of this act. The regulations must prescribe, without limitation:

1. The requirements for the participation of pharmacies, ~~hospitals and~~ medical facilities, health clinics and providers of health care in the Program ~~and~~, including, without limitation:

(a) A requirement that each provider of health care who participates in the Program provide, as a regular course of practice, medical services and goods to persons with cancer; and

(b) A requirement that each medical facility that participates in the Program provide, as a regular course of practice, medical services and goods to persons with cancer;

2. The criteria for determining the eligibility of persons to receive cancer drugs dispensed pursuant to the Program ~~and~~, including, without limitation, a requirement that a person must sign up with the State Board of Pharmacy on a form prescribed by the Board to be eligible to receive cancer drugs dispensed pursuant to the Program;

3. The categories of cancer drugs that may be accepted for distribution or dispensing pursuant to the Program; and

4. The maximum fee that a pharmacy, ~~hospital or~~ medical facility, health clinic or provider of health care may charge to distribute or dispense cancer drugs pursuant to the Program.

Sec. 10. 1. Any person who donates, accepts, distributes or dispenses a cancer drug in accordance with the provisions of sections 2 to 10, inclusive, of this act, and the regulations adopted pursuant to section 9 of this act, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in donating, accepting, distributing or dispensing the cancer drug.

2. A manufacturer of a cancer drug is immune from civil or criminal liability for any claim arising due to an injury, death or a loss to person or property, resulting from the use of the cancer drug that was donated, accepted, distributed or dispensed pursuant to the Program, if the manufacturer acted without malicious intent, including, without limitation, liability for failure to transfer or communicate product or consumer information concerning the cancer drug or the expiration date of the cancer drug.

Sec. 11. This act becomes effective on July 1, 2007.

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 43.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 20.

"SUMMARY—~~[Increases the penalty for driving a vehicle in]~~ Revises provisions relating to an unauthorized speed contest on a public highway. (BDR 43-435)"

"AN ACT relating to traffic laws; prohibiting a person from organizing an unauthorized speed contest on a public highway; increasing the penalty for driving a vehicle in an unauthorized speed contest on a public highway; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, a person who drives a vehicle in an unauthorized speed contest on a public highway is guilty of a misdemeanor and may be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment. In lieu of all or a part of the punishment, the convicted person may be sentenced to perform a fixed period of community service. (NRS 193.150, 484.377) Section 3 of this bill increases the penalty for committing such an offense by establishing, in addition to the possibility of imprisonment in the county jail, a minimum fine of \$400 for the first offense, \$750 for the second offense and \$1,000 for the third and each subsequent offense, as well as requiring a person convicted of such an offense to perform a minimum number of hours of community service. In addition to any fine, community service and imprisonment, the court must issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and for the second and each subsequent offense, must issue an order impounding for 30 days any vehicle registered to the person convicted of such an offense if the vehicle is used in the commission of the offense. ~~[for a period of 30 days.]~~ Section 3 also prohibits a person from organizing an unauthorized speed contest on a public highway and imposes the same penalties for such a violation as for a person who drives a vehicle in an unauthorized speed contest on a public highway.

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

Section 1. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when

that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection ~~[2]~~ 5 of NRS 484.377.

(2) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792.

(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.

↳ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume upon completion of the period of imprisonment or when the person is placed on residential confinement.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484.3775, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license,

permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

↪ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484.3943:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which he is not eligible for a license, if he was convicted of:

(I) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(II) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792;

(2) After at least 180 days of the period during which he is not eligible for a license, if he was convicted of a violation of subsection ~~4~~ 5 of NRS 484.377; or

(3) After at least 45 days of the period during which he is not eligible for a license, if he was convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484.3943, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both; or
(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both;
(b) To receive regularly scheduled medical care for himself or a member of his immediate family; or
(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484.379, 484.3795 or 484.384;
(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

↪ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise

provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 3. NRS 484.377 is hereby amended to read as follows:

484.377 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

↪ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484.348 constitutes reckless driving.

2. *A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment.*

3. *A person who violates paragraph (b) or (c) of subsection 1 is guilty of a misdemeanor and:*

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$400 but not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than \$750 but not more than \$1,000;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of \$1,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

4. *In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 3, the court shall:*

(a) Issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) *Within 5 days after issuing an order pursuant to paragraph (a), forward to the Department any licenses, together with a copy of the order; and*

(c) ~~Issue~~ *For the second and each subsequent offense, issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.* ~~for a period of 30 days.~~

5. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484.348, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

~~3.~~ 6. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484.348.

7. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Senator Nolan moved the adoption of the amendment.

Remarks by Senator Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 53.

Bill read second time.

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

Amendment No. 18.

"SUMMARY—Provides that advertising or conducting a live musical performance or production through the use of a false, deceptive or misleading affiliation, connection or association between a performing group and a recording group constitutes a deceptive trade practice. (BDR 52-220)"

"AN ACT relating to deceptive trade practices; providing that advertising or conducting a live musical performance or production through the use of a false, deceptive or misleading affiliation, connection or association between a performing group and a recording group constitutes a deceptive trade practice; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) Section 1 of this bill provides that advertising or conducting a live musical performance or production through the use of a false, deceptive or misleading affiliation, connection or association between a performing group and a recording group constitutes a deceptive trade practice. ~~[The remaining sections]~~ Sections 2-12 of this bill amend various sections of NRS to include necessary references to the new deceptive trade practice established in section 1.

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

Section 1. Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, a person engages in a "deceptive trade practice" if the person advertises or conducts a live musical performance or production in this State through the use of a false, deceptive or misleading affiliation, connection or association between a performing group and a recording group.*

2. *A person does not engage in a "deceptive trade practice" pursuant to subsection 1 if:*

(a) *The performing group is the authorized registrant and owner of a federal service mark for that group registered in the United States Patent and Trademark Office;*

(b) *At least one member of the performing group was a member of the recording group and has a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group;*

(c) *The live musical performance or production is identified in all advertising and promotion as a salute or tribute ~~to~~ and the name of the performing group is not so closely related or similar to that used by the recording group that it would tend to confuse or mislead the public;*

(d) *The advertising does not relate to a live musical performance or production taking place in this State; or*

(e) *The performance or production is expressly authorized by the recording group.*

3. *As used in this section:*

(a) *"Performing group" means a vocal or instrumental group seeking to use the name of another group that has previously released a commercial sound recording under that name.*

(b) *"Person" means the performing group or its promoter, manager or agent. The term does not include the performance venue or its owners, managers or operators unless the performance venue owns and produces the performing group.*

(c) *"Recording group" means a vocal or instrumental group at least one of whose members has previously released a commercial sound recording*

under that group's name and in which the member or members have a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group.

~~[(c)]~~ (d) "Sound recording" means a work that results from the fixation on a material object of a series of musical, spoken or other sounds regardless of the nature of the material object, such as a cassette tape, compact disc or phonograph album, in which the sounds are embodied.

Sec. 2. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 598.0953 is hereby amended to read as follows:

598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, *and section 1 of this act* are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

Sec. 4. NRS 598.0955 is hereby amended to read as follows:

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act* do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act* do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~[-]~~, *and section 1 of this act*.

Sec. 5. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~[-]~~, *and section 1 of*

this act. The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 6. NRS 598.0967 is hereby amended to read as follows:

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act*, may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~†~~, *and section 1 of this act*. Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act* to particular persons or circumstances.

2. Service of any notice or subpoena must be made as provided in N.R.C.P. 45(c).

Sec. 7. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act*, the Commissioner may issue an order directed to the person to show cause why the Commissioner should not order the person to cease and desist from engaging in the practice. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Commissioner determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act*, or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Commissioner may make a written report of his findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the

hearing. If the Commissioner determines in the report that such a violation has occurred, he may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Commissioner free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~§~~, and *section 1 of this act*; and

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation.

↪ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Commissioner may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

5. If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the Commissioner concerning the written report and any order issued pursuant to subsection 2 are in the interest of the public; and

(c) The findings of the Commissioner are supported by the weight of the evidence,

↪ the court shall issue an order enforcing the provisions of the order of the Commissioner.

6. Except as otherwise provided in NRS 598.0974, an order issued pursuant to subsection 5 may include:

(a) A provision requiring the payment to the Commissioner of a penalty of not more than \$5,000 for each act amounting to a failure to comply with the Commissioner's order; or

(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

8. Upon the violation of any judgment, order or decree issued pursuant to subsection 5 or 6, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 8. NRS 598.0985 is hereby amended to read as follows:

598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act*, whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he may bring an action in the name of the State of Nevada against that person to obtain a temporary or permanent injunction against the deceptive trade practice.

Sec. 9. NRS 598.0993 is hereby amended to read as follows:

598.0993 The court in which an action is brought pursuant to NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act*, but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

Sec. 10. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act* upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~{-}~~, *and section 1 of this act*.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act*, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

↪ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act*, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

↪ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

↪ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 11. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act*, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without his fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his official capacity and in virtue of his office, or by the

omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 12. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;
 (b) An unlawful act as defined in NRS 205.2747;
 (c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;
 (d) An act prohibited by NRS 482.351; or
 (e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~[-]~~, and section 1 of this act.

3. If the claimant is the prevailing party, the court shall award him:

(a) Any damages that he has sustained; and
 (b) His costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 13. This act becomes effective upon passage and approval.

Senator Heck moved the adoption of the amendment.

Remarks by Senators Heck and Beers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 58.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 50.

"SUMMARY—Provides for the imposition of an administrative assessment for certain traffic violations to be used for the awarding of grants to volunteer organizations that provide emergency medical services. (BDR 14-221)"

"AN ACT relating to administrative assessments; providing for the imposition of an administrative assessment for certain traffic violations; creating the Volunteer Emergency Medical Services Fund into which money collected from such assessments must be deposited; providing for grants to be awarded from the Fund to volunteer organizations that provide emergency medical services in this State; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill requires a court to impose a \$5 administrative assessment in addition to any other fine or assessment any time that a person pleads, is found guilty of or enters a plea of nolo contendere to a moving traffic violation. Sections 1 and 6 of this bill provide that any amounts collected from the administrative assessment must be credited to the Nevada Volunteer Emergency Medical Services Fund which is created as a continuing fund within the State Treasury. Section 6 provides that money in the Fund will be used to award grants to volunteer organizations that deliver emergency medical services in this State. The organization to which such a grant is made may use the money for *the acquisition of capital goods, training, equipment or supplies.*

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, in addition to any other administrative assessment imposed, when a defendant pleads guilty, is found guilty of or enters a plea of nolo contendere to a moving traffic violation, including, without limitation, the violation of any county or municipal ordinance, the justice or judge of the justice, municipal or district court, as applicable, shall include in the sentence the sum of \$5 as an administrative assessment for the provision of volunteer emergency medical services and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.*

2. *The money collected for an administrative assessment for the provision of volunteer emergency medical services must not be deducted from the fine imposed by the justice or judge but must be taxed against the*

defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 4. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

3. If the justice or judge permits the fine and administrative assessment for the provision of volunteer emergency medical services to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of an administrative assessment for the provision of volunteer emergency medical services pursuant to this section; and

(e) To pay the fine.

4. The money collected for an administrative assessment for the provision of volunteer emergency medical services must be paid by the clerk of the court in which the money is collected to the State Treasurer on or before the fifth day of each month for the preceding month for credit to the Nevada Volunteer Emergency Medical Services Fund created pursuant to section 6 of this act.

5. As used in this section, "moving traffic violation" means an act that is a moving traffic violation for the purposes of NRS 483.473.

Sec. 2. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613 ~~and~~ and section 1 of this act, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or is found guilty of a misdemeanor, including the violation of any municipal ordinance, the justice

or judge shall include in the sentence the sum of \$10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

- (a) An ordinance regulating metered parking; or
- (b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

- (a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;
- (b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;
- (c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~and~~
- (d) *To pay the unpaid balance of an administrative assessment for the provision of volunteer emergency medical services pursuant to section 1 of this act; and*
- (e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➔ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

↪ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 3. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611 ~~and~~ *and section 1 of this act*, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or is found guilty of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

- (a) An ordinance regulating metered parking; or
- (b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has

been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; ~~and~~

(d) *To pay the unpaid balance of an administrative assessment for the provision of volunteer emergency medical services pursuant to section 1 of this act; and*

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

- (3) Providing training and education to personnel;
- (4) Studying the management and operation of the program;
- (5) Conducting audits of the program;
- (6) Supplementing the funds used to pay for judges to oversee a specialty court program; or
- (7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 4. NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;

(b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,

↪ and the necessary traveling expenses and subsistence allowances in the amounts authorized by NRS 281.160 incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty or nolo contendere to the criminal charge for which he was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine his ability to make restitution. In conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:

(a) Child support;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~+~~ and section 1 of this act.

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the Attorney General or other governmental entity in returning him to this State. The court shall not order the person to make restitution if payment of restitution will prevent him from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of his sentence.

4. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 5. NRS 211.245 is hereby amended to read as follows:

211.245 1. If a prisoner fails to make a payment within 10 days after it is due, the district attorney for a county or the city attorney for an incorporated city may file a civil action in any court of competent jurisdiction within this State seeking recovery of:

- (a) The amount of reimbursement due;
- (b) Costs incurred in conducting an investigation of the financial status of the prisoner; and
- (c) Attorney's fees and costs.

2. A civil action brought pursuant to this section must:

- (a) Be instituted in the name of the county or city in which the jail, detention facility or alternative program is located;
- (b) Indicate the date and place of sentencing, including, without limitation, the name of the court which imposed the sentence;
- (c) Include the record of judgment of conviction, if available;
- (d) Indicate the length of time served by the prisoner and, if he has been released, the date of his release; and
- (e) Indicate the amount of reimbursement that the prisoner owes to the county or city.

3. The county or city treasurer of the county or incorporated city in which a prisoner is or was confined shall determine the amount of reimbursement that the prisoner owes to the city or county. The county or city treasurer may render a sworn statement indicating the amount of reimbursement that the prisoner owes and submit the statement in support of a civil action brought pursuant to this section. Such a statement is prima facie evidence of the amount due.

4. A court in a civil action brought pursuant to this section may award a money judgment in favor of the county or city in whose name the action was brought.

5. If necessary to prevent the disposition of the prisoner's property by the prisoner, or his spouse or agent, a county or city may file a motion for a temporary restraining order. The court may, without a hearing, issue ex parte orders restraining any person from transferring, encumbering, hypothecating, concealing or in any way disposing of any property of the prisoner, real or

personal, whether community or separate, except for necessary living expenses.

6. The payment, pursuant to a judicial order, of existing obligations for:

- (a) Child support or alimony;
- (b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~+~~ and section 1 of this act,

↳ has priority over the payment of a judgment entered pursuant to this section.

Sec. 6. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Volunteer Emergency Medical Services Fund is hereby created in the State Treasury. Any administrative assessment imposed and collected pursuant to section 1 of this act must be deposited with the State Treasurer for credit to the Fund.*

2. *The Committee on Emergency Medical Services shall administer the Fund.*

3. *The Fund is a continuing fund without reversion. Money in the Fund must be invested as the money in other funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.*

4. *The Committee may accept gifts, grants and donations from any source for deposit in the Fund.*

5. *The Committee may use the money in the Fund only to award grants to volunteer organizations that provide emergency medical services in this State which will use the money for the acquisition of capital goods, training, equipment or supplies related to such services. The Committee shall establish:*

(a) *The procedures by which a volunteer organization may apply for a grant from the Fund; and*

(b) *The criteria for determining whether to award a grant from the Fund.*

Sec. 7. This act becomes effective on July 1, 2007.

Senator Nolan moved the adoption of the amendment.

Remarks by Senators Nolan, Titus and Beers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 69.

Bill read second time.

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

Amendment No. 4.

"SUMMARY—Revises provisions related to real estate brokers, salesmen and qualified intermediaries. (BDR 54-457)"

"AN ACT relating to real estate; defining the term "agency__" ~~representation"~~ in the context of real estate brokers, salesmen and qualified intermediaries; allowing a client to waive certain required duties of a real estate licensee which relate to offers made to or by the client; allowing for ~~the negotiation of certain secondary issues~~ *communications* with the client of another broker under certain permissible circumstances; clarifying that such ~~negotiation~~ *communication* does not create *an* agency ~~representation~~ *relationship* with the client of the other broker; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law defines certain terms used in chapter 645 of NRS which relate to real estate brokers, salesmen and qualified intermediaries. (NRS 645.0005-645.044) Sections 1 and 2 of this bill define the term "agency__" ~~representation"~~ for that chapter.

Existing law creates certain requirements for a licensee who has entered into a brokerage agreement to provide representation in a real estate transaction. (NRS 645.254) One of those requirements is to present all offers made to and by the client as soon as is practicable. (NRS 645.254) Section 3 of this bill allows a client to waive that requirement by signing a form provided by the Real Estate Division of the Department of Business and Industry.

Existing law allows a person to negotiate a sale, exchange or lease of real estate with the exclusive client of another broker only if permission has been obtained from that other broker. (NRS 645.635) Section 4 of this bill allows for ~~the negotiation of secondary issues which may follow from the sale, exchange or lease of real estate in such circumstances.~~ *further communications after such negotiations but before closing.* Section 4 also clarifies that such negotiations do not create *an* agency ~~representation~~ *relationship* between the person and the client of the other broker.

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

Section 1. Chapter 645 of NRS is hereby amended by adding thereto a new section to read as follows:

"Agency__" ~~representation"~~ means a ~~fiduciary~~ relationship between a principal and an agent arising out of a brokerage agreement whereby the agent is engaged to do certain acts on behalf of the principal in dealings with a third party.

Sec. 2. NRS 645.0005 is hereby amended to read as follows:

645.0005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645.001 to 645.042, inclusive, and section 1 of this act have the meanings ascribed to them in those sections.

Sec. 3. NRS 645.254 is hereby amended to read as follows:

645.254 A licensee who has entered into a brokerage agreement to represent a client in a real estate transaction:

1. Shall exercise reasonable skill and care to carry out the terms of the brokerage agreement and to carry out his duties pursuant to the terms of the brokerage agreement;

2. Shall not disclose confidential information relating to a client for 1 year after the revocation or termination of the brokerage agreement, unless he is required to do so pursuant to an order of a court of competent jurisdiction or he is given written permission to do so by the client; and

3. Shall promote the interests of his client by:

(a) Seeking a sale, lease or property at the price and terms stated in the brokerage agreement or at a price acceptable to the client.

(b) Presenting all offers made to or by the client as soon as is practicable ~~[]~~, *unless the client signs a form which is provided by the Division and which waives the duty of the licensee to present ~~such~~ all offers.*

(c) Disclosing to the client material facts of which the licensee has knowledge concerning the transaction.

(d) Advising the client to obtain advice from an expert relating to matters which are beyond the expertise of the licensee.

(e) Accounting for all money and property he receives in which the client may have an interest as soon as is practicable.

Sec. 4. NRS 645.635 is hereby amended to read as follows:

645.635 The Commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of:

1. Offering real estate for sale or lease without the knowledge and consent of the owner or his authorized agent or on terms other than those authorized by the owner or his authorized agent.

2. ~~Negotiating a sale, exchange or lease of real estate ~~or any secondary issues which may follow from a sale, exchange or lease of real estate~~, or~~ communicating after such negotiations but before closing, directly with a client if he knows that the client has a brokerage agreement in force in connection with the property granting an exclusive agency ~~or representation~~, including, without limitation, an exclusive right to sell to another broker, unless permission in writing has been obtained from the other broker. Negotiation or communication with such permission does not create an agency ~~representation~~ relationship between the person and the client of the other broker.

3. Failure to deliver within a reasonable time a completed copy of any purchase agreement or offer to buy or sell real estate to the purchaser or to the seller ~~[]~~, *except as may be otherwise provided by paragraph (b) of subsection 3 of NRS 645.254.*

4. Failure to deliver to the seller in each real estate transaction, within 10 business days after the transaction is closed, a complete, detailed closing statement showing all of the receipts and disbursements handled by him for the seller, failure to deliver to the buyer a complete statement showing all money received in the transaction from the buyer and how and for what it was disbursed, or failure to retain true copies of those statements in his files.

The furnishing of those statements by an escrow holder relieves the broker's, broker-salesman's or salesman's responsibility and must be deemed to be *in* compliance with this provision.

5. Representing to any lender, guaranteeing agency or any other interested party, verbally or through the preparation of false documents, an amount in excess of the actual sale price of the real estate or terms differing from those actually agreed upon.

6. Failure to produce any document, book or record in his possession or under his control, concerning any real estate transaction under investigation by the Division.

7. Failure to reduce a bona fide offer to writing where a proposed purchaser requests that it be submitted in writing [—], *except as may be otherwise provided by paragraph (b) of subsection 3 of NRS 645.254.*

8. Failure to submit all written bona fide offers to a seller when the offers are received before the seller accepts an offer in writing and until the broker has knowledge of that acceptance [—], *except as may be otherwise provided by paragraph (b) of subsection 3 of NRS 645.254.*

9. Refusing because of race, color, national origin, sex or ethnic group to show, sell or rent any real estate for sale or rent to qualified purchasers or renters.

10. Knowingly submitting any false or fraudulent appraisal to any financial institution or other interested person.

Sec. 5. This act becomes effective on July 1, 2007.

Senator Carlton moved the adoption of the amendment.

Remarks by Senator Carlton .

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 86.

Bill read second time.

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

Amendment No. 5.

"SUMMARY—Revises provisions regulating utilities that furnish water or provide sewage disposal services. (BDR 58-554)"

"AN ACT relating to public utilities; revising provisions governing the issuance of certificates of public convenience and necessity for utilities that furnish water or provide sewage disposal services; requiring submission of plans to meet demands for water and sewage disposal services; increasing the threshold annual revenue level at which water supply or sewage disposal utilities are subject to the jurisdiction of the Public Utilities Commission of Nevada; requiring certain water supply or sewage disposal utilities to file a general rate application with the Commission according to a specified schedule; requiring water supply utilities to provide for the maintenance of certain fire hydrants; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the regulation of utilities that furnish water and utilities that provide sewage disposal services by the Public Utilities Commission of Nevada. (Chapter 704 of NRS) Existing law exempts from regulation by the Commission utilities that have gross sales for water and sewer services of \$5,000 or less during a 12-month period. (NRS 704.030) Section 4 of this bill increases that threshold amount to \$25,000 or less during a 12-month period. Existing law also requires that a water supply utility furnish water to cities, towns, villages or hamlets for the purpose of fire protection. (NRS 704.660) Section 8 of this bill requires that a water supply utility provide for the maintenance of *certain* fire hydrants. Section 3 of this bill requires that a water supply or sewage utility with an annual gross operating revenue of \$1,000,000 or more for at least 1 year of the immediately preceding 3 years submit a plan to the Commission for satisfying the demands of its customers.

Additionally, existing law requires that some, but not all, public utilities must file general rate applications with the Commission according to a specified schedule. (NRS 704.110) Section 5 of this bill requires that water supply or sewer utilities with an annual gross operating revenue of \$500,000 or more for at least 1 year of the immediately preceding 3 years file a general rate application with the Commission according to a specified schedule.

Under existing law, public utilities must obtain a certificate of public convenience and necessity from the Commission before beginning or continuing any operations or construction related to the utility. (NRS 704.330) Section 2 of this bill requires the Commission to consider the capabilities of existing water supply or sewer companies before issuing a certificate, and requires water supply utilities of a certain size to file a resource plan with the Commission according to a specified schedule.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *In determining whether to issue a certificate of public convenience and necessity that authorizes the construction, ownership, control or operation of any line, plant or system for the purpose of furnishing water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, the Commission shall consider whether another public utility or person is ready, willing and able to provide the services in the geographic area proposed by the applicant for the certificate.*

Sec. 3. 1. *A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, and which had an annual gross operating revenue of \$1,000,000 or more for at least 1 year during the immediately preceding 3 years shall, on or before March 1 of every third year, in the manner specified by the Commission, submit a plan to the Commission to provide sufficient water or services for*

the disposal of sewage to satisfy the demand made on its system by its customers.

2. *The Commission shall adopt regulations to provide for the contents of and the method and schedule for preparing, submitting, reviewing and approving the plan required pursuant to subsection 1.*

3. *Within 180 days after a public utility has filed a plan pursuant to subsection 1, the Commission shall issue an order accepting the plan as filed or specifying any portion of the plan it finds to be inadequate.*

4. *If a plan submitted pursuant to subsection 1 and accepted by the Commission pursuant to subsection 3 and any regulations adopted pursuant to subsection 2 identifies a facility for acquisition or construction, the facility shall be deemed to be a prudent investment and the public utility may recover all just and reasonable costs of planning and constructing or acquiring the facility.*

5. *All prudent and reasonable expenditures made by a public utility to develop a plan filed pursuant to subsection 1, including, without limitation, any environmental, engineering or other studies, must be recovered from the rates charged to the public utility's customers.*

Sec. 4. NRS 704.030 is hereby amended to read as follows:

704.030 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to ~~[\$5,000]~~ \$25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

Sec. 5. 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, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall issue a written order approving or disapproving, in whole or in part, the proposed changes:

(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~~ *The following public utilities shall each file a general rate application pursuant to this subsection ~~at least once every 24 months~~ based on the following schedule:*

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application on or before October 3, 2005, and at least once every 24 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application on or before November 15, 2006, and at least once every 24 months thereafter.

(c) *A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of \$500,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter ~~but~~ unless waived by the Commission pursuant to standards adopted by regulation of the Commission.*

(d) *A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of \$500,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter ~~but~~ unless waived by the Commission pursuant to standards adopted by regulation of the Commission.*

➤ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

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, 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 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. 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 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. 6. NRS 704.3296 is hereby amended to read as follows:

704.3296 As used in NRS 704.3296 to 704.430, inclusive, *and section 2 of this act*, unless the context otherwise requires, "electric utility" has the meaning ascribed to it in NRS 704.7571.

Sec. 7. NRS 704.430 is hereby amended to read as follows:

704.430 1. Any person, firm, association or corporation who violates any provisions of NRS 704.3296 to 704.430, inclusive, *and section 2 of this act*, shall be punished by a fine of not more than \$250.

2. Each day's operation without a certificate as provided in NRS 704.3296 to 704.430, inclusive, *and section 2 of this act* or each day that service is discontinued, modified or restricted, as defined in NRS 704.3296 to 704.430, inclusive, *and section 2 of this act* must be considered a separate offense.

Sec. 8. NRS 704.660 is hereby amended to read as follows:

704.660 1. Any public utility which furnishes, for compensation, any water for domestic purposes shall furnish each city, town, village or hamlet which it serves with a reasonably adequate supply of water at reasonable pressure for fire protection and at reasonable rates, all to be fixed and determined by the Commission.

2. The duty to furnish a reasonably adequate supply of water provided for in subsection 1 includes the laying of mains with all necessary connections for the proper delivery of the water for fire protection ~~and also the installing~~, *the installation of appliances to assure a reasonably sufficient pressure for fire protection [and the maintenance of fire hydrants ~~that are the property of the public utility and located either within a public right-of-way or upon private property to which the public utility is permitted reasonable access without cost.~~*

3. The Commission may fix and determine reasonable rates and prescribe all installations and appliances adequate for the proper utilization and delivery of water for fire protection. The Commission may adopt regulations and practices to be followed by a utility in furnishing water for fire protection, and has complete jurisdiction of all questions arising under the provisions of this section.

4. All proceedings under this section must be conducted pursuant to NRS 703.320 to 703.370, inclusive, and 704.005 to 704.645, inclusive. All violations of any order made by the Commission under the provisions of this section are subject to the penalties for similar violations of the provisions of NRS 704.005 to 704.645, inclusive.

5. This section applies to and governs all public utilities furnishing water for domestic use on March 26, 1913, unless otherwise expressly provided in the charters, franchises or permits under which those utilities are acting. Each public utility which supplies water for domestic uses after March 26, 1913, is subject to the provisions of this section, regardless of any conditions to the contrary in any charter, franchise or permit of whatever character granted by

any county, city, town, village or hamlet within this State, or of any charter, franchise or permit granted by any authority outside this State.

Sec. 9. A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, and which had an annual gross operating revenue of \$1,000,000 or more during calendar year 2005, calendar year 2006 or calendar year 2007 shall, on or before March 1, 2008, submit to the Public Utilities Commission of Nevada the plan required pursuant to the provisions of section 3 of this act.

Sec. 10. This act becomes effective on July 1, 2007.

Senator Townsend moved the adoption of the amendment.

Remarks by Senator Townsend.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 90.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 19.

"SUMMARY—Revises provisions relating to the Nevada Commission on Homeland Security. (BDR 19-299)"

"AN ACT relating to homeland security; revising the composition of voting members of the Nevada Commission on Homeland Security; authorizing the Chairman of the Commission to appoint nonmembers to certain committees; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill adds an employee of the largest incorporated city in each county whose population is 400,000 or more to the list of voting members who must be appointed by the Governor to the Nevada Commission on Homeland Security. Section 1 also changes the status of the officer designated by the United States Department of Homeland Security and the agent in charge of the office of the Federal Bureau of Investigation in this State to serve on the Nevada Commission on Homeland Security from ~~four~~ voting ~~member~~ members to ~~four~~ nonvoting ~~member~~ members. (NRS 239C.120)

Section 2 of this bill clarifies that the Chairman of the Nevada Commission on Homeland Security is authorized to appoint any person he deems appropriate to serve on a committee to assist the Commission so long as one member of the Commission is appointed to the committee. In addition, section 2 provides that a member of such a committee who is not a member of the Commission is not entitled to compensation, but may receive a per diem allowance and travel expenses. If the member is a public employee, he must also be given leave with pay without reducing any of his accrued leave. (NRS 239C.170)

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

Section 1. NRS 239C.120 is hereby amended to read as follows:

239C.120 1. The Nevada Commission on Homeland Security is hereby created.

2. The Governor shall appoint to the Commission 14 voting members that he determines to be appropriate and who serve at his pleasure, which must include at least:

- (a) The sheriff of each county whose population is 100,000 or more;
- (b) The chief of the county fire department in each county whose population is 100,000 or more;
- (c) ~~The agent in charge of the office of the Federal Bureau of Investigation in this State; and~~
- ~~(d) An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated for this State; and~~
- ~~(e) A member of the medical community in a county whose population is 400,000 or more; and~~
- (d) An employee of the largest incorporated city in each county whose population is 400,000 or more.

3. ~~The Governor shall appoint ~~four~~ :~~

(a) An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated for this State ; and

(b) The agent in charge of the office of the Federal Bureau of Investigation in this State,

~~as ~~four~~ nonvoting ~~member~~ members of the Commission.~~

4. The Senate Majority Leader shall appoint one member of the Senate as a nonvoting member of the Commission.

~~4.~~ 5. The Speaker of the Assembly shall appoint one member of the Assembly as a nonvoting member of the Commission.

~~5.~~ 6. Except for the initial members, the term of office of each member of the Commission who is a Legislator is 2 years and commences on July 1 of the year of appointment.

~~6.~~ 7. The Governor or his designee shall:

- (a) Serve as Chairman of the Commission; and
- (b) Appoint a member of the Commission to serve as Vice Chairman of the Commission.

Sec. 2. NRS 239C.170 is hereby amended to read as follows:

239C.170 1. The Chairman of the Commission shall, with the approval of the Commission, appoint a Committee on Finance and any other committees deemed necessary by the Chairman to assist in carrying out the duties of the Commission. The Chairman of the Commission shall appoint to a committee the number of voting members or nonvoting members, or both, that he determines to be appropriate . ~~4.~~ The Chairman may appoint any

person he deems appropriate to serve on a committee, except that a committee must include at least one member of the Commission. At its first meeting and annually thereafter, a committee shall select a chairman and a vice chairman from the members of the committee.

2. *A member of a committee formed pursuant to subsection 1 who is not a member of the Commission is not entitled to receive compensation for service on the committee, except that the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. If the member is a public employee, his employer must grant him administrative leave from his duties to serve on such a committee without loss of his regular compensation and without reducing the amount of any other accrued leave he may have.*

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

Senator Nolan moved the adoption of the amendment.

Remarks by Senators Nolan and Care.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 95.

Bill read second time.

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

Amendment No. 16.

"SUMMARY—Revises provisions governing public utilities. (BDR 58-552)"

"AN ACT relating to public utilities; removing certain entities from regulation as public utilities; eliminating the requirement that the Public Utilities Commission of Nevada conduct a hearing before ordering certain changes relating to railroad crossings; eliminating the requirement that the Commission convene a hearing not later than 60 days after a plan to increase the supply of electricity or decrease the demand for electricity is filed with the Commission; exempting certain electric generating plants from provisions governing the construction of utility facilities; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes the Public Utilities Commission of Nevada to regulate public utilities in this State. (NRS 704.001) Existing law defines the term "public utility." (NRS 704.020) Section 1 of this bill removes radio and broadcasting companies, companies that own cars used as part of railroad trains and companies that operate a ditch, flume, tunnel or tunnel and drainage system from regulation as public utilities.

Existing law authorizes the Commission, after an investigation and hearing, to order certain changes relating to railroad crossings. (NRS 704.300) Section 2 of this bill removes the requirement that the Commission conduct a hearing before ordering such changes.

Existing law requires that an electric utility submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission every 3 years. (NRS 704.741) Existing law requires the Commission to convene a hearing on such a plan not later than 60 days after the plan is submitted to the Commission. (NRS 704.746) Section 5 of this bill removes the requirement that the hearing be convened within that 60-day period. Existing law also requires the Commission to accept the plan as filed or specify the portions of the plan it finds inadequate within 135 days after the plan is filed. (NRS 704.751) Section 5 extends that deadline to 180 days after the plan is filed ~~for~~ for certain portions of the plan, but retains the 135-day deadline with respect to an amendment to an accepted plan.

Existing law sets forth a permitting process for the construction of a utility facility to minimize the environmental impact of the facility. (NRS 704.820-704.900) Existing law exempts from the permitting process certain electric generating plants which use renewable energy as their primary source of energy to generate electricity and which have a limited generating capacity. (NRS 704.860) Section 6 of this bill exempts all such electric generating plants from the permitting process regardless of their generating capacity.

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

Section 1. NRS 704.020 is hereby amended to read as follows:

704.020 1. "Public utility" or "utility" includes:

(a) Any person who owns, operates, manages or controls any railroad or part of a railroad as a common carrier in this State, or cars or other equipment used thereon, or bridges, terminals, or sidetracks, or any docks or wharves or storage elevators used in connection therewith, whether or not they are owned by the railroad.

(b) Any telephone company that provides a telecommunication service to the public, but only with regard to those operations of the telephone company which consist of providing a telecommunication service to the public.

~~(c) Any radio or broadcasting company or instrumentality that provides a common or contract service.~~

~~(d) Any company that owns cars of any kind or character, used and operated as a part of railroad trains, in or through this State. All duties required of and penalties imposed upon any railroad or any officer or agent thereof are, insofar as applicable, required of and imposed upon the owner or operator of any telephone company that provides a telecommunication service to the public, any radio or broadcasting company or instrumentality that provides a common or contract service and any company that owns cars of any kind or character, used and operated as a part of railroad trains in or through this State, and their officers and agents, and the Commission may supervise and control all such companies, instrumentalities and persons to the same extent as railroads.]~~

2. "Public utility" or "utility" also includes:

(a) ~~{Any person who owns, operates or controls any ditch, flume, tunnel or tunnel and drainage system, charging rates, fares or tolls, directly or indirectly.~~

~~(b)}~~ Any plant or equipment, or any part of a plant or equipment, within this State for the production, delivery or furnishing for or to other persons, including private or municipal corporations, heat, gas, coal slurry, light, power in any form or by any agency, water for business, manufacturing, agricultural or household use, or sewerage service, whether or not within the limits of municipalities.

~~{(e)}~~ (b) Any system for the distribution of liquefied petroleum gas to 10 or more users.

↪ The Commission may supervise, regulate and control all such utilities, subject to the provisions of this chapter and to the exclusion of the jurisdiction, regulation and control of such utilities by any municipality, town or village, unless otherwise provided by law.

3. The provisions of this chapter and the term "public utility" apply to all railroads, express companies, car companies and all associations of persons, whether or not incorporated, that do any business as a common carrier upon or over any line of railroad within this State.

Sec. 2. NRS 704.300 is hereby amended to read as follows:

704.300 1. After an investigation ~~{and hearing, which has been}~~ initiated either upon the Commission's own motion ~~{,}~~ or as the result of the filing of a formal application or complaint by the Department of Transportation, the board of county commissioners of any county, the town board or council of any town or municipality, or any railroad company, the Commission may ~~{determine, and}~~ order for the safety of the traveling public:

(a) The elimination, alteration, addition or change of a highway crossing or crossings over any railroad at grade, or above or below grade, including its approaches and surface.

(b) Changes in the method of crossing at grade, or above or below grade.

(c) The closing of a crossing and the substitution of another therefor.

(d) The removal of obstructions to the public view in approaching any crossing.

(e) Such other details of use, construction and operation as may be necessary to make grade-crossing elimination, changes and betterments for the protection of the public and the prevention of accidents effective.

2. The Commission shall order that the cost of any elimination, removal, addition, change, alteration or betterment so ordered must be divided and paid in such proportion by the State, county, town or municipality and the railroad or railroads interested as is provided according to the circumstances occasioning the cost ~~{,}~~ in NRS 704.305.

3. ~~{All}~~ *If the Commission chooses to conduct a hearing before issuing an order pursuant to subsection 1, all costs incurred by reason of ~~{any}~~*

hearing held under this section before the Commission,] *the hearing*, including , but not limited to , publication of notices, reporting, transcripts and rental of hearing room, must be apportioned 50 percent to the governmental unit or units affected and 50 percent to the railroad or railroads.

Sec. 3. NRS 704.673 is hereby amended to read as follows:

704.673 ~~Every~~

1. *Except as otherwise provided in subsection 2, every cooperative association or nonprofit corporation or association and every other supplier of services described in this chapter supplying such services for the use of the public and for the use of its own members is hereby declared to be affected with a public interest, to be a public utility, and to be subject to the jurisdiction, control and regulation of the Commission and to the provisions of this chapter .* ~~but in~~

2. *In the case of the acquisition of the certificate or all or any part of the territory of a public utility, as defined in paragraph ~~((b))~~ (a) of subsection 2 of NRS 704.020, by a cooperative association or nonprofit corporation or association which ~~prior to~~ before April 26, 1963, had supplied services for the use of its own members only, ~~this section shall not be~~ the provisions of subsection 1 are not applicable for a period of 6 months or the expiration of such reasonable extension or extensions of ~~such~~ that 6-month period as may be ordered by the Commission, during which period the cooperative association or nonprofit corporation or association may enroll as its members the customers of the public utility whose certificate or territory was acquired so as to make such acquiring cooperative association or nonprofit corporation or association subject only to the limited jurisdiction, control and regulation of the Commission, and only to the specific provisions of chapter 704 of NRS as provided by NRS 704.675.*

Sec. 4. NRS 704.746 is hereby amended to read as follows:

704.746 1. ~~Not more than 60 days after~~ *After* a utility has filed its plan ~~]~~ pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. At the hearing any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

3. After the hearing , the Commission shall determine whether:

(a) The forecast requirements of the utility are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility, associated with the following possible measures and sources of supply:

- (1) Improvements in energy efficiency;
- (2) Pooling of power;
- (3) Purchases of power from neighboring states or countries;
- (4) Facilities that operate on solar or geothermal energy or wind;
- (5) Facilities that operate on the principle of cogeneration or hydrogeneration; and
- (6) Other generation facilities.

4. The Commission may give preference to the measures and sources of supply set forth in paragraph (c) of subsection 3 that:

- (a) Provide the greatest economic and environmental benefits to the State;
- (b) Are consistent with the provisions of this section; and
- (c) Provide levels of service that are adequate and reliable.

5. The Commission shall:

- (a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and
- (b) Consider the value to the public of using water efficiently when it is determining those preferences.

Sec. 5. NRS 704.751 is hereby amended to read as follows:

704.751 1. ~~Within 135~~ ~~180 days after~~ After a utility has filed ~~its plan,~~ the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting the plan as filed or specifying any portions of the plan it deems to be inadequate ~~it~~ :

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 180 days for all portions of the plan not described in paragraph (a).

~~2. If a utility files an amendment to a plan, for which an order of acceptance has been issued by the Commission, within 135 days after the utility has filed the amendment to the plan,~~ the Commission shall issue an order accepting the ~~plan~~ amendment as filed or specifying any portions of the ~~plan~~ amendment it deems to be inadequate ~~it~~ within 135 days of the filing of the amendment.

3. All prudent and reasonable expenditures made to develop the utility's plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's customers.

Sec. 6. NRS 704.860 is hereby amended to read as follows:

704.860 "Utility facility" means:

1. Electric generating plants and their associated facilities, except:

(a) Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more; or

(b) Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity, ~~and which have or will have a~~

~~generating capacity of not more than 150 kilowatts,] including, without limitation, a net metering system, as defined in NRS 704.771.~~

↪ As used in this subsection, "associated facilities" includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.

2. Electric transmission lines and transmission substations that:

- (a) Are designed to operate at 200 kilovolts or more;
- (b) Are not required by local ordinance to be placed underground; and
- (c) Are constructed outside any incorporated city.

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside:

- (a) Any incorporated city; and
- (b) Any county whose population is 100,000 or more.

4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.

5. Sewer transmission and treatment facilities.

Sec. 7. Notwithstanding any other provision of law to the contrary:

1. Perfection or notice provided by a security instrument covering real or personal property located in this State which was filed with the Secretary of State or recorded in the office of a county recorder before July 1, 2007, in compliance with the provisions of chapter 105 of NRS, by a person who, on and after July 1, 2007, is not subject to regulation as a public utility pursuant to NRS 704.020, as amended by section 1 of this act, remains effective for the period provided by the law in effect at the time of its filing or recordation.

2. Such an instrument may be filed anew pursuant to NRS 104.9101 to 104.9709, inclusive, and if so filed has the effect given to security instruments originally filed pursuant to NRS 104.9101 to 104.9709, inclusive. The priority of such a filing dates from the time that the security interest was first filed with the Secretary of State or recorded in the office of a county recorder and not from the date the instrument is filed anew pursuant to NRS 104.9101 to 104.9709, inclusive.

Sec. 8. This act becomes effective on July 1, 2007.

Senator Townsend moved the adoption of the amendment.

Remarks by Senator Townsend.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 100.

Bill read second time.

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

Amendment No. 9.

"SUMMARY—Requires an insurer or third-party administrator who pays workers' compensation to an employee or a dependent of an employee to deposit the compensation directly into the account of the employee or dependent under certain circumstances. (BDR 53-465)"

"AN ACT relating to industrial insurance; requiring an insurer or third-party administrator who pays workers' compensation to an employee or a dependent of an employee to deposit the compensation directly into the account of the employee or dependent under certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the payment of compensation to an employee who is injured or killed during the course of employment or who is injured or killed after incurring an occupational disease. (Chapters 616A-617 of NRS)

Section 1 of this bill authorizes an employee or a dependent of an employee who receives payments for workers' compensation from an insurer or third-party administrator for a permanent total disability, death or a permanent partial disability to submit a written notice to the insurer or third-party administrator directing the insurer or third-party administrator to deposit the compensation directly into the employee's or dependent's account specified in the written notice. If so directed by the employee or dependent, section 1 requires the insurer or third-party administrator to deposit the compensation directly into that account.

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

Section 1. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each employee or dependent of an employee who receives compensation pursuant to chapters 616A to 616D, inclusive, or 617 of NRS for a permanent total disability, death or a permanent partial disability that was not paid in a lump sum pursuant to NRS 616C.495 may submit to the insurer or third-party administrator who pays the compensation a written notice directing the insurer or third-party administrator to deposit the compensation directly into the account of the employee or dependent specified by the employee or dependent in the written notice.*

2. *If an insurer or third-party administrator receives a written notice from an employee or dependent of an employee pursuant to subsection 1, the insurer or third-party administrator shall, in lieu of issuing a check, deposit the compensation paid by the insurer or third-party administrator directly into the account specified by the employee or dependent in the written notice.*

Sec. 2. NRS 616C.205 is hereby amended to read as follows:

616C.205 Except as otherwise provided in this section and NRS 31A.150 and 31A.330, compensation payable or paid under chapters 616A to 616D, inclusive, or chapter 617 of NRS, whether determined or due, or not ~~[, is not,]~~:

1. *Is not assignable* before the issuance and delivery of the check ~~[, assignable, is]~~ or the deposit of any payment for compensation pursuant to section 1 of this act;

2. *Is exempt from attachment, garnishment and execution* ~~[, and does]~~; and

3. *Does not pass to any other person by operation of law.*

➔ In the case of the death of an injured employee covered by chapters 616A to 616D, inclusive, or chapter 617 of NRS from causes independent from the injury for which compensation is payable, any compensation due the employee which was awarded or accrued but for which a check was not issued or delivered or for which payment was not made pursuant to section 1 of this act at the date of death of the employee is payable to his dependents as defined in NRS 616C.505.

Sec. 3. NRS 616C.475 is hereby amended to read as follows:

616C.475 1. Except as otherwise provided in this section, NRS 616C.175 and 616C.390, every employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by accident arising out of and in the course of employment, or his dependents, is entitled to receive for the period of temporary total disability, 66 2/3 percent of the average monthly wage.

2. Except as otherwise provided in NRS 616B.028 and 616B.029, an injured employee or his dependents are not entitled to accrue or be paid any benefits for a temporary total disability during the time the injured employee is incarcerated. The injured employee or his dependents are entitled to receive such benefits when the injured employee is released from incarceration if he is certified as temporarily totally disabled by a physician or chiropractor.

3. If a claim for the period of temporary total disability is allowed, the first payment pursuant to this section must be issued by the insurer within 14 working days after receipt of the initial certification of disability and regularly thereafter.

4. Any increase in compensation and benefits effected by the amendment of subsection 1 is not retroactive.

5. Payments for a temporary total disability must cease when:

(a) A physician or chiropractor determines that the employee is physically capable of any gainful employment for which the employee is suited, after giving consideration to the employee's education, training and experience;

(b) The employer offers the employee light-duty employment or employment that is modified according to the limitations or restrictions imposed by a physician or chiropractor pursuant to subsection 7; or

(c) Except as otherwise provided in NRS 616B.028 and 616B.029, the employee is incarcerated.

6. Each insurer may, with each check that it issues to an injured employee for a temporary total disability, include a form approved by the Division for the injured employee to request continued compensation for the

temporary total disability. ~~[If the insurer makes a deposit of compensation for the temporary total disability pursuant to section 1 of this act, the insurer may submit the form to the injured employee as soon as practicable after making the deposit.]~~

7. A certification of disability issued by a physician or chiropractor must:

- (a) Include the period of disability and a description of any physical limitations or restrictions imposed upon the work of the employee;
- (b) Specify whether the limitations or restrictions are permanent or temporary; and
- (c) Be signed by the treating physician or chiropractor authorized pursuant to NRS 616B.527 or appropriately chosen pursuant to subsection 3 of NRS 616C.090.

8. If the certification of disability specifies that the physical limitations or restrictions are temporary, the employer of the employee at the time of his accident may offer temporary, light-duty employment to the employee. If the employer makes such an offer, the employer shall confirm the offer in writing within 10 days after making the offer. The making, acceptance or rejection of an offer of temporary, light-duty employment pursuant to this subsection does not affect the eligibility of the employee to receive vocational rehabilitation services, including compensation, and does not exempt the employer from complying with NRS 616C.545 to 616C.575, inclusive, and 616C.590 or the regulations adopted by the Division governing vocational rehabilitation services. Any offer of temporary, light-duty employment made by the employer must specify a position that:

- (a) Is substantially similar to the employee's position at the time of his injury in relation to the location of the employment and the hours he is required to work;
- (b) Provides a gross wage that is:
 - (1) If the position is in the same classification of employment, equal to the gross wage the employee was earning at the time of his injury; or
 - (2) If the position is not in the same classification of employment, substantially similar to the gross wage the employee was earning at the time of his injury; and
- (c) Has the same employment benefits as the position of the employee at the time of his injury.

Sec. 4. This act becomes effective on January 1, 2008.

Senator Carlton moved the adoption of the amendment.

Remarks by Senator Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 115.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 121.

"SUMMARY—Revises provisions governing the rights of parents of pupils with disabilities. (BDR 34-737)"

"AN ACT relating to education; providing that ~~for a parent of a pupil with a disability retains certain~~ *the rights of a parent of a pupil with a disability* under the Individuals with Disabilities Education Act ~~under certain circumstances even~~ *transfer to the pupil* when the pupil attains the age of 18 years; providing *that* a parent of a pupil with a disability ~~the option to transfer those rights~~ *may request to represent the educational interests of* the pupil when the pupil attains the age of 18 years; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

The Individuals with Disabilities Education Act (IDEA) authorizes, but does not require, a state to transfer the rights of a parent of a pupil with a disability under the IDEA to the pupil when the pupil attains the age of majority under state law. (20 U.S.C. § 1415(m)) *The IDEA also requires that, if a state transfers the rights of a parent to the pupil, the state must provide a special rule that would allow the parent of the pupil with a disability to be appointed to represent the educational interests of the pupil under certain circumstances. (20 U.S.C. § 1415(m)(2))* If a court has appointed a guardian for a pupil with a disability, the rights that would otherwise transfer to the pupil must remain with or otherwise transfer to the guardian. The State Board of Education has adopted regulations which transfer the rights of a parent of a pupil with a disability to the pupil when the pupil attains the age of 18 years if a court has not appointed a guardian for the pupil. (NRS 388.520; NAC 388.195)

~~[This]~~ *Section 2 of this bill* provides that the rights of a parent of a pupil with a disability under the IDEA ~~remain with the parent even when~~ *transfer to the pupil when the pupil attains the age of 18 years.* ~~[until: (1) the pupil receives a diploma; (2) the pupil is no longer enrolled in a program of special education; or (3) the parent elects to transfer those rights to the pupil. The parent may elect to transfer the rights to the pupil on or after the date on which the pupil attains the age of 18 years.]~~

Section 3 of this bill authorizes the parent of a pupil with a disability to submit a concise application to the school district or the charter school in which the pupil is enrolled for the appointment of the parent to represent the educational interests of the pupil when the pupil attains the age of 18 years.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ *the provisions set forth as sections 2 and 3 of this act.*

Sec. 2. 1. Except as otherwise provided in this section ~~and~~ and section 3 of this act, any right accorded to a parent of a pupil with a disability pursuant to the Individuals with Disabilities Education Act, 20 U.S.C.

§§ 1400 et seq., or the regulations adopted pursuant thereto, ~~remains the right of the parent and does not transfer~~ transfers to the pupil when the pupil attains the age of 18 years. ~~The provisions of this subsection apply until:~~

~~(a) The pupil receives a standard high school diploma or an adjusted diploma;~~

~~(b) The pupil is no longer enrolled in a program of special education pursuant to NRS 388.440 to 388.5315, inclusive; or~~

~~(c) The parent elects to transfer his rights pursuant to subsection 2.]~~

2. ~~A parent may elect to transfer his rights to the pupil with a disability on or after~~ Not less than 45 days before the date on which ~~the~~ a pupil with a disability attains the age of 18 years ~~The~~, the school district or charter school in which the pupil is enrolled shall provide notice to the ~~parent~~:

~~(a) Parent of the~~ option to transfer of his rights pursuant to ~~this~~ subsection ~~1~~ 1 and of the process for submission of an application to the school district or charter school pursuant to section 3 of this act.

~~(b) Pupil concerning the transfer of rights to the pupil.~~

3. If a pupil with a disability attains the age of 18 years and the pupil is enrolled in a program of special education pursuant to NRS 388.440 to 388.5315, inclusive, and sections 2 and 3 of this act, the school district or charter school in which the pupil is enrolled shall provide any notice required pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto, or NRS 388.440 to 388.5315, inclusive, and sections 2 and 3 of this act, and the regulations adopted pursuant thereto, to the:

(a) Parent; and

(b) Pupil with a disability,

~~regardless of whether the parent~~ retains his rights is appointed to represent the educational interests of the pupil pursuant to section 3 of this act or ~~transfers his~~ the rights transfer to the pupil pursuant to ~~this section~~ subsection 1.

4. If a court of competent jurisdiction adjudicates a pupil with a disability incompetent and appoints a guardian for the pupil, all rights pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto, remain with or otherwise transfer to the guardian.

Sec. 3. 1. If a parent of a pupil with a disability believes that the pupil does not have the ability to provide informed consent with respect to his own educational program, the parent may, at least 30 days before the pupil attains 18 years of age, submit an application to the school district or the charter school in which the pupil is enrolled to appoint the parent to represent the educational interests of the pupil.

2. The application must be submitted on a concise form prescribed by the school district or charter school. The application:

(a) Must not be unduly burdensome on the parent to fill out; and

(b) Must not require the pupil to sign the application or otherwise require the pupil to grant permission for the parent to represent the pupil's educational interests.

3. If the school district or charter school grants an application, the parent shall continue to represent the educational interests of the pupil until:

(a) The pupil receives a standard high school diploma or an adjusted diploma;

(b) The pupil is no longer enrolled in a program of special education pursuant to NRS 388.440 to 388.5315, inclusive, and sections 2 and 3 of this act; or

(c) The parent elects to transfer the right to represent educational interests to the pupil.

4. A parent whose application is denied may appeal that determination in the manner set forth for hearings in the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto.

~~Sec. 2~~ Sec. 4. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5315, inclusive ~~[-]~~, and ~~section 17~~ sections 2 and 3 of this act:

1. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

2. "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

~~Sec. 3~~ Sec. 5. This act becomes effective on July 1, 2007.

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 118.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 34.

"SUMMARY—Requires the State Environmental Commission to adopt regulations relating to the handling and storage of certain quantities of mercury. (BDR 40-209)"

"AN ACT relating to hazardous materials; requiring the State Environmental Commission to adopt regulations relating to the handling and storage of certain quantities of mercury; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the State Environmental Commission is required to adopt, as part of the Chemical Accident Prevention Program for the State of Nevada (C.A.P.P.), regulations relating to hazardous substances. (NRS 459.3818; NAC 459.95225) This bill requires the Commission to adopt specific regulations for the handling and storage of mercury when present in a quantity of ~~1,000~~ 100 tons or more to protect the health, safety and welfare of the residents of this State.

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

Section 1. NRS 459.3818 is hereby amended to read as follows:

459.3818 1. In addition to the regulations required to be adopted pursuant to NRS 459.380 to 459.3874, inclusive, the State Environmental Commission shall adopt such other regulations as are necessary to carry out the purposes and enforce the provisions of NRS 459.380 to 459.3874, inclusive. The regulations must include, without limitation:

(a) Specifications for the applicability of the provisions of NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto;

(b) The establishment of a program for the prevention of accidental releases of chemicals that satisfies the provisions of the chemical process safety standard set forth pursuant to 29 U.S.C. § 655;

(c) *Provisions to protect the health, safety and welfare of the residents of this State from the effects of the handling and storage of mercury when present in a quantity of ~~1,000~~ 100 tons or more;*

(d) Provisions necessary to enable the Division to administer and enforce the provisions of NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto;

~~(e)~~ (e) Requirements for the registration of a facility with the Division; and

~~(e)~~ (f) Provisions to ensure that the public is involved in the process of evaluating proposed regulatory actions that may affect the public.

2. The Division shall:

(a) Administer and enforce the provisions of NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto; and

(b) Make every effort to involve advisory councils on hazardous materials, where they exist, the governing bodies of local governments and other interested persons in explaining actions taken pursuant to those sections and the regulations adopted pursuant thereto.

3. The State Environmental Commission must apply the provisions of NRS 459.380 to 459.3874, inclusive, to dealers of liquefied petroleum gas who sell, fill, refill, deliver or are permitted to deliver any liquefied petroleum gas in a manner that is consistent with 42 U.S.C. § 7412(r)(4)(B).

4. As used in this section, "liquefied petroleum gas" has the meaning ascribed to it in NRS 590.475.

Sec. 2. This act becomes effective on July 1, 2007.
 Senator Nolan moved the adoption of the amendment.
 Remarks by Senator Nolan.
 Amendment adopted.
 Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 124.
 Bill read second time.

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

Amendment No. 66.

"SUMMARY—Revises provisions governing state personnel and independent contractors. (BDR 23-613)"

"AN ACT relating to state governmental administration; revising provisions governing the appointment of an employee in the classified service of the State who does not attain permanent status in a position to which he was promoted; revising provisions governing independent contractors with the State; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, all overtime worked by a state employee in the classified service must be approved in advance by the appointing authority or his designee. (NRS 284.180) Section 1 of this bill authorizes overtime without prior approval in an emergency where the services provided by the employee are necessary to protect the public health or safety or for emergency management and the employee complies with certain notification requirements concerning the overtime.

Under existing law, a state employee in the classified service who is promoted to a position and who does not attain permanent status in that position for certain reasons is required to be restored to the position from which he was promoted. (NRS 284.300) ~~Section 1~~ Section 2 of this bill ~~authorizes the appointment of such an employee to a vacant position that is in the same or a comparable class and that has the same salary and benefits and is located in the same community as the position from which he was promoted if that former position has been filled.~~ removes the requirement that the employee be restored to his previous position and instead provides the appointing authority with the discretion to restore the employee to the position.

Under existing law, elective officers and the heads of departments, boards, commissions and institutions of the Executive Branch of State Government are authorized to contract for the services of independent contractors, including the provision of security services for state agencies. (NRS 284.173, 284.174) The contracts for such services are under the regulatory authority of the Personnel Commission and are required to be awarded pursuant to the State Purchasing Act. (NRS 284.065, 284.173, chapter 333 of NRS) Pursuant

to sections ~~2-9~~ 3-10 of this bill, the authority to administer and adopt regulations governing such contracts is transferred from the Personnel Commission to the Chief of the Purchasing Division of the Department of Administration.

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

Section 1. NRS 284.180 is hereby amended to read as follows:

284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.

2. Credit for overtime work directed or approved by the head of an agency or his representative must be earned at the rate of time and one-half, except for those employees described in NRS 284.148.

3. Except as otherwise provided in subsections 4, 6, 7 and 9, overtime is considered time worked in excess of:

- (a) Eight hours in 1 calendar day;
- (b) Eight hours in any 16-hour period; or
- (c) A 40-hour week.

4. Firefighters who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of his annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:

- (a) Twenty-four hours in one scheduled shift; or
- (b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.

➔ The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, he is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.

5. The Commission shall adopt regulations to carry out the provisions of subsection 4.

6. For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.

7. Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour work schedule within a biweekly pay period and who choose and are approved for such a work schedule will be considered eligible for overtime only after working

80 hours biweekly, except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.

8. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.

9. This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.

10. ~~10.11~~ Except as otherwise provided in subsection 11, all overtime must be approved in advance by the appointing authority or his designee. No officer or employee, other than a director of a department or the chairman of a board, commission or similar body, may authorize overtime for himself. The chairman of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.

11. In an emergency, an employee may work overtime without prior approval if:

(a) The services provided by the employee are necessary to protect the public health or safety or for emergency management;

(b) The employee attempts to notify an appropriate supervisor or dispatcher of the necessity for working the overtime; and

(c) The employee reports the amount of overtime worked to his supervisor as soon as practicable after working the overtime and provides reasonable justification for the necessity of working the overtime, including a description of the circumstances and scope of the emergency.

12. The Budget Division of the Department of Administration shall review all overtime worked by employees of the Executive Department to ensure that overtime is held to a minimum. The Budget Division shall report quarterly to the State Board of Examiners the amount of overtime worked in the quarter within the various agencies of the State.

~~Section 1.~~ Sec. 2. NRS 284.300 is hereby amended to read as follows:

284.300 1. Any promotional appointee who fails to attain permanent status in the position to which he was promoted, or who is dismissed for cause other than misconduct or delinquency on his part from the position to which he was promoted, either during the probationary period or at the conclusion thereof by reason of the failure of the appointing authority to file a request for his continuance in the position, ~~shall~~ ~~must~~ may be ~~re-~~

~~(a) If the position from which he was promoted is vacant or a vacant position described in paragraph (b) is not available,~~ restored to the position from which he was promoted ~~or~~

~~(b) If the position from which he was promoted is filled, appointed to a vacant position that:~~

~~(1) Is in the same class as, or a comparable class to, the position from which he was promoted; and~~

~~(2) Has the same salary and benefits and is located in the same community as the position from which he was promoted.]~~

~~2. Before an appointing authority may appoint a person to a comparable class pursuant to paragraph (b) of subsection 1, the appointing authority must obtain approval for the appointment from the Department.~~

~~3.~~ Nothing contained in this section shall be construed to prevent any employee of the classified service from competing for places upon lists of persons eligible for original appointments.

~~[Sec. 2.]~~ Sec. 3. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive:

1. "Employee" includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

(c) University school for profoundly gifted pupils described in Chapter 392A of NRS.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the State pursuant to ~~[NRS 284.173;]~~ section 7 of this act; and

(b) Contracts to provide medical services for the Department of Corrections.

↪ As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.

~~[Sec. 3.]~~ Sec. 4. NRS 176.0129 is hereby amended to read as follows:

176.0129 The Department of Administration shall, on an annual basis, contract for the services of an independent contractor, in accordance with the provisions of ~~[NRS 284.173;]~~ section 7 of this act, to:

1. Review sentences imposed in this State and the practices of the State Board of Parole Commissioners and project annually the number of persons who will be:

- (a) In a facility or institution of the Department of Corrections;
 - (b) On probation;
 - (c) On parole; and
 - (d) Serving a term of residential confinement,
- ↪ during the 10 years immediately following the date of the projection; and

2. Review preliminary proposals and information provided by the Commission and project annually the number of persons who will be:

- (a) In a facility or institution of the Department of Corrections;
 - (b) On probation;
 - (c) On parole; and
 - (d) Serving a term of residential confinement,
- ↪ during the 10 years immediately following the date of the projection, assuming the preliminary proposals were recommended by the Commission and enacted by the Legislature.

~~[Sec. 4.]~~ Sec. 5. NRS 232.548 is hereby amended to read as follows:

232.548 1. Except if a particular procedure for resolving a dispute is required by a specific statute, and except as otherwise provided in subsection 2, the Director may authorize any entity within the Department or any natural person who is subject to the authority of the Director to use alternative means of dispute resolution in any proceeding if the alternative means can be:

- (a) Carried out by the available personnel of the Department or persons under contract with the Department; and
- (b) Paid for with money that is available in the existing budget of the affected entity of the Department.

2. Before authorizing an entity of the Department to use alternative means of dispute resolution, the Director must notify the Attorney General. The Attorney General, within 30 days after his receipt of the notification from the Director, shall respond to the Director concerning the advisability of using alternative means of dispute resolution to resolve the dispute at issue. The Director shall consider the advice of the Attorney General but may authorize an entity of the Department to use alternative means of dispute resolution unless the Attorney General indicates in his response that he officially opposes the use of such means. If the Attorney General fails to respond within 30 days after his receipt of the notification, the Director may authorize the use of alternative means of dispute resolution.

3. The alternative means of dispute resolution may include, without limitation, evaluation of the facts and issues in a dispute by a neutral person, fact-finding, mediation, arbitration or other collaborative problem-solving processes designed to encourage persons to work together to develop agreeable solutions to disputes in lieu of litigation or adjudication of contested cases in administrative hearings.

4. Any entity which, or natural person who, has received authorization from the director to use alternative means of dispute resolution may enter into a contract to facilitate the use of such means, subject to the approval of the Attorney General, the limitations set forth in subsection 1 and the provisions of ~~[NRS 284.173.]~~ *section 7 of this act.*

~~[Sec. 5.]~~ Sec. 6. Chapter 333 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

~~[Sec. 6.]~~ Sec. 7. 1. *A using agency may contract for the services of a person as an independent contractor. Except as otherwise provided by specific statute, each such contract must be awarded pursuant to this chapter.*

2. *An independent contractor is a natural person, firm or corporation who agrees to perform services for a fixed price according to his or its own methods and without subsection to the supervision or control of the other contracting party, except as to the results of the work, and not as to the means by which the services are accomplished.*

3. *For the purposes of this section:*

(a) *Travel, subsistence and other personal expenses may be paid to an independent contractor, if provided for in the contract, in such amounts as provided for in the contract. Those expenses must not be paid pursuant to the provisions of NRS 281.160.*

(b) *There must be no:*

(1) *Withholding of income taxes by the State;*

(2) *Coverage for industrial insurance provided by the State;*

(3) *Participation in group insurance plans which may be available to employees of the State;*

(4) *Participation or contributions by either the independent contractor or the State to the Public Employees' Retirement System;*

(5) *Accumulation of vacation leave or sick leave; or*

(6) *Coverage for unemployment compensation provided by the State if the requirements of NRS 612.085 for independent contractors are met.*

4. *An independent contractor is not in the classified or unclassified service of the State and has none of the rights or privileges available to officers or employees of the State of Nevada.*

5. *Except as otherwise provided in this subsection, each contract for the services of an independent contractor must be in writing. The form of the contract must be first approved by the Attorney General, and except as otherwise provided in subsection 7, an executed copy of each contract must be filed with the Fiscal Analysis Division of the Legislative Counsel Bureau and the Clerk of the State Board of Examiners. The State Board of Examiners may waive the requirements of this subsection in the case of contracts which are for amounts less than \$2,000.*

6. *Except as otherwise provided in subsection 7, each proposed contract with an independent contractor must be submitted to the State Board of*

Examiners. The contracts do not become effective without the prior approval of the State Board of Examiners, except that the State Board of Examiners may authorize its Clerk or his designee to approve contracts which are:

- (a) For amounts less than \$10,000 or, in contracts necessary to preserve life and property, for amounts less than \$25,000.*
- (b) Entered into by the State Gaming Control Board for the purposes of investigating an applicant for or holder of a gaming license.*

7. Copies of the following types of contracts need not be filed or approved as provided in subsections 5 and 6:

- (a) Contracts executed by the Department of Transportation for any work of construction or reconstruction of highways.*
- (b) Contracts executed by the State Public Works Board or any other state department or agency for any work of construction or major repairs of state buildings if the contracting process was controlled by the rules of open competitive bidding.*
- (c) Contracts executed with business entities for any work of maintenance or repair of office machines and equipment.*

8. The State Board of Examiners shall review each contract submitted for approval pursuant to subsection 6 to consider:

- (a) Whether sufficient authority exists to expend the money required by the contract; and*
- (b) Whether the service which is the subject of the contract could be provided by a state agency in a more cost-effective manner.*

➤ If the contract submitted for approval continues an existing contractual relationship, the State Board of Examiners shall ask each agency to ensure that the State is receiving the services that the contract purports to provide.

9. If the services of an independent contractor are contracted for to represent an agency of the State in any proceeding in any court, the contract must require the independent contractor to identify in all pleadings the specific state agency which he is representing.

10. The State Board of Examiners shall adopt regulations to carry out the provisions of this section.

~~Sec. 7.~~ *Sec. 8. 1. If personnel of the Capitol Police Division of the Department of Public Safety are not available to provide security services for a building, office or other facility of a using agency, the using agency may, pursuant to section 7 of this act, contract with one or more independent contractors to provide such services.*

2. An independent contractor with whom a using agency contracts pursuant to subsection 1 must:

- (a) Be licensed as a private patrolman pursuant to chapter 648 of NRS or employed by a person so licensed; and*
- (b) Possess the skills required of and meet the same physical requirements as law enforcement personnel certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500.*

~~[Sec. 8.]~~ *Sec. 9.* NRS 590.505 is hereby amended to read as follows:

590.505 1. The Board may adopt a seal for its own use which must have imprinted thereon the words "Board for the Regulation of Liquefied Petroleum Gas." The care and custody of the seal is the responsibility of the Secretary-Treasurer of the Board.

2. The Board may appoint an Executive Secretary and may employ or, pursuant to ~~[NRS 284.173,]~~ *section 7 of this act*, contract with such other technical, clerical or investigative personnel as it deems necessary. The Board shall fix the compensation of the Executive Secretary and all other employees and independent contractors. Such compensation must be paid out of the money of the Board. The Board may require the Executive Secretary and any other employees and independent contractors to give a bond to the Board for the faithful performance of their duties, the premiums on the bond being paid out of the money of the Board.

3. In carrying out the provisions of NRS 590.465 to 590.645, inclusive, and holding its regular or special meetings, the Board:

(a) Shall adopt written policies setting forth procedures and methods of operation for the Board.

(b) May adopt such regulations as it deems necessary.

4. The Board shall submit to the Legislature and the Governor a biennial report before September 1 of each even-numbered year, covering the biennium ending June 30 of that year, of its transactions during the preceding biennium, including a complete statement of the receipts and expenditures of the Board during the period and any complaints received by the Board.

5. The Board shall keep accurate records, minutes and audio recordings or transcripts of all meetings and, except as otherwise provided in NRS 241.035, the records, minutes, audio recordings and transcripts so kept must be open to public inspection at all reasonable times. The Board shall also keep a record of all applications for licenses and licenses issued by it. The record of applications and licenses is a public record.

~~[Sec. 9.]~~ *Sec. 10.* NRS 284.173 and 284.174 are hereby repealed.

~~[Sec. 11.]~~ *Sec. 11.* This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTIONS

284.173 Definition; contracts for services.

1. Elective officers and heads of departments, boards, commissions or institutions may contract for the services of persons as independent contractors. Except as otherwise provided by specific statute, each contract for services must be awarded pursuant to the provisions of chapter 333 of NRS.

2. An independent contractor is a natural person, firm or corporation who agrees to perform services for a fixed price according to his or its own methods and without subjection to the supervision or control of the other contracting party, except as to the results of the work, and not as to the means by which the services are accomplished.

3. For the purposes of this section:

(a) Travel, subsistence and other personal expenses may be paid to an independent contractor, if provided for in the contract, in such amounts as provided for in the contract. Those expenses must not be paid pursuant to the provisions of NRS 281.160.

(b) There must be no:

- (1) Withholding of income taxes by the State;
- (2) Coverage for industrial insurance provided by the State;
- (3) Participation in group insurance plans which may be available to employees of the State;
- (4) Participation or contributions by either the independent contractor or the State to the Public Employees' Retirement System;
- (5) Accumulation of vacation leave or sick leave; or
- (6) Coverage for unemployment compensation provided by the State if the requirements of NRS 612.085 for independent contractors are met.

4. An independent contractor is not in the classified or unclassified service of the State, and has none of the rights or privileges available to officers or employees of the State of Nevada.

5. Except as otherwise provided in this subsection, each contract for the services of an independent contractor must be in writing. The form of the contract must be first approved by the Attorney General, and except as otherwise provided in subsection 7, an executed copy of each contract must be filed with the Fiscal Analysis Division of the Legislative Counsel Bureau and the Clerk of the State Board of Examiners. The State Board of Examiners may waive the requirements of this subsection in the case of contracts which are for amounts less than \$2,000.

6. Except as otherwise provided in subsection 7, and except contracts entered into by the Nevada System of Higher Education, each proposed contract with an independent contractor must be submitted to the State Board of Examiners. The contracts do not become effective without the prior approval of the State Board of Examiners, except that the State Board of Examiners may authorize its clerk or his designee to approve contracts which are:

(a) For amounts less than \$10,000 or, in contracts necessary to preserve life and property, for amounts less than \$25,000.

(b) Entered into by the State Gaming Control Board for the purposes of investigating an applicant for or holder of a gaming license.

↪ The State Board of Examiners shall adopt regulations to carry out the provisions of this section.

7. Copies of the following types of contracts need not be filed or approved as provided in subsections 5 and 6:

(a) Contracts executed by the Department of Transportation for any work of construction or reconstruction of highways.

(b) Contracts executed by the State Public Works Board or any other state department or agency for any work of construction or major repairs of state

buildings if the contracting process was controlled by the rules of open competitive bidding.

(c) Contracts executed by the Housing Division of the Department of Business and Industry.

(d) Contracts executed with business entities for any work of maintenance or repair of office machines and equipment.

8. The State Board of Examiners shall review each contract submitted for approval pursuant to subsection 6 to consider:

(a) Whether sufficient authority exists to expend the money required by the contract; and

(b) Whether the service which is the subject of the contract could be provided by a state agency in a more cost-effective manner.

↳ If the contract submitted for approval continues an existing contractual relationship, the Board shall ask each agency to ensure that the State is receiving the services that the contract purports to provide.

9. If the services of an independent contractor are contracted for to represent an agency of the State in any proceeding in any court, the contract must require the independent contractor to identify in all pleadings the specific state agency which he is representing.

284.174 Contracts for security services when personnel of Capitol Police Division not available.

1. If personnel of the Capitol Police Division of the Department of Public Safety are not available to provide security services for a building, office or other facility of a state agency, the state agency may, pursuant to NRS 284.173, contract with one or more independent contractors to provide such services.

2. An independent contractor with whom a state agency contracts pursuant to subsection 1 must:

(a) Be licensed as a private patrolman pursuant to chapter 648 of NRS or employed by a person so licensed; and

(b) Possess the skills required of and meet the same physical requirements as law enforcement personnel certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500.

Senator Cegavske moved the adoption of the amendment.

Remarks by Senators Cegavske, Carlton and Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 132.

Bill read second time and ordered to third reading.

Senate Bill No. 169.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 114.

"SUMMARY—Adopts the Revised Uniform Anatomical Gift Act. (BDR 40-968)"

"AN ACT relating to anatomical gifts; adopting the Revised Uniform Anatomical Gift Act; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, Nevada has enacted the Uniform Anatomical Gift Act, which establishes the rights of donors and other authorized persons to affirmatively make anatomical gifts of human bodies and parts for the purpose of transplantation, therapy, research or education. The existing Uniform Act also sets forth various requirements and procedures for making, amending, revoking and refusing to make anatomical gifts. (NRS 451.500-451.590)

This bill replaces the existing Uniform Act with the Revised Uniform Anatomical Gift Act. This bill retains many of the provisions of the existing Uniform Act. However, this bill reorganizes and updates various provisions from the existing Uniform Act, and it adds certain new provisions to better facilitate the process of making anatomical gifts.

Section 22 of this bill revises the existing Uniform Act by expanding the persons who may make an anatomical gift to include an agent or guardian of a person under certain circumstances and an emancipated minor, a minor who applies for a driver's license and the parents of an unemancipated minor under certain circumstances.

Section 23 of this bill revises the existing Uniform Act by expanding the methods for making an anatomical gift to include making an anatomical gift on a state-issued identification card, through a donor registry or, during a terminal illness or injury, through any oral or physical communication witnessed by at least two adults, at least one of whom is a disinterested witness.

Section 24 of this bill revises the existing Uniform Act by expanding the methods for amending and revoking an anatomical gift to include destroying or cancelling the record of the anatomical gift, or any part thereof, with the intent to revoke the gift and, during a terminal illness or injury, making any oral or physical communication witnessed by at least two adults, at least one of whom is a disinterested witness.

Section 25 of this bill revises the existing Uniform Act by updating and clarifying the provisions governing a person's right to refuse to make an anatomical gift and the procedures a person must follow to amend or revoke such a refusal.

Section 34 of this bill amends the existing Uniform Act by adding a new prohibition which provides that a person who, in order to obtain a financial gain, intentionally falsifies, forges, conceals, defaces or obliterates a document making, amending or revoking an anatomical gift or refusing to make an anatomical gift is guilty of a category C felony.

Section 58 of this bill amends the existing Uniform Act by increasing the penalty from a category D felony to a category C felony for a person who unlawfully purchases or sells a body part for transplantation or therapy when the body part is intended for an anatomical gift.

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

Section 1. Chapter 451 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 41, inclusive, of this act.

Sec. 2. *"Adult" means a natural person who is at least 18 years of age.*

Sec. 3. *"Agent" means a natural person:*

1. *Authorized to make health-care decisions on the principal's behalf by a power of attorney for health care; or*

2. *Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.*

Sec. 4. *"Disinterested witness" means a witness other than the spouse, child, parent, sibling, grandchild, grandparent or guardian of the natural person who makes, amends, revokes or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the natural person. The term does not include a person to which an anatomical gift could pass under section 29 of this act.*

Sec. 5. *"Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts. The term includes, without limitation, a donor registry that has entered into a contract with the Department of Motor Vehicles pursuant to NRS 483.340 or 483.840.*

Sec. 6. *"Driver's license" means a license or permit issued by the Department of Motor Vehicles to operate a vehicle, whether or not conditions are attached to the license or permit.*

Sec. 7. *"Eye bank" means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes or portions of human eyes.*

Sec. 8. *"Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health or welfare of a natural person. The term does not include a guardian ad litem.*

Sec. 9. *"Know" means to have actual knowledge.*

Sec. 10. *"Minor" means a natural person who is under 18 years of age.*

Sec. 11. *"Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.*

Sec. 12. *"Parent" means a parent whose parental rights have not been terminated.*

Sec. 13. *"Prospective donor" means a natural person who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research*

or education. The term does not include a natural person who has made a refusal.

Sec. 14. "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

Sec. 15. "Recipient" means a natural person into whose body a decedent's part has been or is intended to be transplanted.

Sec. 16. "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. 17. "Refusal" means a record created under section 25 of this act that expressly states an intent to bar other persons from making an anatomical gift of a natural person's body or part.

Sec. 18. "Sign" means, with the present intent to authenticate or adopt a record:

1. To execute or adopt a tangible symbol; or
2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 19. "Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

Sec. 20. "Tissue bank" means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of tissue.

Sec. 21. "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

Sec. 22. Subject to section 26 of this act, an anatomical gift of a donor's body or part may be made during the life of the donor for the purpose of transplantation, therapy, research or education in the manner provided in section 23 of this act by:

1. The donor, if the donor is an adult or if the donor is a minor and is:
 - (a) Emancipated; or
 - (b) Authorized under state law to apply for a driver's license because the donor is at least 16 years of age;
2. An agent of the donor, unless the power of attorney for health care or other record prohibits the agent from making an anatomical gift;
3. A parent of the donor, if the donor is an unemancipated minor; or
4. The donor's guardian.

Sec. 23. 1. A donor may make an anatomical gift:

- (a) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;

(b) In a will;

(c) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or

(d) As provided in subsection 2.

2. *A donor or other person authorized to make an anatomical gift under section 22 of this act may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another natural person at the direction of the donor or other person and must:*

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. *Revocation, suspension, expiration or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.*

4. *An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.*

Sec. 24. 1. *Subject to section 26 of this act, a donor or other person authorized to make an anatomical gift under section 22 of this act may amend or revoke an anatomical gift by:*

(a) A record signed by:

(1) The donor;

(2) The other person; or

(3) Subject to subsection 2, another natural person acting at the direction of the donor or the other person if the donor or other person is physically unable to sign; or

(b) A later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

2. *A record signed pursuant to subparagraph (3) of paragraph (a) of subsection 1 must:*

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. *Subject to section 26 of this act, a donor or other person authorized to make an anatomical gift under section 22 of this act may revoke an anatomical gift by the destruction or cancellation of the document of gift, or*

the portion of the document of gift used to make the gift, with the intent to revoke the gift.

4. A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

5. A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection 1.

Sec. 25. 1. A natural person may refuse to make an anatomical gift of his body or part by:

(a) A record signed by:

(1) Him; or

(2) Subject to subsection 2, another natural person acting at his direction if he is physically unable to sign;

(b) His will, whether or not the will is admitted to probate or invalidated after his death; or

(c) Any form of communication made by him during his terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

2. A record signed pursuant to subparagraph (2) of paragraph (a) of subsection 1 must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the natural person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. A natural person who has made a refusal may amend or revoke the refusal:

(a) In the manner provided in subsection 1 for making a refusal;

(b) By subsequently making an anatomical gift pursuant to section 23 of this act that is inconsistent with the refusal; or

(c) By destroying or cancelling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal.

4. Except as otherwise provided in subsection 8 of section 26 of this act, in the absence of an express, contrary indication by the natural person set forth in the refusal, a natural person's unrevoked refusal to make an anatomical gift of his body or part bars all other persons from making an anatomical gift of his body or part.

Sec. 26. 1. Except as otherwise provided in subsection 7 and subject to subsection 6, in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending or revoking an anatomical gift of a donor's body or part if the donor made an anatomical

gift of the donor's body or part under section 23 of this act or an amendment to an anatomical gift of the donor's body or part under section 24 of this act.

2. A donor's revocation of an anatomical gift of the donor's body or part under section 24 of this act is not a refusal and does not bar another person specified in section 22 or 27 of this act from making an anatomical gift of the donor's body or part under section 23 or 28 of this act.

3. If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under section 23 of this act or an amendment to an anatomical gift of the donor's body or part under section 24 of this act, another person may not make, amend or revoke the gift of the donor's body or part under section 28 of this act.

4. A revocation of an anatomical gift of a donor's body or part under section 24 of this act by a person other than the donor does not bar another person from making an anatomical gift of the body or part under section 23 or 28 of this act.

5. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 22 of this act, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

6. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 22 of this act, an anatomical gift of a part for one or more of the purposes set forth in section 22 of this act is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under section 23 or 28 of this act.

7. If a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.

8. If an unemancipated minor who signed a refusal dies, a parent of the minor who is reasonably available may revoke the minor's refusal.

Sec. 27. 1. Subject to subsections 2 and 3 and unless barred by section 25 or 26 of this act, an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

(a) An agent of the decedent at the time of death who could have made an anatomical gift under subsection 2 of section 22 of this act immediately before the decedent's death;

(b) The spouse of the decedent;

(c) Adult children of the decedent;

(d) Parents of the decedent;

(e) Adult siblings of the decedent;

(f) Adult grandchildren of the decedent;

(g) Grandparents of the decedent;

- (h) An adult who exhibited special care and concern for the decedent;*
- (i) The persons who were acting as the guardians of the person of the decedent at the time of death; and*
- (j) Any other person having the authority to dispose of the decedent's body.*

2. *If there is more than one member of a class listed in paragraphs (a), (c), (d), (e), (f), (g) or (i) of subsection 1 entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under section 29 of this act knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.*

3. *A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection 1 is reasonably available to make or to object to the making of an anatomical gift.*

Sec. 28. 1. *A person authorized to make an anatomical gift under section 27 of this act may make an anatomical gift by a document of gift signed by the person making the gift or by that person's oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the natural person receiving the oral communication.*

2. *Subject to subsection 3, an anatomical gift by a person authorized under section 27 of this act may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one member of the prior class is reasonably available, the gift made by a person authorized under section 27 of this act may be:*

(a) Amended only if a majority of the reasonably available members agree to the amending of the gift; or

(b) Revoked only if a majority of the reasonably available members agree to the revoking of the gift or if they are equally divided as to whether to revoke the gift.

3. *A revocation under subsection 2 is effective only if, before an incision has been made to remove a part from the donor's body or before invasive procedures have begun to prepare the recipient, the procurement organization, transplant hospital or physician or technician knows of the revocation.*

Sec. 29. 1. *An anatomical gift may be made to the following persons named in the document of gift:*

(a) A hospital, accredited medical school, dental school, college, university, organ procurement organization or other appropriate person, for research or education;

(b) Subject to subsection 2, a natural person designated by the person making the anatomical gift if the natural person is the recipient of the part;
or

(c) An eye bank or tissue bank.

2. If an anatomical gift to a natural person under paragraph (b) of subsection 1 ~~cannot be transplanted~~ is not medically suitable for transplantation into the natural person, the ~~part passes in accordance with subsection 7~~ gift, in the absence of an express, contrary indication by the person making the ~~anatomical gift~~ gift:

(a) If it is medically suitable for transplantation or therapy for other natural persons, must be used for transplantation or therapy, and the gift passes in accordance with subsection 7.

(b) If it is not medically suitable for transplantation or therapy for other natural persons, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

3. If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection 1 but identifies the purpose for which an anatomical gift may be used, the following rules apply:

(a) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank.

(b) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank.

(c) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(d) If the part is an organ, an eye or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement, research or educational organization ~~or~~ or other appropriate person for research or education.

4. For the purpose of subsection 3, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift ~~must~~, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, ~~if suitable. If the gift cannot be used~~ and the gift passes in accordance with paragraphs (a), (b) and (c) of subsection 3.

(b) If it is not medically suitable for transplantation or therapy, ~~the gift~~ may be used for research or education ~~or~~ and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

5. If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection 1 and does not identify the purpose of the gift, the gift ~~may~~, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used ~~only~~ for transplantation or therapy, and the gift passes in accordance with subsection 7.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

6. If a document of gift specifies only a general intent to make an anatomical gift by words such as "donor," "organ donor" or "body donor," or by a symbol or statement of similar import, the gift ~~may~~ in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used ~~only~~ for transplantation or therapy, and the gift passes in accordance with subsection 7.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

7. For purposes of subsections 2, 5 and 6, if an anatomical gift is medically suitable for transplantation or therapy, the following rules apply:

(a) If the part is an eye, the gift passes to the appropriate eye bank.

(b) If the part is tissue, the gift passes to the appropriate tissue bank.

(c) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

8. An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under paragraph (b) of subsection 1, passes to the organ procurement organization as custodian of the organ.

9. If an anatomical gift does not pass pursuant to subsections 1 to 8, inclusive, or the decedent's body or part is not used for transplantation, therapy, research or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

10. A person may not accept an anatomical gift if the person knows that the gift was not effectively made under section 23 or 28 of this act or if the person knows that the decedent made a refusal under section 25 of this act that was not revoked. For purposes of this subsection, if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

11. Except as otherwise provided in paragraph (b) of subsection 1, nothing in NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act affects the allocation of organs for transplantation or therapy.

Sec. 30. 1. The following persons shall make a reasonable search of a natural person who the person reasonably believes is dead or near death for a document of gift or other information identifying the natural person as a donor or as a natural person who made a refusal:

(a) A law enforcement officer, firefighter, paramedic or other emergency rescuer finding the natural person; and

(b) If no other source of the information is immediately available, a hospital, as soon as practical after the natural person's arrival at the hospital.

2. If a document of gift or a refusal to make an anatomical gift is located by the search required by paragraph (a) of subsection 1 and the natural person or deceased natural person to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

3. A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions.

Sec. 31. 1. A document of gift need not be delivered during the donor's lifetime to be effective.

2. Upon or after a natural person's death, a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the natural person shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an anatomical gift with respect to the natural person or by a person to which the gift could pass under section 29 of this act.

Sec. 32. 1. When a hospital refers a natural person at or near death to a procurement organization, the organization shall make a reasonable search of the records of the Department of Motor Vehicles and any donor registry that it knows exists for the geographical area in which the natural person resides to ascertain whether the natural person has made an anatomical gift.

2. A procurement organization must be allowed reasonable access to information in the records of the Department of Motor Vehicles to ascertain whether a natural person at or near death is a donor.

3. When a hospital refers a natural person at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the natural person expressed a contrary intent.

4. Unless prohibited by law other than NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, at any time after a donor's death, the person to which a part passes under section 29 of this act may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

5. Unless prohibited by law other than NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, an examination under subsection 3 or 4 may include an examination of all medical and dental records of the donor or prospective donor.

6. Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

7. Upon referral by a hospital under subsection 1, a procurement organization shall make a reasonable search for any person listed in section 27 of this act having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended or revoked, it shall promptly advise the other person of all relevant information.

8. Subject to subsection 9 of section 29 and section 40 of this act, the rights of the person to which a part passes under section 29 of this act are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, a person that accepts an anatomical gift of an entire body may allow embalming, burial or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under section 29 of this act, upon the death of the donor and before embalming, burial or cremation, shall cause the part to be removed without unnecessary mutilation.

9. Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

10. A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

Sec. 33. Each hospital in this State shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.

Sec. 34. 1. A person shall not, in order to obtain a financial gain, intentionally falsify, forge, conceal, deface or obliterate a document of gift, an amendment or revocation of a document of gift or a refusal.

2. A person who violates this section is guilty of a category C felony and shall be punished as provided in NRS 193.130, or by a fine of not more than \$50,000, or by both fine and the punishment provided in NRS 193.130.

Sec. 35. 1. A person that acts in accordance with NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution or administrative proceeding.

2. Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

3. *In determining whether an anatomical gift has been made, amended or revoked under NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, a person may rely upon representations of a natural person listed in paragraphs (b), (c), (d), (e), (f), (g) or (h) of subsection 1 of section 27 of this act relating to the natural person's relationship to the donor or prospective donor unless the person knows that the representation is untrue.*

Sec. 36. 1. *A document of gift is valid if executed in accordance with:*

(a) *The provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act;*

(b) *The laws of the state or country where it was executed; or*

(c) *The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence or was a national at the time the document of gift was executed.*

2. *If a document of gift is valid under this section, the law of this State governs the interpretation of the document of gift.*

3. *A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.*

Sec. 37. 1. *A person shall not create or maintain a donor registry unless the donor registry complies with the provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act and all other applicable provisions of federal and state law.*

2. *A donor registry must:*

(a) *Allow a donor or other person authorized under section 22 of this act to include on the donor registry a statement or symbol that the donor has made, amended or revoked an anatomical gift;*

(b) *Be accessible to a procurement organization to allow it to obtain relevant information on the donor registry to determine, at or near death of the donor or a prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift; and*

(c) *Be accessible for purposes of paragraphs (a) and (b) 7 days a week on a 24-hour basis.*

3. *Personally identifiable information on a donor registry about a donor or prospective donor may not be used or disclosed without the express consent of the donor, prospective donor or person that made the anatomical gift for any purpose other than to determine, at or near death of the donor or prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift.*

Sec. 38. 1. *As used in this section:*

(a) *"Advance health-care directive" means a power of attorney for health care or a record signed by a prospective donor containing the prospective donor's direction concerning a health-care decision for the prospective donor.*

(b) "Declaration" means a record signed by a prospective donor specifying the circumstances under which a life-support system may be withheld or withdrawn from the prospective donor.

(c) "Health-care decision" means any decision made regarding the health care of the prospective donor.

2. If a prospective donor has a declaration or advance health-care directive, measures necessary to ensure the medical suitability of an organ for transplantation or therapy may not be withheld or withdrawn from the prospective donor, unless the declaration expressly provides to the contrary.

Sec. 39. 1. A coroner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research or education.

2. If a coroner receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is going to be performed, unless the coroner denies recovery in accordance with section 40 of this act, the coroner or designee shall conduct a postmortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift.

3. A part may not be removed from the body of a decedent under the jurisdiction of a coroner for transplantation, therapy, research or education unless the part is the subject of an anatomical gift or such removal is authorized or required by other law. The body of a decedent under the jurisdiction of the coroner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift or such delivery is authorized or required by NRS 451.350 to 451.470, inclusive, or other law. This subsection does not preclude a coroner from performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the coroner.

Sec. 40. 1. Upon request of a procurement organization, a coroner shall release to the procurement organization the name, contact information and available medical and social history of a decedent whose body is under the jurisdiction of the coroner. If the decedent's body or part is medically suitable for transplantation, therapy, research or education, the coroner shall release postmortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the postmortem examination results or other information received from the coroner only if relevant to transplantation or therapy.

2. The coroner may conduct a medicolegal examination by reviewing all medical records, laboratory test results, X rays, other diagnostic results and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the coroner which the coroner determines may be relevant to the investigation.

3. A person that has any information requested by a coroner pursuant to subsection 2 shall provide that information as expeditiously as possible to

allow the coroner to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research or education.

4. If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is not required, or the coroner determines that a postmortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the coroner and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research or education.

5. If an anatomical gift of a part from the decedent under the jurisdiction of the coroner has been or might be made, but the coroner or designee initially believes that the recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death, the coroner or designee shall consult with the procurement organization or the physician or technician designated by the procurement organization to remove the part about the proposed recovery. After consultation, the coroner or designee may allow the recovery ~~if~~ by the procurement organization to proceed and may attend and witness all procedures before, during and after removal of the part.

6. Following the consultation under subsection 5, ~~in the absence of mutually agreed upon protocols to resolve conflict between the coroner and the procurement organization,~~ if the coroner or designee still intends to deny recovery, the coroner or designee, at the request of the procurement organization, shall ~~attend the removal procedure for~~ consult additionally with the physician or technician designated by the procurement organization to remove the part before making a final determination not to allow the procurement organization to recover the part. ~~During the removal procedure,~~ The additional consultation must be based on the protocols developed pursuant to subsection 10 to resolve conflicts and to maximize the recovery of parts for the purpose of transplantation or therapy, except that the coroner retains the right to deny recovery based on clear need for the postmortem examination, including, without limitation, preservation of the part. After such additional consultation, the coroner or designee may ~~allow~~

⋮
 (a) Allow recovery by the procurement organization to proceed ~~for, if~~ and may attend and witness all procedures before, during and after removal of the part; or

(b) If the coroner or designee reasonably believes that the part may be involved in determining the decedent's cause or manner of death, deny recovery by the procurement organization.

7. If the coroner or designee denies recovery under subsection 6 ~~if the~~ ⋮

(a) The coroner or designee shall:

~~((a) Explain)~~

(1) Document in a record the specific reasons for not allowing recovery of the part;

~~[(b)]~~ (2) Include the specific reasons in the records of the coroner; and

~~[(c) Provide a record with]~~

(3) Share such records, including, without limitation, the specific reasons ~~for~~ documented by the coroner or designee for not allowing recovery of the part, with the procurement organization ~~for~~ in the interest of improving the protocols developed pursuant to subsection 10; and

(b) The procurement organization shall include in its records the specific reasons documented by the coroner or designee for not allowing recovery of the part.

8. If the coroner or designee allows recovery of a part under subsection 4, 5 or 6, the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the coroner, in a timely manner, with a record describing the condition of the part, a biopsy, a photograph and any other information and observations that would assist in the postmortem examination.

9. If a coroner or designee ~~is required to be present at]~~ elects to attend and witness a removal procedure under subsection 5 or 6, ~~upon request]~~ the procurement organization requesting the recovery of the part shall, upon request by the coroner or designee, reimburse the coroner or designee for the additional costs incurred in ~~complying with subsection 6.]~~ attending and witnessing the removal procedure.

10. For purposes of subsection 6, the coroner and the procurement organization shall develop mutually agreed-upon protocols to resolve conflicts between the coroner and the procurement organization regarding the recovery of parts. The protocols:

(a) Must focus on maximizing the recovery of parts for the purpose of transplantation or therapy;

(b) Must allow the coroner the right to deny recovery of a part where recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death; and

(c) May include, without limitation, requirements and procedures concerning:

(1) Consultations and cooperation between the coroner or designee and the physician or technician designated by the procurement organization to remove the part;

(2) The taking of photographs before, during and after removal of the part;

(3) Video recording the removal procedure; and

(4) The taking of tissue samples from the part and the conducting of biopsies, testing or other examinations of the part.

Sec. 41. NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act modify, limit and supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.,

but do not modify, limit or supersede Section 101(a) of that Act, 15 U.S.C. § 7001(a), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).

Sec. 42. NRS 451.010 is hereby amended to read as follows:

451.010 1. The right to dissect the dead body of a human being is limited to cases:

(a) Specially provided by statute or by the direction or will of the deceased.

(b) Where a coroner is authorized under NRS 259.050 or an ordinance enacted pursuant to NRS 244.163 to hold an inquest upon the body, and then only as he may authorize dissection.

(c) Where the husband, wife or next of kin charged by law with the duty of burial authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized.

(d) Where authorized by the provisions of NRS 451.350 to 451.470, inclusive.

(e) Where authorized by the provisions of NRS 451.500 to 451.590, inclusive ~~[,]~~, and sections 2 to 41, inclusive, of this act.

2. Every person who makes, causes or procures to be made any dissection of the body of a human being, except as provided in subsection 1, is guilty of a gross misdemeanor.

Sec. 43. NRS 451.500 is hereby amended to read as follows:

451.500 NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act may be cited as the Revised Uniform Anatomical Gift Act.

Sec. 44. NRS 451.503 is hereby amended to read as follows:

451.503 NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act apply to ~~[a document of gift, revocation or refusal to make]~~ an anatomical gift ~~[signed by the donor or a person authorized to make or object to making]~~ or amendment to, revocation of or refusal to make an anatomical gift ~~[before, on or after October 1, 1989,]~~, whenever made.

Sec. 45. NRS 451.505 is hereby amended to read as follows:

451.505 ~~[NRS 451.500 to 451.590, inclusive,]~~ In applying and construing the Revised Uniform Anatomical Gift Act, consideration must be ~~[applied and construed to effectuate their general purpose to make uniform]~~ given to the need to promote uniformity of the law with respect to ~~[the subject of the Uniform Anatomical Gift Act]~~ its subject matter among states ~~[enacting]~~ that enact it.

Sec. 46. NRS 451.510 is hereby amended to read as follows:

451.510 ~~[Unless the context otherwise requires, as]~~ As used in NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 451.513 to 451.553, inclusive, and sections 2 to 21, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 47. NRS 451.513 is hereby amended to read as follows:

451.513 "Anatomical gift" means a donation of all or part of a human body to take effect ~~upon or after death.~~ *after the donor's death for the purpose of transplantation, therapy, research or education.*

Sec. 48. NRS 451.520 is hereby amended to read as follows:

451.520 "Decedent" means a deceased *natural* person ~~and~~ *whose body or part is or may be the source of an anatomical gift. The term includes a stillborn infant* ~~or~~ *and, subject to restrictions imposed by law other than NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, a fetus.*

Sec. 49. NRS 451.523 is hereby amended to read as follows:

451.523 "Document of gift" means a *donor* card ~~[- statement, will]~~ or other ~~writing~~ *record* used to make an anatomical gift. *The term includes a statement or symbol on a driver's license, identification card or donor registry.*

Sec. 50. NRS 451.525 is hereby amended to read as follows:

451.525 "Donor" means a *natural* person ~~who makes~~ *whose body or part is the subject of an anatomical gift.* ~~[of all or part of his body.]~~

Sec. 51. NRS 451.530 is hereby amended to read as follows:

451.530 "Hospital" means a facility licensed ~~[- accredited or approved]~~ as a hospital under the laws of ~~the State of Nevada~~ *any state* or a facility operated as a hospital by the United States ~~Government, the State~~ *, a state* or a subdivision of ~~the State~~ *a state.*

Sec. 52. NRS 451.535 is hereby amended to read as follows:

451.535 "Part" means an organ, ~~tissue, eye, bone, artery, blood, fluid or other portion~~ *an eye or any tissue* of a human ~~body~~ *being. The term does not include the whole body.*

Sec. 53. NRS 451.540 is hereby amended to read as follows:

451.540 "Person" ~~includes a~~ *means a natural person, corporation, business trust, estate, trust, partnership, limited-liability company, association, joint venture, public corporation, government* ~~[- a]~~ *or governmental subdivision, agency* ~~and a political subdivision of a government.~~ *or instrumentality, or any other legal or commercial entity.*

Sec. 54. NRS 451.545 is hereby amended to read as follows:

451.545 "Physician" means a *natural* person ~~licensed or otherwise~~ authorized to practice medicine ~~and surgery~~ or osteopathy ~~and surgery~~ under the laws of any state.

Sec. 55. NRS 451.547 is hereby amended to read as follows:

451.547 "Procurement organization" means ~~a person licensed, accredited or approved under the laws of the State of Nevada for procurement, distribution or storage of human bodies or parts.~~ *an eye bank, organ procurement organization or tissue bank.*

Sec. 56. NRS 451.550 is hereby amended to read as follows:

451.550 "State" means a state ~~[- territory or possession]~~ of the United States, the District of Columbia, ~~for the Commonwealth of~~ Puerto Rico ~~[-]~~,

the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

Sec. 57. NRS 451.553 is hereby amended to read as follows:

451.553 "Technician" means a *natural* person ~~{who, under the supervision of a licensed physician, removes or processes a part.}~~ *determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited or regulated under federal or state law. The term includes an enucleator.*

Sec. 58. NRS 451.590 is hereby amended to read as follows:

451.590 1. ~~{A}~~ *Except as otherwise provided in subsection 2, a person shall not knowingly, for valuable consideration, purchase or sell a part of a natural person for transplantation or therapy {*

~~2. Valuable consideration does not include reasonable payment} if removal of the part from the natural person is or was intended to occur after the natural person's death.~~

2. *A person may charge a reasonable amount for the removal, processing, ~~{disposal,}~~ preservation, quality control, storage, transportation , ~~{or}~~ implantation or disposal of a part.*

3. A person who violates this section is guilty of a category ~~{D}~~ C felony and shall be punished as provided in NRS 193.130, or by a fine of not more than \$50,000, or by both fine and the punishment provided in NRS 193.130.

Sec. 59. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the name, date of birth, mailing address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.

2. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The

Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

3. Information pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

4. It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.

5. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, *and sections 2 to 41, inclusive, of this act* or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to have indicated whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the ~~{organ}~~ donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with ~~{an organization which registers as donors persons who desire to make anatomical gifts.}~~ *a donor registry that is in compliance with the provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act.*

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to the ~~{organ}~~ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 5 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 60. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. Identification cards must include the following information concerning the holder:

- (a) The name and sample signature of the holder.
- (b) A unique identification number assigned to the holder that is not based on the holder's social security number.
- (c) A personal description of the holder.
- (d) The date of birth of the holder.
- (e) The current address of the holder in this State.
- (f) A colored photograph of the holder.

4. The information required to be included on the identification card pursuant to subsection 3 must be placed on the card in the manner specified in subsection 1 of NRS 483.347.

5. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, *and sections 2 to 41, inclusive, of this act* or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to indicate whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the ~~{organ}~~ donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with ~~{an organization which registers as donors persons who desire to make anatomical gifts.}~~ *a donor registry that is in compliance with the provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act.*

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his identification card.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to the ~~{organ}~~ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 5 information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

8. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 61. NRS 451.527, 451.555, 451.557, 451.560, 451.570, 451.573, 451.576, 451.577, 451.580, 451.582, 451.583 and 451.585 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

451.527 "Enucleator" defined.

451.555 Making, amending, revoking and refusing to make gifts: By person.

451.557 Making, revoking and objecting to gifts: By others.

451.560 Qualifications of donees; purposes for which gifts may be made; presumption of validity.

451.570 Delivery of document of gift.

451.573 Immunity of Department of Motor Vehicles and representatives from damages or criminal prosecution.

451.576 Coordination of procurement and use; priority for use.

451.577 Identification of potential donors: Policies and procedures; search for and notification of information; administrative sanctions.

451.580 Rights and duties at death.

451.582 Examination of gifts; limitations on liability.

451.583 Enucleation of eyes.

451.585 Applicability of provisions governing autopsies.

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 171.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 214.

"SUMMARY—Creates the Nevada Academy of Health. (BDR 40-952)"

"AN ACT relating to health; creating the Nevada Academy of Health; prescribing its powers and duties; creating the governing body of the Academy; prescribing its powers and duties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 6 of this bill creates the Nevada Academy of Health. Section 7 of this bill establishes the duties of the Academy, including studying issues relating to health care in this State and establishing standards and goals concerning the provision of such health care. Section 8 of this bill creates the governing body of the Academy. Section 9 of this bill prescribes the powers and duties of the governing body. Section 10 of this bill establishes the requirements for the use of money received by the Academy. Section 11 of this bill authorizes the Academy to accept gifts, grants and donations of money from any source. Section 12 of this bill provides for the appointment of the members of the governing body of the Academy to specific terms of office.

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

Section 1. Title 40 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3, ~~four~~ 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Academy" means the Nevada Academy of Health.*

Sec. 4. *"Department" means the Department of Health and Human Services.*

~~[Sec. 4.]~~ Sec. 5. *"Governing body" means the governing body of the Academy.*

~~[Sec. 5.]~~ Sec. 6. *The Nevada Academy of Health is hereby created. Each public or private agency or nonprofit or for-profit organization that provides education or training for providers of health care or conducts medical research or clinical studies in this State may participate as a member of the Academy if the agency or organization agrees with the standards and goals established by the Academy.*

~~[Sec. 6.]~~ Sec. 7. *The Academy shall:*

1. *Study issues relating to health care in this State, including, without limitation, medical and clinical research and the education and training of providers of health care;*

2. *Establish standards and goals concerning the provision of health care which are measurable and regularly evaluated;*

3. *Analyze and evaluate data relating to health care that is created, collected or reviewed by the Department ~~; of Health and Human Services;~~*

4. *Promote cooperation between the public and private sectors, including the transfer of technology used to provide health care and the establishment of business partnerships that promote economic development in this State;*

5. *Provide recommendations to the Governor and the Legislature concerning the establishment of a statewide biomedical and health research program; ~~and~~*

6. *Provide to the Department:*

(a) Technical expertise in matters relating to health care; and

(b) Advice and recommendations from consumers of health care; and

7. *Before January 1 of each odd-numbered year, prepare and submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. The report must include, without limitation, recommendations concerning the strategic planning required for the improvement of health care provided in this State.*

~~[Sec. 7.]~~ Sec. 8. 1. *The governing body of the Academy consists of ~~the State Health Officer and nine~~ 12 members. ~~who are appointed as follows:~~*

2. The following persons shall serve as nonvoting members of the governing body:

- (a) The Director of the Department who serves as an ex officio member;
- (b) One member who represents the Nevada System of Higher Education and who is appointed by the Board of Regents of the University of Nevada; and
- (c) One member appointed by the Legislative Committee on Health Care who is not a Legislator.

3. The following persons shall serve as voting members of the governing body:

- (a) Five members appointed by the Governor;
- (b) Two members appointed by the Senate Majority Leader; and
- (c) Two members appointed by the Speaker of the Assembly.

~~2.7~~ 4. The members appointed to the governing body pursuant to subsection 3 must, to the extent practicable:

- (a) Represent agencies and organizations that provide education or training for providers of health care;
- (b) Be advocates for the rights of patients;
- (c) Be recognized academic scholars; or
- (d) Be members of the general public who have specialized knowledge and experience that are beneficial to the Academy.

~~3.7~~ 5. The Chairman must be elected from among the members of the governing body.

~~4.7~~ 6. After the initial terms, the term of office of ~~at~~ each appointed member of the governing body is 3 years. A vacancy occurring in the membership of the governing body must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member of the governing body may be reappointed.

~~5.7~~ 7. ~~The State Health Officer is a nonvoting member of the governing body.~~ Director of the Department may designate a person to represent him at any meeting of the governing body. The person designated may exercise all the duties, rights and privileges of the Director.

~~6.7~~ 8. A majority of the members of the governing body constitutes a quorum, and a majority of ~~those~~ the voting members present must concur in any decision.

~~Sec. 8.7~~ Sec. 9. 1. The governing body shall meet regularly at least three times a year and, within the limits of legislative appropriations, may hold additional meetings upon the call of the Chairman.

2. ~~Each member of the governing body who is not an employee of this State or a political subdivision of this State is entitled to receive a salary of \$80 for each day's attendance at a meeting of the Academy.~~

~~3.7~~ While engaged in the business of the governing body, each member of the governing body is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~447~~ 3. Each member of the governing body who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may carry out his duties relating to the governing body in the most timely manner practicable. A state agency or a political subdivision of this State shall not require an officer or employee who is a member of the governing body to:

(a) Make up the time he is absent from work to fulfill his obligations as a member of the governing body; or

(b) Take annual leave or compensatory time for the absence.

~~57~~ 4. The governing body may:

(a) Appoint advisory committees if necessary or appropriate to assist the Academy in carrying out the provisions of this chapter; and

(b) Enter into contracts with such public agencies or private organizations as it considers necessary or appropriate to assist the Academy in carrying out the provisions of this chapter.

~~Sec 9~~ Sec. 10. 1. Any money received by the Academy must be:

(a) Deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) Used only to carry out the provisions of this chapter.

2. The Director of the Department ~~of Health and Human Services~~ shall administer the account. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.

3. The money in the account does not lapse to the State General Fund at the end of a fiscal year.

4. Any claims against the account must be paid as other claims against the State are paid.

~~Sec 10~~ Sec. 11. The Academy may accept gifts, grants and donations of money from any source to carry out the provisions of this chapter.

~~Sec 11~~ Sec. 12. The members of the governing body of the Nevada Academy of Health must be appointed as follows:

1. Three members must be appointed by the Governor to terms that end on June 30, 2008.

2. One member must be appointed by the Governor to a term that ends on June 30, 2009.

3. One member must be appointed by the Senate Majority Leader to a term that ends on June 30, 2009.

4. One member must be appointed by the Speaker of the Assembly to a term that ends on June 30, 2009.

5. One member must be appointed by the Board of Regents of the University of Nevada to a term that ends on June 30, 2009.

6. One member must be appointed by the Governor to a term that ends on June 30, 2010.

~~{6}~~ 7. One member must be appointed by the Senate Majority Leader to a term that ends on June 30, 2010.

~~{7}~~ 8. One member must be appointed by the Speaker of the Assembly to a term that ends on June 30, 2010.

9. One member must be appointed by the Legislative Committee on Health Care to a term that ends on June 30, 2010.

~~{Sec. 12}~~ Sec. 13. This act becomes effective upon passage and approval for the purpose of appointing the members of the governing body of the Nevada Academy of Health and on July 1, 2007, for all other purposes.

Senator Heck moved the adoption of the amendment.

Remarks by Senator Heck.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 184.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 118.

"SUMMARY—Revises provisions governing education. (BDR 34-419)"

"AN ACT relating to education; revising provisions governing the statewide system of accountability for public schools and school districts; revising provisions governing the Commission on Educational Technology; prescribing the *minimum* credits required *of pupils* in certain courses of study before graduation from high school; providing for a waiver from the required minimum credits; for a pupil to receive a standard high school diploma; revising provisions governing the adoption of academic standards; revising provisions governing promotion to high school; making an appropriation; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

The State Board of Education and each school district are required to prepare annual reports of accountability information. (NRS 385.3469, 385.347, 385.349) In addition, the State Board, each school district and each public school are required to prepare a plan to improve the achievement of pupils. (NRS 385.34691, 385.348, 385.357) Sections 1-7 of this bill revise the provisions governing the annual reports of accountability and the plans to improve.

Each public school is designated annually based upon the yearly progress of the pupils enrolled in the school. (NRS 385.3623, 385.366) If a school is designated for 1 year as demonstrating need for achievement, a technical assistance partnership must be established for the school. (NRS 385.3661, 385.3691, 385.3692) If the school is designated for 2 consecutive years as demonstrating need for improvement, the technical assistance partnership must be continued. (NRS 385.3693) Sections 9, 10 and 24 of this bill

eliminate the requirement for the establishment of technical assistance partnerships.

If a public school is designated as demonstrating need for improvement for 3 consecutive years or more, a support team must be established for that school. (NRS 385.3721, 385.374, 385.3741) A support team is required to recommend certain types of corrective action for the school. (NRS 385.3744, 385.376) Sections 11-14 of this bill revise provisions governing the school support teams and the recommendation of corrective action.

Existing law creates the Commission on Educational Technology and requires the Commission to establish a plan for the use of educational technology in the public schools. (NRS 388.790, 388.795) Section 19 of this bill requires the Commission to conduct an assessment of the needs of each school district relating to educational technology during the spring semester of each even-numbered school year for submission to the Legislative Committee on Education and the Legislature.

Existing law designates the core academic subjects that must be taught in all public schools as English, mathematics, science and social studies. (NRS 389.018) Existing law also requires a pupil to pass the high school proficiency examination before the pupil may receive a standard high school diploma. (NRS 389.015) Section 20 of this bill prescribes the *minimum* units of credit that a pupil must earn in the core academic subjects ~~[to receive a standard high school diploma in addition to passage of the high school proficiency examination.]~~ before graduation from high school. Section 20 also provides that the pupil, his parent or legal guardian and an administrator or counselor at the school may mutually agree to a modified course of study for the pupil.

Existing law requires the Council to Establish Academic Standards for Public Schools to establish the standards of content and performance for certain courses of study. (NRS 389.520) The State Board is required to adopt the standards as submitted by the Council. Section 21 of this bill authorizes the State Board to object to the standards and return the standards to the Council for reconsideration.

Existing law prohibits a pupil from being promoted to high school unless he completes certain course work and credits. (NRS 392.033) Section 22 of this bill provides that if a pupil has been retained one time in grade 8 and he fails again to successfully complete the requirements, he must complete a program of remedial study.

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

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550,

reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following ~~subgroups~~ groups of pupils:

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

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

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

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

(c) A comparison of the achievement of pupils in each ~~subgroup~~ group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

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

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the ~~subgroups~~ groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth

in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

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

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

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

(I) 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.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use

that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in *grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive*, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole . ~~[excluding]~~ *The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:*

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(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.

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

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if 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.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(bb) ~~For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass ~~the~~~~

~~(1) Pass the high school proficiency examination . [, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.]~~

~~(2) Earn the minimum number of credits required pursuant to NRS 389.018.~~

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school

district, including, without limitation, each charter school in the district, and for this State as a whole.

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

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

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

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

2. A separate reporting for a ~~{subgroup}~~ group of pupils must not be made pursuant to this section if the number of pupils in that ~~{subgroup}~~ group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a ~~{subgroup}~~ group for that ~~{subgroup}~~ group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

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

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

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

- (5) Board of trustees of each school district; and
- (6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "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 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

- (1) Employees of the Department;
- (2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

- (1) Representatives of institutions of higher education;
- (2) Representatives of regional educational laboratories;
- (3) Representatives of outside consultant groups;
- (4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391.512;

(5) The Bureau; and

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

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

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

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

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

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

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each ~~subgroup~~ group identified in paragraph (b) of subsection 1 of NRS 385.361;

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

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

(4) Manage effectively the discipline of pupils; and

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

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

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

(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.938, inclusive; and

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

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

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

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

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual

schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

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

3. The State Board shall:

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

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

4. On or before December 15 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) Bureau;

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

(e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;

(f) Board of trustees of each school district; and

(g) Governing body of each charter school.

Sec. 3. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

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

(2) Who are from major racial or ethnic groups, as defined by the State

Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the ~~subgroups~~ groups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

- (e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;
 - (f) The number of incidents resulting in suspension or expulsion for:
 - (1) Violence to other pupils or to school personnel;
 - (2) Possession of a weapon;
 - (3) Distribution of a controlled substance;
 - (4) Possession or use of a controlled substance; and
 - (5) Possession or use of alcohol;
 - (g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;
 - (h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;
 - (i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;
 - (j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;
 - (k) The number and percentage of pupils who graduated from high school;
 - (l) The number and percentage of pupils who received a:
 - (1) Standard diploma;
 - (2) Adult diploma;
 - (3) Adjusted diploma; and
 - (4) Certificate of attendance;
 - (m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;
 - (n) Per pupil expenditures;
 - (o) Information on the professional qualifications of teachers;
 - (p) The average daily attendance of teachers and licensure information;
 - (q) Information on the adequate yearly progress of the schools and school districts;
 - (r) Pupil achievement based upon the examinations administered pursuant to NRS 389.550 and the high school proficiency examination;
 - (s) To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and
 - (t) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.
2. The summary prepared pursuant to subsection 1 must:
- (a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;
 - (b) Be prepared in a concise manner; and
 - (c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.
3. On or before September 7 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

- (1) Governor;
- (2) Committee;
- (3) Bureau;
- (4) Board of Regents of the University of Nevada;
- (5) Board of trustees of each school district; and
- (6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed *educational* personnel ~~{in 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.*

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}~~ *groups* of pupils:

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

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

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board .

~~{ }~~

(4) A comparison of the achievement of pupils in each ~~{subgroup}~~ *group* identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board . ~~{ }~~

(5) The percentage of pupils who were not tested . ~~{ }~~

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the ~~{subgroups}~~ *groups* identified in subparagraph (3) . ~~{ }~~

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, 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] *group* of pupils must not be made pursuant to this paragraph if the number of pupils in that [subgroup] *group* is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a [subgroup] *group* for that [subgroup] *group* to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school 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 *grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive*, for each such grade, for each school in the district and for the district as a whole . ~~[-excluding]~~ *The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:*

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(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 ~~≠~~

~~(1) Pass~~ the high school proficiency examination.

~~f (2) Earn the minimum number of credits required pursuant to NRS 390.018.~~

(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. 5. NRS 385.348 is hereby amended to read as follows:

385.348 1. The board of trustees of each school district shall, in consultation with the employees of the school district, prepare a plan to improve the achievement of pupils enrolled in the school district, excluding pupils who are enrolled in charter schools located in the school district. If the school district is a Title I school district designated as demonstrating need for improvement pursuant to NRS 385.377, the plan must also be prepared in

consultation with parents and guardians of pupils enrolled in the school district and other persons who the board of trustees determines are appropriate.

2. Except as otherwise provided in this subsection, the plan must include the items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto. If a school district has not been designated as demonstrating need for improvement pursuant to NRS 385.377, the board of trustees of the school district is not required to include those items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto that directly relate to the status of a school district as needing improvement.

3. In addition to the requirements of subsection 2, a plan to improve the achievement of pupils enrolled in a school district must include:

(a) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

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

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

(d) Strategies to improve the academic achievement of pupils enrolled in the school district, including, without limitation, strategies to:

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

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each ~~subgroup~~ *group* identified in paragraph (b) of subsection 1 of NRS 385.361;

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

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

(4) Manage effectively the discipline of pupils; and

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

(e) An identification, by category, of the employees of the school district who are responsible for ensuring that each provision of the plan is carried out effectively.

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

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

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

(i) Strategies to improve the allocation of resources from the school district, by program and by school, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, 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.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the school district to carry out the plan, including, without limitation, a budget of the overall cost for carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature that are available to the school district or the schools within the school district to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) An identification of the programs, practices and strategies that are used throughout the school district and by the schools within the school district that have proven successful in improving the achievement and proficiency of pupils, including, without limitation:

(1) An identification of each school that carries out such a program, practice or strategy;

(2) An indication of which programs, practices and strategies are carried out throughout the school district and which programs, practices and strategies are carried out by individual schools;

(3) The extent to which the programs, practices and strategies include methods to improve the achievement and proficiency of pupils in each ~~subgroup~~ *group* identified in paragraph (b) of subsection 1 of NRS 385.361; and

(4) A description of how the school district disseminates information concerning the successful programs, practices and strategies to all schools within the school district.

4. The board of trustees of each school district shall:

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

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

5. On or before December 15 of each year, the board of trustees of each school district shall submit the plan or the revised plan, as applicable, to the:

- (a) Superintendent of Public Instruction;
- (b) Governor;
- (c) State Board;
- (d) Department;
- (e) Committee; and
- (f) Bureau.

Sec. 6. 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.*

Sec. 7. NRS 385.357 is hereby amended to read as follows:

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

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

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

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

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

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each ~~[subgroup]~~ *group* of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the

continuous and substantial progress by each ~~{subgroup}~~ *group* of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each ~~{subgroup}~~ *group* will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

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

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

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

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

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each ~~{subgroup}~~ *group* identified in paragraph (b) of subsection 1 of NRS 385.361;

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

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

(4) Manage effectively the discipline of pupils; and

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

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

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

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

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

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

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

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

(p) A budget of the overall cost for carrying out the plan.

3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.

4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:

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

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

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 ~~[the technical assistance partnership or the]~~ and a support team *has been* established for the school, ~~[as applicable,]~~ *the support team* shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS ~~[385.3692 or 385.3741, as applicable.]~~ 385.3741. If the school is a Title I school that has been designated as demonstrating need for improvement, the ~~[technical assistance partnership or]~~ support team established for the school ~~[as applicable,]~~ shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the ~~[partnership or]~~ support team, outside experts.

6. On or before November 1 of each year, the principal of each school ~~[or the technical assistance partnership]~~ or *the support team* established for

the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

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

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

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before December 15 of each year, the principal of each school [~~or the technical assistance partnership~~] or *the* support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

- (a) Superintendent of Public Instruction;
- (b) Governor;
- (c) State Board;
- (d) Department;
- (e) Committee;
- (f) Bureau; and
- (g) Board of trustees of the school district in which the school is located.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than January 1 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 8. 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, the Department shall make a determination for the charter school in consultation with the State Board. 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), 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.

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~~ *group* identified in paragraph (b) of subsection 1 of NRS 385.361 does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school shall be deemed to have made adequate yearly progress even though a ~~subgroup~~ *group* identified in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the annual measurable objectives of the State Board.

5. In addition to the provisions of subsection 4, the Department shall determine that a public school has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, 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~~ *group* of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the ~~subgroup~~ *group* 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}~~ group enrolled in the school who were required to take the examinations.

6. If the number of pupils in a particular ~~{subgroup}~~ group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 5 based solely upon that particular ~~{subgroup}~~ group.

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

↪ The State Board shall prescribe the mechanism for determining the number of pupils that must be in a ~~{subgroup}~~ group for that ~~{subgroup}~~ group to yield statistically reliable information.

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

8. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 9. 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,}~~ 2, 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; and

(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.}~~ 2. 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] 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, 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.]~~ 3. In addition to the requirements of subsection ~~[2 or 3,] 1 or 2,~~ 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, 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. 10. 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,] 2,~~ 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; *and*

(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.]~~ 2. 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] 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, 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. 11. NRS 385.374 is hereby amended to read as follows:

385.374 1. The membership of each support team established pursuant to NRS 385.3721 ~~[-~~

~~1. Must] must~~ consist of, without limitation:

(a) Teachers and principals who are considered highly qualified and who are not employees of the public school for which the support team is established;

(b) ~~[At least one representative of the Department,]~~ *One member appointed in accordance with subsection 3,* who must serve as the ~~[-~~*facilitator]* *team leader* of the support team;

(c) Except for a charter school, at least one administrator at the district level who is employed by the board of trustees of the school district;

(d) At least one parent or guardian of a pupil who is enrolled in the public school for which the support team is established; and

(e) In addition to the requirements of paragraphs (a) to (d), inclusive, for a charter school:

(1) At least one member of the governing body of the charter school, regardless of the sponsor of the charter school; and

(2) If the charter school is sponsored by the board of trustees of a school district, at least one employee of the school district, which may include an administrator.

2. ~~[May]~~ *The membership of each support team established pursuant to NRS 385.3721 may* consist of, without limitation:

- (a) Except for a charter school, one or more members of the board of trustees of the school district in which the school is located;
- (b) Representatives of institutions of higher education;
- (c) Representatives of regional educational laboratories;
- (d) Representatives of outside consultant groups;
- (e) Representatives of the regional training program for the professional development of teachers and administrators created by NRS 391.512 that provides services to the school district in which the school is located;
- (f) The Bureau; and
- (g) Other persons who the Department determines are appropriate.

3. *The member appointed pursuant to paragraph (b) of subsection 1 must:*

- (a) Be employed by the Department; or*
- (b) If he is not employed by the Department, have the training and experience required by the Department.*

Sec. 12. 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.

(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.

(i) Prepare a ~~monthly~~ *quarterly* 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~~ *quarterly* progress report for use by each support team in accordance with paragraph (i) of subsection 1.

Sec. 13. NRS 385.3744 is hereby amended to read as follows:

385.3744 1. Except as otherwise provided in subsection ~~{2,}~~ 3, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years for failing to make adequate yearly progress, the support team established for the school shall consider whether corrective action is appropriate for the school. If the support team determines that corrective action is appropriate, the support team shall make a recommendation ~~{to the Department}~~ for corrective action for the school, including, without limitation, the type of

corrective action that is recommended from the list of corrective actions authorized pursuant to ~~paragraphs (a), (b) and (c)~~ subsection 2. The recommendation must be submitted to:

(a) For a school of the school district or a charter school sponsored by the board of trustees of the school district, the board of trustees.

(b) For a charter school sponsored by the State Board, the Department.

2. Regardless of whether a support team recommends corrective action for a school, the Department *may, for a charter school sponsored by the State Board, and the board of trustees of a school district may, for a school of the school district or a charter school sponsored by the board of trustees,* take one or more of the following corrective actions for the school:

(a) Develop and carry out a new curriculum at the school, including the provision of appropriate professional development relating to the new curriculum.

(b) ~~Decrease the number~~ *Significantly decrease the managerial authority of the employees at the school.* ~~who carry out managerial duties.~~

(c) Extend the school year or the school day.

~~2.~~ 3. The Department *or the board of trustees of a school district, as applicable,* 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 in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the Department *or the board of trustees, as applicable,* may proceed with corrective action as if the delay never occurred.

Sec. 14. NRS 385.376 is hereby amended to read as follows:

385.376 1. Except as otherwise provided in subsection 2, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years for failure to make adequate yearly progress, the support team for the school shall:

(a) If corrective action was not taken against the school pursuant to NRS 385.3744, consider whether corrective action is appropriate for the school.

(b) If corrective action was taken against the school pursuant to NRS 385.3744, consider whether further corrective action is appropriate or whether consequences or sanctions, or both, are appropriate for the school.

~~3.~~

2. Regardless of whether a support team recommends corrective action or consequences or sanctions for a school, the Department *may, for a charter school sponsored by the State Board, and the board of trustees of a school district may, for a school of the school district or a charter school sponsored by the board of trustees,* take corrective action as set forth in NRS 385.3744 or proceed with consequences or sanctions, or both, as prescribed by the State Board pursuant to NRS 385.361.

~~{2}~~ 3. The Department *or the board of trustees of a school district, as applicable*, shall grant a delay from the imposition of corrective action or restructuring pursuant to this section for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the Department *or the board of trustees, as applicable*, may proceed with corrective action or with consequences or sanctions, or both, for the school, as appropriate, as if the delay never occurred.

~~{3}~~ 4. Before the *board of trustees or the Department* proceeds with consequences or sanctions, 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 proceed with consequences or sanctions for the school;

(b) An opportunity to comment before the consequences or sanctions are carried out; and

(c) An opportunity to participate in the development of the consequences or sanctions.

Sec. 15. NRS 385.3762 is hereby amended to read as follows:

385.3762 1. On or before July 1 of each year, the Department shall determine whether each school district is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361. The pupils who are enrolled in a charter school, if any, located within a school district must not be included in the determination made for that school district. The determination made for each school district must be based only upon the information and data for those pupils who were enrolled in the school district for a full academic year, regardless of whether those pupils attended more than one school within the school district for that academic year.

2. Except as otherwise provided in this subsection, the Department shall determine that a school district has failed to make adequate yearly progress if any ~~subgroup~~ group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school district shall be deemed to have made adequate yearly progress even though a ~~subgroup~~ group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district did not satisfy the annual measurable objectives of the State Board.

3. In addition to the provisions of subsection 2, the Department shall determine that a school district has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils enrolled in the school district who were required to take the examinations; or

(b) Except as otherwise provided in subsection 4, for each ~~[subgroup]~~ *group* of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils in the ~~[subgroup]~~ *group* who were required to take the examinations.

4. If the number of pupils in a particular ~~[subgroup]~~ *group* who are enrolled in a school district is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school district has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 3 based solely upon that particular ~~[subgroup]~~ *group*.

(b) The pupils in such a ~~[subgroup]~~ *group* must be included in the overall count of pupils enrolled in the school district who took the examinations.

↪ The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a ~~[subgroup]~~ *group* for that ~~[subgroup]~~ *group* to yield statistically reliable information.

Sec. 16. NRS 385.391 is hereby amended to read as follows:

385.391 1. The Department shall adopt:

(a) Regulations to provide for the recognition of schools that:

(1) Receive a designation as demonstrating exemplary achievement or high achievement pursuant to NRS 385.3623.

(2) Significantly improve the academic achievement of ~~[subgroups]~~ *groups* of pupils identified in paragraph (b) of subsection 1 of NRS 385.361.

(3) Exceed adequate yearly progress, as determined by the Department pursuant to NRS 385.3613, for 2 or more consecutive years.

(b) Such regulations as it deems necessary to carry out the provisions of this section and NRS 385.3455 to 385.391, inclusive, including, without limitation, uniform standards for the type and format of data that must be submitted by the school districts and the time by which such data must be submitted.

2. The Department may work in consultation with the Bureau for identifying and publicizing the achievement of schools that are recognized pursuant to paragraph (a) of subsection 1.

Sec. 17. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of a charter school ~~[that is sponsored by the board of trustees of a school district]~~ shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees ~~[that sponsors]~~ *of the school district in which the charter school is located* for inclusion in the report of the school district pursuant to that section. The

information must be submitted by the charter school in a format prescribed by the board of trustees.

2. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 18. NRS 386.650 is hereby amended to read as follows:

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

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

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each ~~subgroup~~ group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

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

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

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

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

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

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

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

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

↪ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction but must not be used for the purpose of evaluating an individual teacher or paraprofessional.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(g) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(h) Provide for the analysis and reporting of the data in the automated system of information.

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

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

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

Sec. 19. NRS 388.795 is hereby amended to read as follows:

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

- (a) Plans that have been adopted by the Department and the school districts in this State;
- (b) Plans that have been adopted in other states;
- (c) The information reported pursuant to paragraph (t) of subsection 2 of NRS 385.347; ~~and~~
- (d) *The results of the assessment of needs conducted pursuant to subsection 6; and*
- (e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

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

- (a) Incorporate educational technology into the public schools of this State;
- (b) Increase the number of pupils in the public schools of this State who have access to educational technology;
- (c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, but not limited to, the receipt of credit for college courses completed through the use of educational technology;
- (d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and
- (e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, ~~but not limited to,~~ *without limitation*, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

- (a) Administrative support;
- (b) Equipment; and
- (c) Office space,

↪ as is necessary for the Commission to carry out the provisions of this section.

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

- (a) The State Board.
- (b) The board of trustees of each school district.
- (c) The superintendent of schools of each school district.
- (d) The Department.

5. The Commission shall:

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

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

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

- (1) Repair, replace and maintain computer systems.
- (2) Upgrade and improve computer hardware and software and other educational technology.

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

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

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

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

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

- (a) The recommendations set forth in the plan pursuant to subsection 2;*
- (b) The plan for educational technology of each school district, if applicable;*
- (c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and*
- (d) Any other information deemed relevant by the Commission.*

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

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

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

~~{7.}~~ 9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 20. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) English, including reading, composition and writing;
- (b) Mathematics;
- (c) Science; and
- (d) Social studies, which includes only the subjects of history, geography, economics and government.

2. ~~In addition to passage of the high school proficiency examination, to receive a standard high school diploma, }~~ Except as otherwise provided in this subsection, a pupil enrolled in a public school must, before graduation from high school, have earned a minimum of:

- (a) Four units of credit in English;
- (b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry ~~and~~, or an equivalent course of study that integrates Algebra I and geometry;
- (c) Three units of credit in science, including two laboratory courses; and
- (d) Three units of credit in social studies, including, without limitation:
 - (1) American government;
 - (2) American history; and
 - (3) World history ~~and~~ or geography.

↪ A pupil is not required to earn the minimum credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) The arts;
- (b) Computer education and technology;
- (c) Health; and
- (d) Physical education.

↪ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 21. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 2, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) English, including reading, composition and writing;
- (2) Mathematics;
- (3) Science;
- (4) Social studies, which includes only the subjects of history, geography, economics and government;
- (5) The arts;
- (6) Computer education and technology;
- (7) Health; and
- (8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

3. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

4. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

↪ The State Board shall adopt the standards of content and performance ~~established by the Council.~~

~~4.] or the revised standards, as applicable.~~

5. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

Sec. 22. NRS 392.033 is hereby amended to read as follows:

392.033 1. The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, ~~which~~ including, without limitation, English, mathematics, science and social studies. The regulations may include the credits to be earned ~~in each course.~~

2. The board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. *If a pupil is retained in grade 8 pursuant to this subsection and the pupil does not complete the course of study or credits required for promotion, the pupil shall complete a program of remedial study as required by the school district. If the pupil successfully completes the program of remedial study, the board of trustees shall promote the pupil to high school. If the pupil does not successfully complete the program of remedial study, he must be retained in grade 8 until he completes the course of study or credits required for promotion or successfully completes a program of remedial study.* The board of trustees of the school district in which the pupil is enrolled ~~may~~ shall provide programs of remedial study to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

Sec. 23. ~~NRS 392A.100 is hereby amended to read as follows:~~

~~392A.100 1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and~~

~~intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.~~

~~2.—A person who wishes to apply for admission to a university school for profoundly gifted pupils must:~~

~~(a) Submit to the governing body of the school:~~

~~(1) A completed application;~~

~~(2) Evidence that he possesses advanced intellectual and academic ability, including, without limitation, proof that he scored in the 99.9th percentile or above on achievement and aptitude tests such as the Scholastic Aptitude Test and the American College Test;~~

~~(3) At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant; and~~

~~(4) A transcript from each school previously attended by the applicant.~~

~~(b) If requested by the governing body of the school, participate in an on-campus interview.~~

~~3.—The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.~~

~~4.—The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil successfully passes the high school proficiency examination, *the units of credit required by NRS 389.018* and the courses in American government and American history as required by NRS 389.020 and 389.030, and successfully completes any requirements established by the State Board of Education for graduation from high school.~~

~~5.—On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, the State Board and the Director of the Legislative Counsel Bureau a report that contains information regarding the school, including, without limitation, the process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils.] *(Deleted by amendment.)*~~

Sec. 24. NRS 385.3691 and 385.3692 are hereby repealed.

Sec. 25. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of \$3,718,000 for the support teams established by the Department pursuant to NRS 387.3721 for non-Title I schools.

2. From the appropriation made by subsection 1, the Department shall:

(a) Distribute not more than \$338,000 to non-Title I schools to pay for substitute teachers as necessary for the teachers at the school who serve on the support team to carry out the duties and responsibilities of the support team.

(b) Distribute grants in the amount of \$10,000 per non-Title I school for the assistance of the support team at the school, not to exceed \$3,380,000 in the aggregate.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 26. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$340,200 for the costs of a study to measure the alignment of class assignments given to pupils at selected grade levels with the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. Before the Interim Finance Committee issues a request for proposals for a consultant to conduct the study, the Legislative Committee on Education shall select 100 public schools to participate in the study and the grade levels to be reviewed at each school. The schools must be elementary schools, middle schools and junior high schools and the grade levels selected must not include the ninth grade.

3. After selection of the public schools and grade levels by the Legislative Committee on Education, the Interim Finance Committee shall issue a request for proposals and enter into a contract with a qualified and independent consultant to conduct the study.

4. The consultant selected by the Interim Finance Committee shall, for each school selected by the Legislative Committee on Education, review a representative sampling of class assignments given to pupils for mathematics and English language arts at the selected grade levels and determine the alignment of those assignments with the standards of content and performance for those subject areas. For each school, the consultant shall report:

(a) The type of assignments that were reviewed, including, without limitation, homework, quizzes and tests;

(b) Whether the assignments were completed independently by pupils or in groups of pupils, or with the assistance of a teacher or aide;

(c) The source of the assignments, including, without limitation, textbooks and workbooks, created by the teacher or created by the school district;

(d) The grade levels of pupils subject to review;

(e) The percentage of the assignments that are aligned to the standards; and

(f) An assessment of the depth to which the standard is covered by the assignments.

5. The consultant shall prepare a written report of the results of the findings:

- (a) For each school for submission to the principal of that school.
- (b) For all schools that participate in the study for submission to the:
 - (1) Legislative Committee on Education;
 - (2) Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature;
 - (3) State Board of Education; and
 - (4) Department of Education.

6. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 27. The assessment of needs conducted by the Commission on Educational Technology pursuant to NRS 388.795, as amended by section 19 of this act, for the spring semester of 2008 must include, without limitation, an assessment of:

- 1. The need for computer-based assessments, including, without limitation, the use of computers for the administration of the high school proficiency examination;
- 2. The integration of educational technology to improve the achievement and proficiency of pupils; and
- 3. The feasibility and costs associated with using laptop computers in lieu of traditional textbooks.

Sec. 28. The provisions of section 20 of this act ~~[prescribing the units of credit required for receipt of a standard high school diploma]~~ apply to pupils who are enrolled in grade 9 ~~[, or the equivalent thereof for pupils enrolled in a university school for profoundly gifted pupils,]~~ for the 2007-2008 school year and for each school year thereafter.

Sec. 29. This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTIONS

385.3691 Membership of technical assistance partnership.

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.

(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.

385.3692 Powers and duties of technical assistance partnership; completion and submission of form concerning review and analysis of school; Department required to prescribe form for use by partnership.

1. Each technical assistance partnership established for a public school shall complete a form prescribed by the Department pursuant to this section or an expanded form, if applicable, that includes:

(a) A review and analysis of the operation of the school, including, without limitation, the design and operation of the instructional program of the school;

(b) A review and analysis of the data pertaining to the school based upon the report required pursuant to subsection 2 of NRS 385.347 and a review and analysis of any data that is more recent;

(c) A review of the most recent plan to improve the achievement of the school's pupils; and

(d) An identification of the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

2. Each technical assistance partnership established for a public school shall:

(a) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school; and

(b) Adopt, in consultation with the employees of the school, 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) Include the data and findings of the technical assistance partnership that provide support for the revisions;

(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 technical assistance partnership, outside experts;

(3) Set forth a timeline to carry out the revisions;

(4) Set forth priorities for the school in carrying out the revisions; and

(5) Set forth the names and duties of each person who is responsible for carrying out the revisions.

3. On or before November 1 of each year, each technical assistance partnership shall submit the form completed pursuant to subsection 1 to the:

- (a) Department;
- (b) Bureau;
- (c) Board of trustees of the school district or governing body of the charter school, as applicable; and
- (d) Principal of the school.

4. The Department shall, in consultation with the Bureau:

- (a) Prescribe a form that contains the basic information for a technical assistance partnership to carry out its duties pursuant to subsection 1; and
- (b) Make the form available on a computer disc for use by technical assistance partnerships and, upon request, in any other manner deemed reasonable by the Department.

5. Except as otherwise provided in this subsection, each technical assistance partnership shall use the form prescribed by the Department to carry out its duties pursuant to subsection 1. A school district or governing body of a charter school may prescribe an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. A technical assistance partnership may require the school for which the partnership was established to submit plans, strategies, tasks and measures that, in the determination of the partnership, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 206.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 70.

"SUMMARY—Clarifies provisions concerning the effect of certain signals exhibited by official traffic-control devices. (BDR 43-66)"

"AN ACT relating to traffic laws; clarifying provisions concerning the effect of certain signals exhibited by official traffic-control devices; declaring void and without effect certain local ordinances and regulations; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill prohibits a local authority from adopting an ordinance or regulation or taking any other action that prohibits vehicular traffic from crossing an intersection when the red signal is exhibited if such traffic had already completely entered the intersection before the red signal was exhibited. (NRS 484.283)

Section 2 of this bill declares that any ordinance or regulation adopted by a local authority is void and without effect to the extent that it violates the prohibition added by section 1 of this bill.

WHEREAS, Before 1969, the provisions of the former NRS 484.0081 had stated that vehicular traffic shall not enter or be crossing an intersection when the red signal is exhibited; and

WHEREAS, In 1969, the Nevada Legislature repealed the former NRS 484.0081 and enacted a section that was later codified as NRS 484.283; and

WHEREAS, The provisions of NRS 484.283, as enacted by the Nevada Legislature in 1969, omitted the phrase "or be crossing," thereby limiting the scope of the prohibition to the situation in which vehicular traffic enters an intersection when a red signal is exhibited; and

WHEREAS, The change made by the Nevada Legislature in 1969 was based upon an earlier change made to the Uniform Vehicle Code in 1962 by the National Committee on Uniform Traffic Laws and Ordinances; and

WHEREAS, The historical note accompanying the 1962 change to the Uniform Vehicle Code indicates that the purpose of removing the phrase "or be crossing" was to clarify "that a driver may now both legally enter the intersection on yellow and legally clear the intersection for use by traffic on intersecting streets even though a red signal is displayed while he is in the intersection"; and

WHEREAS, Differences between the provisions of NRS 484.283 and certain of the ordinances and regulations of the cities and counties of this State have resulted in confusion as to whether vehicular traffic may permissibly cross an intersection on a red signal provided that such traffic completely entered the intersection before the red signal was displayed; now, therefore,

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

Section 1. NRS 484.283 is hereby amended to read as follows:

484.283 1. Whenever traffic is controlled by official traffic-control devices exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the manual and specifications adopted by the Department of Transportation, only the colors green, yellow and red may be used, except for special pedestrian-control devices carrying a word legend as provided in NRS 484.325. The lights, arrows and combinations thereof indicate and apply to drivers of vehicles and pedestrians as provided in this section.

2. When the signal is circular green alone:

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless another device at the place prohibits either or both such turns. Such vehicular traffic, including vehicles turning right or left, must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484.325.

3. Where the signal is circular green with a green turn arrow:

(a) Vehicular traffic facing the signal may proceed to make the movement indicated by the green turn arrow or such other movement as is permitted by the circular green signal, but the traffic must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection at the time the signal is exhibited. Drivers turning in the direction of the arrow when displayed with the circular green are thereby advised that so long as a turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484.325.

4. Where the signal is a green turn arrow alone:

(a) Vehicular traffic facing the signal may proceed only in the direction indicated by the arrow signal so long as the arrow is illuminated, but the traffic must yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such a signal shall not enter the highway until permitted to proceed by another device as provided in NRS 484.325.

5. Where the signal is a green straight-through arrow alone:

(a) Vehicular traffic facing the signal may proceed straight through, but must not turn right or left. Such vehicular traffic must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within the appropriate marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484.325.

6. Where the signal is a steady yellow signal alone:

(a) Vehicular traffic facing the signal is thereby warned that the related green movement is being terminated or that a steady red indication will be exhibited immediately thereafter, and such vehicular traffic ~~shall~~ *must* not enter the intersection when the red signal is exhibited.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484.325, are thereby advised that there is insufficient time to cross the highway.

7. Where the signal is a steady red signal alone:

(a) Vehicular traffic facing the signal must stop before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made, or in the absence of any such crosswalk, sign or marking, then before entering the intersection, and, except as provided in paragraph (c), must remain stopped or standing until the green signal is shown.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484.325.

(c) After complying with the requirement to stop, vehicular traffic facing such a signal and situated on the extreme right of the highway may proceed into the intersection for a right turn only when the intersecting highway is two-directional or one-way to the right, or vehicular traffic facing such a signal and situated on the extreme left of a one-way highway may proceed into the intersection for a left turn only when the intersecting highway is one-way to the left, but must yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(d) Vehicular traffic facing the signal may not proceed on or through any private or public property to enter the intersecting street where traffic is not facing a red signal to avoid the red signal.

8. Where the signal is a steady red with a green turn arrow:

(a) Vehicular traffic facing the signal may enter the intersection only to make the movement indicated by the green turn arrow, but must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. Drivers turning in the direction of the arrow are thereby advised that so long as the turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484.325.

9. If a signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or pavement marking indicating where the stop must be made, but in the absence of any such device the stop must be made at the signal.

10. Whenever signals are placed over the individual lanes of a highway, the signals indicate, and apply to drivers of vehicles, as follows:

(a) A downward-pointing green arrow means that a driver facing the signal may drive in any lane over which the green signal is shown.

(b) A red "X" symbol means a driver facing the signal must not enter or drive in any lane over which the red signal is shown.

11. *A local authority shall not adopt an ordinance or regulation or take any other action that prohibits vehicular traffic from crossing an intersection when:*

(a) The red signal is exhibited; and

(b) The vehicular traffic in question had already completely entered the intersection before the red signal was exhibited. For the purposes of this paragraph, a vehicle shall be considered to have "completely entered" an intersection when all portions of the vehicle have crossed the limit line or other point of demarcation behind which vehicular traffic must stop when a red signal is displayed.

Sec. 2. 1. Any ordinance or regulation adopted by a local authority that is in existence on October 1, 2007, is hereby declared to be void and must not be given effect to the extent that it prohibits vehicular traffic from crossing an intersection when:

(a) The red signal is exhibited; and

(b) The vehicular traffic in question had already *completely* entered the intersection before the red signal was exhibited. For the purposes of this paragraph, a vehicle shall be considered to have "completely entered" an intersection when all portions of the vehicle have crossed the limit line or other point of demarcation behind which vehicular traffic must stop when a red signal is displayed.

2. As used in this section, "local authority" has the meaning ascribed to it in NRS 484.079.

Senator Nolan moved the adoption of the amendment.

Remarks by Senator Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 247.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 122.

"SUMMARY—Creates the Nevada Youth Legislative Issues Forum. (BDR 34-52)"

"AN ACT relating to education; creating the Nevada Youth Legislative Issues Forum; prescribing the membership, powers and duties of the Forum; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Sections 3-5 of this bill create the Nevada Youth Legislative Issues Forum, consisting of 21 members who are enrolled in grades 9-12 in public schools or otherwise eligible for enrollment in public schools but enrolled in a homeschool or private school. Each Senator appoints a member to the Forum. Sections 6-10 of this bill set forth the powers and duties of the Forum. The Forum must hold at least two public hearings each school year, review issues of importance to the youth in this State and submit an annual report of the activities of the Forum. In addition, the Forum may, within the limits of available money, hold meetings during a regular session of the Legislature to advise the Legislature on proposed legislation concerning the youth in this State. The Forum may also conduct seminars for the benefit of its members relating to leadership, government and the legislative process. Finally, the Forum may submit ~~requests~~ a request for the drafting of ~~three~~ one legislative ~~measures~~ measure which ~~relate~~ relates to matters within the scope of the Forum.

WHEREAS, The United States is facing a population of youth that is disengaged and lacks the necessary knowledge, skills and dispositions to participate in and carry out civic duties; and

WHEREAS, In the 2004 presidential election, 53.1 percent of Nevadans over 25 years of age voted, compared with 38.4 percent among Nevadans 18 to 24 years of age; and

WHEREAS, The lack of voter turnout for citizens who are 18 to 24 years of age is often attributed to cynicism toward the political process, disillusionment with politics, voter apathy and a lack of acknowledgment by the media and politicians of issues involving youth; and

WHEREAS, Most governmental services are designed with input and participation from the people being served; however, young people under the age of 18 are not allowed to vote and are often left out of the democratic process; and

WHEREAS, Several issues are important to the youth in the nation as well as the youth in this State, including, without limitation, education, employment opportunities, participation in state and local government, a safe environment, the prevention of substance abuse, emotional and physical well-being, foster care and access to state and local services; and

WHEREAS, Research shows that the programs designed for youth which are most effective at promoting positive outcomes are framed in terms of the constructive assets the programs seek to build rather than the negative behaviors the programs seek to avoid; and

WHEREAS, There is a growing need to reverse the trend of apathy by engaging our youth directly with policymakers in a manner that will provide genuine opportunities for our youth to acquire civic knowledge and develop the skills necessary to participate fully in a democratic society; and

WHEREAS, Within the past 5 years, Maine, New Mexico, Washington and New Hampshire have enacted bills that create a Youth Issues Forum, which institutionalizes the participation of youth in the policy-making process in those states; and

WHEREAS, The creation of a Youth Issues Forum offers policymakers an opportunity to learn from youth as well as provides a meaningful opportunity for youth to learn about the policy-making process; and

WHEREAS, By providing an avenue for participation, this State will provide our youth with an opportunity to understand the ideals of citizenship and to acquire the knowledge and skills necessary to participate in effective government and appreciate the value of American democracy; now, therefore,

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 9, inclusive, of this act, "Forum" means the Nevada Youth Legislative Issues Forum created by section 3 of this act.*

Sec. 3. 1. *The Nevada Youth Legislative Issues Forum is hereby created, consisting of 21 members.*

2. *Each member of the Senate shall appoint a person who submits an application and meets the qualifications for appointment set forth in section 4 of this act.*

3. *After the initial terms:*

(a) *Appointments to the Forum must be made by each member of the Senate before June 30 of each year.*

(b) *The term of each member of the Forum begins July 1 of the year of appointment.*

4. *Each member of the Forum serves a term of 1 year and may be reappointed if the member continues to meet the qualifications for appointment set forth in section 4 of this act.*

Sec. 4. 1. *To be eligible for appointment to the Forum, a person must be a resident of the senatorial district of the Senator who appoints him and must be:*

~~1.1~~ (a) *Enrolled in a public school in this State in grade 9, 10, 11 or 12 for the school year in which he serves; or*

~~1.2~~ (b) *Exempt from compulsory attendance pursuant to NRS 392.070, but otherwise eligible to enroll in a public school in this State in grade 9, 10, 11 or 12 for the school year in which he serves.*

2. *A person who is eligible for appointment to the Forum may submit an application on the form prescribed pursuant to subsection 3 to the Senator of the senatorial district in which the person resides for appointment or reappointment to the Forum.*

3. *The Director of the Legislative Counsel Bureau shall prescribe a form for applications submitted pursuant to this section, which must require the signature of the principal of the school in which the applicant is enrolled or, if the applicant is exempt from compulsory attendance pursuant to NRS 392.070, the signature of a member of the community in which the applicant resides other than a relative of the applicant.*

Sec. 5. 1. *A position on the Forum becomes vacant upon:*

(a) *The death or resignation of a member.*

(b) *The absence of a member for any reason from two consecutive meetings of the Forum, unless excused by the Chairman of the Forum.*

(c) *A change of residency of a member which renders that member ineligible under his original appointment.*

2. *A vacancy on the Forum must be filled for the remainder of the unexpired term in the same manner as the original appointment.*

Sec. 6. 1. *The Forum shall elect from among its members, to serve a term of 1 year beginning on July 1 of each year:*

(a) *A Chairman, who shall conduct the meetings and oversee the formation of committees as necessary to accomplish the business of the Forum. The Chairman must be:*

(1) *Enrolled in a public school in this State in grade 9, 10 or 11 for the school year in which he serves; or*

(2) *Exempt from compulsory attendance pursuant to NRS 392.070, but otherwise eligible to enroll in a public school in this State in grade 9, 10 or 11 for the school year in which he serves.*

(b) *A Vice Chairman, who shall assist the Chairman and conduct the meetings of the Forum if the Chairman is absent or otherwise unable to perform his duties.*

2. *The Director of the Legislative Counsel Bureau:*

(a) *Shall provide administrative support to the Forum.*

(b) *Shall, in the event of a vacancy on the Forum, notify the appropriate appointing authority of such vacancy.*

(c) *May accept gifts, grants and donations from any source for the support of the Forum in carrying out the provisions of sections 2 to 9, inclusive, of this act.*

Sec. 7. 1. *The Forum shall:*

(a) *Hold at least two public hearings in this State each school year.*

(b) *Simultaneously teleconference or videoconference each public hearing to three or more prominent locations throughout this State.*

(c) *Evaluate, review and comment upon issues of importance to the youth in this State, including, without limitation:*

(1) *Education;*

(2) *Employment opportunities;*

(3) *Participation of youth in state and local government;*

(4) *A safe learning environment;*

(5) *The prevention of substance abuse;*

(6) *Emotional and physical well-being;*

(7) *Foster care; and*

(8) *Access to state and local services.*

(d) *Conduct a public awareness campaign to raise awareness about the Forum and to enhance outreach to the youth in this State.*

2. *The Forum may, within the limits of available money:*

(a) *During the period in which the Legislature is in a regular session, meet as often as necessary to conduct the business of the Forum and to advise the Legislature on proposed legislation relating to the youth in this State.*

(b) *Form committees, which may meet as often as necessary to assist with the business of the Forum.*

(c) *Conduct periodic seminars for its members regarding leadership, government and the legislative process.*

3. *The Forum and its committees shall comply with the provisions of chapter 241 of NRS.*

4. *On or before June 30 of each year, the Forum shall submit a written report to the Director of the Legislative Counsel Bureau and to the Governor describing the activities of the Forum during the immediately preceding*

school year and any recommendations for legislation. The Director shall transmit the written report to the Legislative Committee on Education and to the next regular session of the Legislature.

Sec. 8. *The Forum may:*

1. *Request the drafting of not more than ~~three~~ one legislative ~~measures~~ measure which ~~relate~~ relates to matters within the scope of the Forum. ~~Each~~ A request must be submitted to the Legislative Counsel on or before July 1 preceding the commencement of a regular session of the Legislature unless the Legislative Commission authorizes submitting a request after that date.*

2. *Adopt procedures to conduct meetings of the Forum and any committees thereof. Those procedures may be changed upon approval of a majority vote of all members of the Forum who are present and voting.*

3. *Advise the Director of the Legislative Counsel Bureau regarding the administration of any appropriations, gifts, grants or donations received for the support of the Forum.*

Sec. 9. *The members of the Forum serve without compensation. To the extent that money is available, including, without limitation, money from gifts, grants and donations, the members of the Forum may receive the per diem allowance and travel expenses provided for state officers and employees generally for attending a meeting of the Forum or a seminar conducted by the Forum.*

Sec. 10. 1. *Each Senator shall appoint a member to the Nevada Youth Legislative Issues Forum created by section 3 of this act to an initial term commencing on August 1, 2007, and expiring on June 30, 2008. For the purpose of making an appointment to an initial term pursuant to this subsection, a Senator may appoint a person who did not submit an application pursuant to section 4 of this act.*

2. *The Forum shall hold its first meeting not later than October 1, 2007. At the first meeting of the Forum, the members of the Forum shall elect a Chairman and a Vice Chairman who hold those positions until June 30, 2008.*

3. *After the initial terms of office, sections 3 and 6 of this act govern the terms of office of the members of the Forum.*

Sec. 11. 1. *This section and section 10 of this act become effective upon passage and approval.*

2. *Sections 3 and 4 of this act become effective upon passage and approval for the purpose of appointing members to the Nevada Youth Legislative Issues Forum and on July 1, 2007, for all other purposes.*

3. *Sections 1, 2 and 5 to 9, inclusive, of this act become effective on July 1, 2007.*

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 266.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 153.

"SUMMARY—Requires the performance of tests for the human immunodeficiency virus for pregnant women and newborn children. (BDR 40-1063)"

"AN ACT relating to public health; requiring ~~the performance of a standard serological test~~ certain prenatal tests for pregnant women under certain circumstances; requiring certain tests for the human immunodeficiency virus ~~during the first trimester of a woman's pregnancy unless the woman chooses not to be tested; requiring under certain circumstances the performance of a rapid test for the human immunodeficiency virus during a pregnant woman's third trimester or at childbirth unless the woman chooses not to be tested; requiring the performance of a test for the human immunodeficiency virus on a newborn child unless the performance of the test is contrary to the religious beliefs of a parent of the child;~~ for pregnant women and newborn children under certain circumstances; granting a provider of health care immunity from civil and criminal liability and professional discipline under certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 6 of this bill requires a provider of health care to ensure that a woman receives, as part of the routine prenatal care recommended for all pregnant women during the first trimester of pregnancy, a ~~standard serological~~ test for the human immunodeficiency virus unless the woman chooses not to be tested. Section 6 ~~of this bill~~ requires a provider of health care to ensure that a pregnant woman receives a ~~rapid~~ test for human immunodeficiency virus during her third trimester ~~or at childbirth~~ if she receives health care in a ~~high-prevalence~~ jurisdiction with a high prevalence of human immunodeficiency virus or acquired immunodeficiency syndrome among women of child-bearing age or in a high-risk clinical setting or if she reports that she has one or more of the risk factors identified by the Centers for Disease Control and Prevention ~~;~~ , unless the woman chooses not to be tested. Section 6 also requires a provider of health care to ensure that a pregnant woman receives a rapid test for the human immunodeficiency virus during childbirth if she has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, unless the woman chooses not to be tested. If a rapid test is administered and the result of the rapid test is positive, the provider of health care must offer to initiate antiretroviral prophylaxis as soon as practicable without waiting for the results of any other test administered to confirm the result of the rapid test.

Section 7 of this bill requires a provider of health care who attends or assists at the delivery of a child to ensure that a test for the human immunodeficiency virus is performed on the child *if the mother has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available*, unless a parent objects that performance of the test is contrary to the religious beliefs of the parent.

Section 8 of this bill requires a provider of health care to ensure that, before a woman or newborn child receives any test set forth in this bill, the woman or parent of the newborn child receives a pamphlet informing them of their right to refuse the test.

Section 9 of this bill provides that a provider of health care is not subject to civil or criminal liability or disciplinary action solely for his violation of a provision of this bill.

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~and 3~~ to 9, inclusive, of this act.

Sec. 2. As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.

Sec. 3. "Provider of health care" means:

1. A provider of health care as defined in NRS 629.031;
2. A midwife; and
3. An obstetric center licensed pursuant to chapter 449 of NRS.

Sec. 4. "Rapid test for the human immunodeficiency virus" or "rapid test" means a test that:

1. Is used to detect the presence of antibodies to the human immunodeficiency virus; and
2. Provides a result in 30 minutes or less.

Sec. 5. Any test for the human immunodeficiency virus, including, without limitation, a rapid test, that is used to carry out the provisions of sections 2 to 9, inclusive, of this act must be approved by the United States Food and Drug Administration.

~~{Sec. 2}~~ Sec. 6. 1. A provider of health care who provides prenatal care to a woman during the first trimester of her pregnancy shall ensure that ~~{~~ the woman receives, at her first visit or as soon thereafter as practicable, ~~{~~ a sample of the woman's blood is submitted to a qualified laboratory for the performance of ~~}~~ the routine prenatal screening tests recommended for all pregnant women by the Centers for Disease Control and Prevention, including, without limitation, a ~~{standard serological}~~ screening test for the human immunodeficiency virus, unless the woman chooses not to ~~{be tested}~~ have a screening test for the human immunodeficiency virus ~~{~~ or any of the other prenatal screening tests.

2. *A provider of health care who provides prenatal care to a woman during the third trimester of her pregnancy ~~for who attends or assists her at childbirth~~ shall ensure that the woman receives , between the 27th and the 36th week of gestation or as soon thereafter as practicable, a ~~rapid~~ test for the human immunodeficiency virus if she:*

(a) *Has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available; or*

(b) *Is at high risk for infection with the human immunodeficiency virus, unless the woman chooses not to ~~be tested~~ have such a test.*

3. *A provider of health care who attends or assists a woman during childbirth shall:*

(a) *Ensure that the woman receives a rapid test for the human immunodeficiency virus if she has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, unless the woman chooses not to have such a test; and*

(b) *If the rapid test is administered and the result of the rapid test is positive for the presence of antibodies to the human immunodeficiency virus, offer to initiate antiretroviral prophylaxis to reduce the risk of perinatal transmission of the human immunodeficiency virus as soon as practicable after receiving the result of the rapid test and without waiting for the results of any other test administered to confirm the result of the rapid test.*

4. *For the purposes of this section, a woman is at high risk for infection with the human immunodeficiency virus if she:*

(a) *Receives health care in ~~a clinical setting that has been identified by the Centers for Disease Control and Prevention as a high-risk or high-prevalence clinical setting;~~*

(1) *A jurisdiction that the Centers for Disease Control and Prevention has identified as having an elevated incidence of human immunodeficiency virus or acquired immunodeficiency syndrome among women between the ages of 15 and 45 years; or*

(2) *A health care facility that, under the standards of the Centers for Disease Control and Prevention, is considered a high-risk clinical setting because prenatal screening has identified at least one pregnant woman who is infected with the human immunodeficiency virus for each 1,000 pregnant women screened at the facility; or*

(b) *Reports having one or more of the risk factors for infection with the human immunodeficiency virus identified by the Centers for Disease Control and Prevention, including, without limitation:*

(1) *Engaging in sexual activities with more than one person during the pregnancy without using effective measures to protect against the transmission of the human immunodeficiency virus.*

(2) *Engaging in sexual activity with another person in exchange for money or other compensation.*

(3) *Engaging in sexual activity with another person who ~~is~~*

~~(I) Is infected with the human immunodeficiency virus;~~
~~(II) Has a sexual orientation for bisexuality;~~
~~(III) Has used a hypodermic device for the intravenous injection of a controlled substance or a dangerous drug; or~~
~~(IV) Has engaged in sexual activity with another person in exchange for money or other compensation.] is infected with the human immunodeficiency virus or who has one or more of the risk factors for infection with the human immunodeficiency virus identified by the Centers for Disease Control and Prevention.~~

(4) Receiving treatment for a sexually transmitted disease.

(5) Using a ~~hypodermic device for the intravenous injection of a~~ controlled substance or a dangerous drug.

(6) Receiving a blood transfusion between 1978 and 1985, inclusive.

~~[(7) Requesting a test for the human immunodeficiency virus without reporting another risk factor.~~

~~4.] 5. As used in this section, ~~f=~~~~

~~(a) "Dangerous]" , "dangerous drug" has the meaning ascribed to it in NRS 454.201.~~

~~[(b) "Medical laboratory" means a medical laboratory that is licensed pursuant to chapter 652 of NRS.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031. The term includes a midwife and an obstetric center licensed pursuant to chapter 449 of NRS.~~

~~(d) "Rapid test for the human immunodeficiency virus" means a test that:~~

~~(1) Is approved by the United States Food and Drug Administration;~~

~~(2) Is used to detect the presence of antibodies to the human immunodeficiency virus; and~~

~~(3) Provides a result in 30 minutes or less.]~~

~~[Sec. 3.] Sec. 7. ~~[1.]~~ A provider of health care who attends or assists at the delivery of a child shall , if the mother has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, ensure that a rapid test for the human immunodeficiency virus is performed on the child unless a parent of the child objects to the performance of the test because it is contrary to the religious beliefs of the parent.~~

~~[(2) As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031. The term includes a midwife and an obstetric center licensed pursuant to chapter 449 of NRS.]~~

Sec. 8. A provider of health care shall ensure that, before a woman or newborn child receives any test that is used to carry out the provisions of sections 2 to 9, inclusive, of this act:

1. The woman receives a pamphlet that informs her of her right not to have the test.

2. The parent of the newborn child receives a pamphlet that informs the parent of the parent's right to object to the performance of the test because it is contrary to the religious beliefs of the parent.

Sec. 9. A provider of health care is not subject to civil or criminal liability or disciplinary action solely for his violation of a provision of sections 2 to 9, inclusive, of this act.

Senator Horsford moved the adoption of the amendment.

Remarks by Senator Horsford.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 267.

Bill read second time.

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

Amendment No. 65.

"SUMMARY—~~[Creates]~~ *Revises the powers and duties of the Legislative Committee on ~~[Water Resources]~~ Public Lands.* (BDR 17-205)"

"AN ACT relating to ~~[water; creating the Legislative Committee on Water Resources; providing for its membership; prescribing the powers and duties of the Committee; providing for the prospective expiration of the Committee;]~~ *the Legislative Committee on Public Lands; revising the duties of the Committee; authorizing the Committee to review and comment on issues relating to water resources in this State; and providing other matters properly relating thereto.*"

Legislative Counsel's Digest:

~~[Senate Concurrent Resolution No. 26 of the 2005 Regular Session of the Nevada Legislature directed the Legislative Commission to appoint a committee of Legislators to conduct an interim study of the use, management and allocation of water resources in Nevada. This resolution also required the Legislative Commission to submit a report setting forth the results of the interim study and any recommendations for legislation to the 74th Session of the Nevada Legislature.~~

~~Section 3 of this bill creates a permanent statutory committee relating to water designated the Legislative Committee on Water Resources. Section 4 of this bill sets forth the duties of the Committee concerning meetings, voting, recommending legislation and the payment of compensation and travel expenses of the members of the Committee. Section 5]~~ *Existing law establishes the duties of the Legislative Committee on Public Lands. Certain duties of the Committee, including reviewing the programs and activities of: (1) the Colorado River Commission of Nevada; (2) all public water authorities, districts and systems in this State; and (3) all other public or private entities who have agreements with counties concerning the planning, development or distribution of water resources, expire by limitation on June 30, 2007. (NRS 218.5368)*

Section 1 of this bill authorizes the Committee to engage in various activities relating to water resources, including, without limitation, studying and commenting on laws, regulations and policies regulating the use, allocation and management of water resources in Nevada. ~~Section 6 of this bill authorizes the Committee to administer oaths, cause the deposition of witnesses and issue subpoenas for certain purposes. Section 7 of this bill entitles a witness, other than a state officer or employee, to receive certain fees and payment for mileage if the witness appears before the Committee. Section 8 of this bill provides that the bill becomes effective upon passage and approval and expires by limitation on June 30, 2015.~~ Section 2 of this bill removes the provision that requires certain duties of the Committee to expire by limitation on June 30, 2007.

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

Delete existing sections 1 through 8 of this bill and replace with the following new sections 1 through 3:

Section 1. NRS 218.5368 is hereby amended to read as follows:

218.5368 1. The Committee shall:

~~1.~~ (a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

~~2.~~ (b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

~~3.~~ (c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

~~4. Review~~

2. The Committee:

(a) Shall review the programs and activities of:

~~(a)~~ (1) The Colorado River Commission of Nevada;

~~(b)~~ (2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

~~(c)~~ (3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof.

~~5. On~~ :

(b) Shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the review conducted pursuant to ~~subsection 4.~~ paragraph (a); and

(c) May review and comment on other issues relating to water resources in this State, including, without limitation:

(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and

(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State.

Sec. 2. Section 11 of chapter 408, Statutes of Nevada 2003, at page 2507, is hereby amended to read as follows:

Sec. 11. ~~[[~~ This act becomes effective on July 1, 2003.

~~[2. The amendatory provisions of section 9 of this act expire by limitation on June 30, 2007.]~~

Sec. 3. This act becomes effective on June 29, 2007.

Senator Rhoads moved the adoption of the amendment.

Remarks by Senator Rhoads.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 284.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 152.

"SUMMARY—Revises provisions governing sports in ~~the~~ certain public schools ~~[[~~ located in certain larger school districts. (BDR 34-50)"

"AN ACT relating to education; authorizing the boards of trustees of certain larger school districts to prescribe fees for the participation of pupils enrolled in middle schools and junior high schools in organized athletic activities and sports; ~~making an appropriation to establish a pilot program to reinstate athletic programs in the public middle schools and junior high schools;~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill authorizes the ~~boards~~ board of trustees of ~~school districts~~ a school district in a county whose population is 400,000 or more (currently Clark County) to prescribe a policy that requires the parent or legal guardian of a pupil enrolled in a middle school or junior high school to pay a reasonable fee for the pupil to participate in organized athletic activities and sports. Such a policy must include a provision that allows a parent or guardian to receive a waiver or reduction of the fee for good cause. This bill also authorizes ~~a public school~~ such a school district to accept gifts, grants and donations for the support of athletic activities and sports at the ~~school~~ schools within the school district.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district in a county whose population is 400,000 or more may adopt a policy that requires the parent or legal

guardian of a pupil who is enrolled in a middle school or junior high school to pay a reasonable fee for the participation of the pupil in organized athletic activities and sports, including, without limitation, football, basketball, baseball, soccer and track and field. If the board of trustees adopts such a policy, the policy must:

(a) Prescribe the maximum amount of the fee that may be imposed for each athletic activity and sport; ~~and~~

(b) Include a provision for a parent or legal guardian to request and receive a waiver or reduction of the fee for good cause, including, without limitation, financial hardship ~~;~~; and

(c) Provide that any money collected from the fees are not used to supplant the money that is otherwise provided for the support of athletic activities and sports at public schools within the school district.

2. ~~For a public school~~ The board of a school district in a county whose population is 400,000 or more may accept gifts, grants and donations from any source for the support of the athletic activities and sports at the ~~public school. Upon receipt of such a gift, grant or donation, the public school shall comply with any reasonable specifications made by the donor, including, without limitation, a designation of the gift, grant or donation for a specific athletic activity or sport or for a specific facility used for athletic activities or sports.~~ public schools within the school district. If such a school district accepts gifts, grants and donations, the school district shall adopt a policy which ensures that:

(a) Two-thirds of the donation is granted to the school or activity designated by the donor, if applicable; and

(b) The remaining one-third of the donation is distributed in a fair and equitable manner among those schools within the school district which the school district determines are in need of the donation.

~~Sec. 2. [1. There is hereby appropriated from the State General Fund to the Nevada Interscholastic Activities Association the sum of \$250,000 to establish a pilot program to reinstate athletic programs in the public middle schools and junior high schools in this State.~~

~~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.] (Deleted by amendment.)~~

~~Sec. 3. [1. This section and section 2 of this act become effective upon passage and approval.~~

~~2. Section 1 of this act becomes effective on July 1, 2007.~~

Senator Nolan moved the adoption of the amendment.

Remarks by Senators Nolan, Lee and Titus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 326.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 92.

"SUMMARY—Creates the Committee on ~~[Concurrent]~~ Co-Occurring Disorders. (BDR 40-1138)"

"AN ACT relating to public health; creating the Committee on ~~[Concurrent]~~ Co-Occurring Disorders; providing the duties of the Committee; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill creates the Committee on ~~[Concurrent]~~ Co-Occurring Disorders, which consists of ~~12~~ 14 members appointed by the Governor and 1 ex officio member. The responsibilities of the Committee include: (1) studying and reviewing issues relating to persons with ~~[concurrent]~~ co-occurring disorders, which is the existence of both mental health and substance abuse disorders in the same person; (2) developing recommendations for improving the treatment provided to such persons; and (3) submitting a biennial report and recommendations for necessary legislation to the Director of the Legislative Counsel Bureau for distribution to the Legislature.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in sections 2, 3 and 4 of this act, unless the context otherwise requires, ~~["concurrent"]~~ "co-occurring disorders" means the existence of both mental health and substance abuse disorders in the same person. ~~[The term is also commonly referred to as "co-occurring disorders."]~~*

Sec. 3. 1. *There is hereby created the Committee on ~~[Concurrent]~~ Co-Occurring Disorders. The Committee consists of:*

(a) The Administrator of the Division of Mental Health and Developmental Services of the Department, who is an ex officio member of the Committee; and

(b) ~~Twelve~~ Fourteen members appointed by the Governor.

2. The Governor shall appoint to the Committee:

(a) One member who is a psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology;

(b) One member who is a physician licensed pursuant to chapter 630 or 633 of NRS who is certified as an addictionologist by the American Society of Addiction Medicine;

(c) One member who is a psychologist licensed to practice in this State;

~~[(c)]~~ *(d) One member who is licensed as a marriage and family therapist in this State;*

(e) One member who is licensed as a clinical social worker in this State;

~~[(d)]~~ *(f) One member who is a district judge in this State;*

~~[(e)]~~ *(g) One member who is a representative of the Nevada System of Higher Education;*

~~[(f)]~~ *(h) One member who is a representative of a state or local criminal justice agency;*

~~[(g)]~~ *(i) One member who is a representative of a hospital or mental health facility in this State;*

~~[(h)]~~ *(j) One member who is a member of the Nevada Mental Health Planning Advisory Council;*

~~[(i)]~~ *(k) One member who is a representative of a program relating to mental health ~~for~~ and the treatment of the abuse of alcohol or drugs in this State;*

~~[(j)]~~ *(l) One member who is a policy analyst in the field of mental health, substance abuse or criminal justice;*

~~[(k)]~~ *(m) One member who is a representative of persons who have used services relating to mental health, substance abuse or criminal justice in this State; and*

~~[(l)]~~ *(n) One member who is an immediate family member of a person who has used services relating to mental health, substance abuse or criminal justice in this State.*

3. *The members of the Committee shall elect a Chairman and Vice Chairman by a majority vote. After the initial election, the Chairman and Vice Chairman shall hold office for a term of 1 year beginning on October 1 of each year. If a vacancy occurs in the chairmanship, the members of the Committee shall elect a Chairman from among its members for the remainder of the unexpired term.*

4. *After the initial terms, each member of the Committee who is appointed serves for a term of 4 years. A member may be reappointed.*

5. *A vacancy on the Committee must be filled in the same manner as the original appointment.*

6. *Each member of the Committee:*

(a) Serves without compensation; and

(b) While engaged in the business of the Committee, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. *Each member of the Committee who is an officer or employee of the State or a local government must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the*

Committee to make up the time he is absent from work to carry out his duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

8. The members of the Committee shall meet at least quarterly and at the times and places specified by a call of the Chairman or a majority of the members of the Committee.

9. Eight members of the Committee constitute a quorum. The affirmative vote of a majority of the Committee members present is sufficient for any action of the Committee.

Sec. 4. The Committee shall:

1. Study and review issues relating to persons with ~~feconcurent~~ co-occurring disorders.

2. Develop a policy statement confirming the commitment of this State to treatment for persons with ~~feconcurent~~ co-occurring disorders and the expectations of this State concerning such treatment.

3. Review and recommend strategies for improving the treatment provided to persons with ~~feconcurent~~ co-occurring disorders, including, without limitation, reducing administrative barriers to such treatment and supporting the provision of coordinated and integrated services relating to mental health, substance abuse and criminal justice to persons with ~~feconcurent~~ co-occurring disorders.

4. Develop recommendations concerning the licensing and certification of treatment programs for persons with ~~feconcurent~~ co-occurring disorders, including, without limitation, the standards that should be required of such programs to increase their effectiveness.

5. Develop recommendations concerning the creation of incentives for the development of treatment programs for persons with ~~feconcurent~~ co-occurring disorders.

6. Evaluate the utilization of existing resources in this State for the treatment of persons with ~~feconcurent~~ co-occurring disorders and develop recommendations concerning innovative funding alternatives to promote and support mental health courts, the prevention of ~~feconcurent~~ co-occurring disorders and the coordination of integrated services in the mental health, substance abuse and criminal justice systems.

7. Identify and recommend practices and procedures to improve the effectiveness and quality of care provided in both the public and private sector to persons with ~~feconcurent~~ co-occurring disorders.

8. Examine and develop recommendations concerning training and technical assistance that is available through the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services and other entities to support the development and implementation of a comprehensive system of care for persons with ~~feconcurent~~ co-occurring disorders.

9. Submit on or before January 31 of each odd-numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the

regular session of the Legislature. The report must include, without limitation, a summary of the work of the Committee and recommendations for any necessary legislation concerning issues relating to persons with ~~concurrent~~ co-occurring disorders.

Sec. 5. As soon as practicable on or after October 1, 2007, the appointed members of the Committee on ~~Concurrent~~ Co-Occurring Disorders created by section 3 of this act must be appointed to initial terms as follows:

1. The members who are appointed by the Governor pursuant to paragraphs (a) to ~~(d)~~, (e), inclusive, of subsection 2 of section 3 of this act must be appointed to terms that expire on October 1, 2011;

2. The members who are appointed by the Governor pursuant to paragraphs ~~(e) to (h)~~, (f) to (j), inclusive, of subsection 2 of section 3 of this act must be appointed to terms that expire on October 1, 2010; and

3. The members who are appointed by the Governor pursuant to paragraphs ~~(i) to (l)~~, (k) to (n), inclusive, of subsection 2 of section 3 of this act must be appointed to terms that expire on October 1, 2009.

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 396.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 147.

"SUMMARY—Revises provisions relating to subsurface installations. (BDR 40-1386)"

"AN ACT relating to subsurface installations; revising provisions relating to the notification required before beginning an excavation or demolition under certain circumstances; revising provisions governing certain complaints relating to the conduct of an excavation or demolition; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill amends the definition of "approximate location of a subsurface installation" to mean a strip of land not more than 24 inches on either side of the exterior surface of a subsurface installation, instead of 30 inches as defined by existing law. (NRS 455.082)

~~[Section 2 of this bill amends the definition of "subsurface installation" to include a service lateral. (NRS 455.101)]~~

Existing law requires a person to give notice to the appropriate association of operators of an excavation or demolition at least 2 working days, but not more than 14 calendar days, before the excavation or demolition. (NRS 455.110) Section 3 of this bill extends the time frame to not more than 28 calendar days before the excavation or demolition.

Existing law authorizes certain persons to file a complaint to enjoin certain activities or practices of an operator or a person who is about to conduct an excavation or demolition and authorizes the court to issue a temporary restraining order under certain circumstances. (NRS 455.160) Section 4 of this bill adds the Regulatory Operations Staff of the Public Utilities Commission of Nevada, the Attorney General, an operator or a person conducting an excavation or demolition to the list of persons authorized to file a complaint. Section 4 also removes the authorization of a court to issue a temporary restraining order.

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

Section 1. NRS 455.082 is hereby amended to read as follows:

455.082 "Approximate location of a subsurface installation" means a strip of land not more than ~~{30}~~ 24 inches on either side of the exterior surface of a subsurface installation. The term does not include the depth of the subsurface installation.

Sec. 2. ~~[NRS 455.101 is hereby amended to read as follows:~~

~~455.101 "Subsurface installation" means a pipeline, conduit, cable, duct, wire, sewer line, storm drain, other drain line, service lateral or other structure that is located underground.] (Deleted by amendment.)~~

Sec. 3. NRS 455.110 is hereby amended to read as follows:

455.110 1. Except as otherwise provided in subsection 2, a person shall not begin an excavation or demolition if the excavation or demolition is to be conducted in an area that is known or reasonably should be known to contain a subsurface installation, except a subsurface installation owned or operated by the person conducting the excavation or demolition, unless he:

(a) Notifies the appropriate association for operators pursuant to NRS 455.120, at least 2 working days but not more than ~~{14}~~ 28 calendar days before excavation or demolition is scheduled to commence. The notification may be written or provided by telephone and must state the name, address and telephone number of the person who is responsible for the excavation or demolition, the starting date of the excavation or demolition, anticipated duration and type of excavation or demolition to be conducted, the specific area of the excavation or demolition and whether explosives are to be used.

(b) Cooperates with the operator in locating and identifying its subsurface installation by:

(1) Meeting with its representative as requested; and

(2) Making a reasonable effort that is consistent with the practice in the industry to mark with white paint, flags, stakes, whiskers or another method that is agreed to by the operator and the person who is responsible for the excavation or demolition, the proposed area of the excavation or demolition.

2. A person responsible for emergency excavation or demolition is not required to comply with the provisions of subsection 1 if there is a substantial likelihood that loss of life, health or property will result before the provisions

of subsection 1 can be fully complied with. The person shall notify the operator of the action he has taken as soon as practicable.

Sec. 4. NRS 455.160 is hereby amended to read as follows:

455.160 ~~{1.—A commissioner}~~ *The Regulatory Operations Staff* of the Public Utilities Commission of Nevada, *the Attorney General, an operator, a person conducting an excavation or demolition,* or the district attorney of a county or the city attorney of a city in which there is an excavation or demolition or a proposed excavation or demolition which he believes may cause death, serious physical harm or serious property damage may file a complaint in the district court for the county seeking to enjoin the activity or practice of an operator or a person who is responsible for the excavation or demolition.

~~{2.—Upon the filing of a complaint pursuant to subsection 1, the court may issue a temporary restraining order before holding an evidentiary hearing. A temporary restraining order may be issued for no longer than 5 days.}~~

Sec. 5. NRS 455.170 is hereby amended to read as follows:

455.170 1. An action for the enforcement of a civil penalty pursuant to this section may be brought before the Public Utilities Commission of Nevada by the Attorney General, a district attorney, a city attorney, ~~legal counsel for~~ *the Regulatory Operations Staff* of the Public Utilities Commission of Nevada, the governmental agency that issued the permit to conduct an excavation or demolition, an operator or a person conducting an excavation or demolition.

2. Any person who willfully or repeatedly violates a provision of NRS 455.080 to 455.180, inclusive, is liable for a civil penalty:

(a) Not to exceed \$1,000 per day for each violation; and

(b) Not to exceed \$100,000 for any related series of violations within a calendar year.

3. Any person who negligently violates any such provision is liable for a civil penalty:

(a) Not to exceed \$200 per day for each violation; and

(b) Not to exceed \$1,000 for any related series of violations within a calendar year.

4. The amount of any civil penalty imposed pursuant to this section and the propriety of any settlement or compromise concerning a penalty must be determined by the Public Utilities Commission of Nevada upon receipt of a complaint by the Attorney General, ~~{an employee}~~ *the Regulatory Operations Staff* of the Public Utilities Commission of Nevada, ~~{who is engaged in regulatory operations,}~~ a district attorney, a city attorney, the agency that issued the permit to excavate or the operator or the person responsible for the excavation or demolition.

5. In determining the amount of the penalty or the amount agreed upon in a settlement or compromise, the Public Utilities Commission of Nevada shall consider:

(a) The gravity of the violation;

(b) The good faith of the person charged with the violation in attempting to comply with the provisions of NRS 455.080 to 455.180, inclusive, before and after notification of a violation; and

(c) Any history of previous violations of those provisions by the person charged with the violation.

6. A civil penalty recovered pursuant to this section must first be paid to reimburse the person who initiated the action for any cost incurred in prosecuting the matter.

7. Any person aggrieved by a determination of the Public Utilities Commission of Nevada pursuant to this section may seek judicial review of the determination in the manner provided by NRS 703.373.

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Senate Bill No. 415 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 456.

Bill read second time and ordered to third reading.

Senate Bill No. 470.

Bill read second time and ordered to third reading.

Senate Bill No. 542.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 9.

Resolution read second time and ordered to third reading.

Assembly Bill No. 9.

Bill read second time.

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

Amendment No. 26.

"SUMMARY—Authorizes the licensure of a mortgage agent on behalf of a corporation or limited-liability company. (BDR 54-729)"

"AN ACT relating to mortgage agents; authorizing a natural person to be licensed as a mortgage agent on behalf of a corporation or limited-liability company under certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill authorizes a natural person who is qualified to be licensed as a mortgage agent under existing law to be issued such a license on behalf of a professional corporation of which he is the sole shareholder or on behalf of a limited-liability company of which he is the manager.

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

Section 1. Chapter 645B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Any natural person who meets the qualifications of a mortgage agent and:*

(a) *Except as otherwise provided in subsection 2, is the sole shareholder of a corporation organized pursuant to the provisions of chapter 89 of NRS; or*

(b) *Is the manager of a limited-liability company organized pursuant to the provisions of chapter 86 of NRS,*

↪ may be licensed on behalf of the corporation or limited-liability company for the purpose of associating with a licensed mortgage broker in the capacity of a mortgage agent.

2. *The spouse of the owner of the corporation who has a community interest in any shares of the corporation shall not be deemed a second shareholder of the corporation for the purposes of paragraph (a) of subsection 1, if the spouse does not vote any of those shares.*

3. *A license issued pursuant to this section entitles only the sole shareholder of the corporation or the manager of the limited-liability company to act as a mortgage agent, and only as an officer or agent of the corporation or limited-liability company and not on his own behalf. The licensee shall not do or deal in any act, acts or transactions included within the definition of a mortgage ~~agent~~ broker in NRS ~~[645B.0125.]~~ 645B.0127. except as that activity is permitted pursuant to this chapter to licensed mortgage agents.*

4. *The corporation or limited-liability company shall, within 30 days after a license is issued on its behalf pursuant to this section and within 30 days after any change in its ownership, file an affidavit with the Division stating:*

(a) *For a corporation, the number of issued and outstanding shares of the corporation and the names of all persons to whom the shares have been issued.*

(b) *For a limited-liability company, the names of members who have an interest in the company.*

5. *A license issued pursuant to this section automatically expires upon:*

(a) *The death of the licensed shareholder in the corporation or the manager of the limited-liability company; or*

(b) *The issuance of shares in the corporation to more than one person other than the spouse.*

6. *This section does not alter any of the rights, duties or liabilities which otherwise arise in the legal relationship between a mortgage broker or mortgage agent and a person who deals with him.*

Sec. 2. ~~NRS 645B.0123 is hereby amended to read as follows:~~

~~645B.0123 "Licensee" means a person who is licensed as a mortgage broker pursuant to this chapter. The term does not include a person issued a license as a mortgage agent pursuant to NRS 645B.410 [.] or section 1 of this act. (Deleted by amendment.)~~

Sec. 3. This act becomes effective on July 1, 2007.

Senator Carlton moved the adoption of the amendment.

Remarks by Senator Townsend.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 555.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Senate Bill No. 90 be rereferred to the Committee on Finance upon return from reprint.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Senate Bill No. 184 be rereferred to the Committee on Finance upon return from reprint.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Senate Bill No. 247 be rereferred to the Committee on Finance upon return from reprint.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Senate Bill No. 326 be rereferred to the Committee on Finance upon return from reprint.

Remarks by Senator Raggio.

Motion carried.

Senator Townsend moved that Senate Bill No. 409 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Townsend.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 77.

Bill read third time.

Roll call on Senate Bill No. 77:

YEAS—21.

NAYS—None.

Senate Bill No. 77 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 139.

Bill read third time.

Roll call on Senate Bill No. 139:

YEAS—21.

NAYS—None.

Senate Bill No. 139 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 163.

Bill read third time.

Roll call on Senate Bill No. 163:

YEAS—21.

NAYS—None.

Senate Bill No. 163 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 174.

Bill read third time.

Roll call on Senate Bill No. 174:

YEAS—16.

NAYS—Care, Carlton, Horsford, Titus, Wiener—5.

Senate Bill No. 174 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 228.

Bill read third time.

Remarks by Senator Heck.

Roll call on Senate Bill No. 228:

YEAS—15.

NAYS—Care, Carlton, Mathews, Titus, Wiener, Woodhouse—6.

Senate Bill No. 228 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 282.

Bill read third time.

Roll call on Senate Bill No. 282:

YEAS—21.

NAYS—None.

Senate Bill No. 282 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 398.

Bill read third time.

Roll call on Senate Bill No. 398:

YEAS—21.

NAYS—None.

Senate Bill No. 398 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 419.

Bill read third time.

Roll call on Senate Bill No. 419:

YEAS—21.

NAYS—None.

Senate Bill No. 419 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 444.

Bill read third time.

Roll call on Senate Bill No. 444:

YEAS—21.

NAYS—None.

Senate Bill No. 444 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 515.

Bill read third time.

Roll call on Senate Bill No. 515:

YEAS—21.

NAYS—None.

Senate Bill No. 515 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 520.

Bill read third time.

Roll call on Senate Bill No. 520:

YEAS—21.

NAYS—None.

Senate Bill No. 520 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 534.

Bill read third time.

Remarks by Senators Carlton, Washington, Nolan, Heck, Schneider, Titus, Woodhouse and Horsford.

Senator Raggio, Nolan and Heck moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 534.

Roll call on Senate Bill No. 534:

YEAS—17.

NAYS—Carlton, Lee, Mathews, Schneider—4.

Senate Bill No. 534 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 607.

Bill read third time.

Remarks by Senator Raggio.

Roll call on Assembly Bill No. 607:

YEAS—21.

NAYS—None.

Assembly Bill No. 607 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

There being no objections, the President and Secretary signed Senate Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Amodei, the privilege of the floor of the Senate Chamber for this day was extended to members of the Carson City Leadership Class: Neila Abbott, Jane Auerswald, Bonnie Betts, Bruce Bullock, Paul Carignan, Jenny Casselman, Donna Curtis, Carol English, Rick Frewert, Dianne Hilliard, Alana Ladd-Ross, Bob Morin, Le Ann Morris, Brian Olson, Buck Potts, John Procaccini, Lisa Stirgus, Ralph Swagler, Carol Swanson, Mikel Trejo, Erin Lehman, Teresa Shoupe and Kathleen Plante.

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Stephen Allott.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to the following members of the National Automobile Museum Volunteers: Norm Miller, Gene Green, Stan Warren, Joan Grether, Rod Smith, Don Waite, Taylor Leslie, Sharon Smith, John

Fuller and Del Smart and the following members of the Leadership Reno Sparks Adult Class: Deborah Armstrong, Nick Bingham, Jenny Boland, Lori Bosma, Gina Brooks, Nicholas Butler, Rob Carter, Tony Curatolo, Debbie DeLauer, Brad Elgin, Marshall Emerson, Sheri Fisher, Shea Foreman, Molly Frazer, John J. Frye, Mike Genera and Laura Granier.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to the following members of the Liberty Baptist Academy: Sarah Kercher, William Barragan, Alizabeth Bigger, Nicolette McGrath, Kevin Parades, Stephanie Rhodes, James Webb, Crystal Webb, Chrissy Webb, Thomas Webb, Tierra Webb, Berlyn Webb, Brenden Webb, John Berg, Debbie Berg, Steven Berg, Rebecca Berg, David Berg, Michael Berg, Jennifer Berg, Jesse Manchuca, Trish Machuca, Faith Machuca, Tonya Piazza, Jessica Piazza, April Glass, Jessica Glass, Robert Horton and William Horton.

Senator Raggio moved that the Senate adjourn until Friday, April 13, 2007, at 10:30 a.m.

Motion carried.

Senate adjourned at 12:43 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate