

THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), May 13, 2009

Assembly called to order at 11:50 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Carpenter and Dondero Loop, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father in Heaven, we know that You can see the hidden things in every heart. If our intentions are good, help us to make them live in good deeds. If what we intend or desire makes us uncomfortable in Your presence, take it from us, and give us the spirit we ought to have that we may do what we ought to do. In Your Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Concurrent Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Senate Joint Resolutions Nos. 2, 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Concurrent Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and refer to the Committee on Ways and Means.

ELLEN M. KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Joint Resolution No. 2 of the 74th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 41, 53, 63, 66, 174, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 79, 131, 229, 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bills Nos. 283, 333, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Madam Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 134, 201, 377 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chairman*

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 12, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 6, 14, 29, 47, 48, 49, 71, 73, 85, 112, 122, 168, 174, 176, 194, 196, 209, 213, 219, 231, 232, 242, 257, 289, 301, 305, 306, 311, 352, 353, 362, 364, 372, 377, 428, 429, 441, 455, 459, 472, 475, 480, 481, 499, 512, 516; Assembly Joint Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 24, Amendment No. 599; Assembly Bill No. 41, Amendment No. 607; Assembly Bill No. 97, Amendment No. 584; Assembly Bill No. 107, Amendment No. 597; Assembly Bill No. 177, Amendment No. 568; Assembly Bill No. 248, Amendment No. 574; Assembly Bill No. 259, Amendment No. 578; Assembly Bill No. 389, Amendment No. 603; Assembly Bill No. 410, Amendment No. 575; Assembly Bill No. 415, Amendment No. 583; Assembly Bill No. 425, Amendment No. 616; Assembly Bill No. 432, Amendment No. 602, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 408.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 589 to Senate Bill No. 142.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 587 to Senate Bill No. 45.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that REVERED MOMENTS: Robert Jones be accepted as an accredited press representative, that he be assigned space at the press table in the Assembly Chamber and that he be allowed use of appropriate broadcasting facilities.

Motion carried.

Assemblyman Ocegüera moved that Senate Bills Nos. 125, 169, and 287 be taken from their position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Kirkpatrick moved that Senate Bills Nos. 42, 213, and 412 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Parnell moved that Senate Bill No. 378 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 185 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 555—AN ACT relating to state financial administration; removing the nonreversion clause from the provisions governing the Senior Citizens' Property Tax Assistance Account; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 556—AN ACT relating to the State Department of Agriculture; eliminating the position of Weed Control Analyst within the Department; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 557—AN ACT making a supplemental appropriation to the Department of Corrections for unanticipated shortfalls in Fiscal Year 2008-2009 for increased costs at various facilities; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 558—AN ACT making an appropriation to the Department of Administration for allocation to Nevada Volunteers for continuation of its programs dedicated to promoting citizen volunteerism; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 559—AN ACT relating to discrimination; revising various provisions relating to discrimination in housing to conform to federal law; providing civil penalties and other remedies for certain violations; authorizing the Nevada Equal Rights Commission to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 560—AN ACT relating to education; reorganizing the composition of the Regional Training Programs for the Professional Development of Teachers and Administrators; revising provisions governing the membership of the Statewide Council for the Coordination of the Regional Training Programs; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 408.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Senate Concurrent Resolution No. 6, just reported out of committee, be rereferred to the Committee on Ways and Means.

Motion carried.

Assembly Concurrent Resolution No. 2.
Assemblywoman Koivisto moved the adoption of the resolution.
Remarks by Assemblywoman Koivisto.
Resolution adopted and ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 294.
Bill read second time and ordered to third reading.

Senate Bill No. 41.
Bill read second time and ordered to third reading.

Senate Bill No. 53.
Bill read second time and ordered to third reading.

Senate Bill No. 63.
Bill read second time and ordered to third reading.

Senate Bill No. 66.
Bill read second time and ordered to third reading.

Senate Bill No. 79.
Bill read second time and ordered to third reading.

Senate Bill No. 131.
Bill read second time and ordered to third reading.

Senate Bill No. 134.
Bill read second time and ordered to third reading.

Senate Bill No. 174.
Bill read second time and ordered to third reading.

Senate Bill No. 201.
Bill read second time and ordered to third reading.

Senate Bill No. 229.
Bill read second time and ordered to third reading.

Senate Bill No. 283.
Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 674.

AN ACT relating to domestic relations; providing for the registration and dissolution of domestic partnerships in the State of Nevada; setting forth the rights and responsibilities attendant to such partnerships; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes a domestic partnership as a new type of civil contract recognized in the State of Nevada. Under the provisions of this bill, with

certain exceptions, domestic partners have the same rights, protections, benefits, responsibilities, obligations and duties as do parties to any other civil contract created pursuant to title 11 of NRS. This bill also clarifies that a domestic partnership is not a marriage for the purposes of Section 21 of Article 1 of the Nevada Constitution.

Section 8 of this bill sets forth that no public ~~or private~~ employer in this State is required to provide health care benefits to or for the domestic partner of an officer or employee. **Section 8** also clarifies that any public or private employer in this State may voluntarily provide health care benefits to or for the domestic partner of an officer or employee upon such terms and conditions as the affected parties may deem appropriate.

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

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to ~~12~~ **13**, inclusive, of this act.

Sec. 2. *This chapter may be cited as the Nevada Domestic Partnership Act.*

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

Sec. 4. *"Domestic partners" means persons who:*

1. Have registered a valid domestic partnership pursuant to section 6 of this act; and

2. Have not terminated that domestic partnership pursuant to section 9 of this act.

Sec. 5. *"Domestic partnership" means the social contract between two persons that is described in section 6 of this act.*

Sec. 6. *1. A valid domestic partnership is registered in the State of Nevada when two persons who satisfy the requirements of subsection 2:*

(a) File with the Office of the Secretary of State, on a form prescribed by the Secretary of State, a signed and notarized statement declaring that both persons:

(1) Have chosen to share one another's lives in an intimate and committed relationship of mutual caring; and

(2) Desire of their own free will to enter into a domestic partnership; and

(b) Pay to the Office of the Secretary of State a reasonable filing fee established by the Secretary of State, which filing fee must not exceed the total of an amount set by the Secretary of State to estimate:

(1) The cost incurred by the Secretary of State to issue the Certificate described in subsection 3; and

(2) Any other associated administrative costs incurred by the Secretary of State.

↪ The Office of the Secretary of State shall account for the fees received pursuant to paragraph (b) separately, and use those fees, and any interest and income earned on those fees, solely to pay for expenses related to administering the registration of domestic partnerships pursuant to this chapter, including, without limitation, the cost of materials and technology necessary to process and record the filing.

2. To be eligible to register pursuant to subsection 1, two persons desiring to enter into a domestic partnership must furnish proof satisfactory to the Office of the Secretary of State that:

(a) Both persons have a common residence;

(b) ~~Neither~~ Except as otherwise provided in section 10 of this act, neither person is married or a member of another domestic partnership;

(c) The two persons are not related by blood in a way that would prevent them from being married to each other in this State;

(d) Both persons are at least 18 years of age; and

(e) Both persons are competent to consent to the domestic partnership.

3. The Office of the Secretary of State shall issue a Certificate of Registered Domestic Partnership to persons who satisfy the requirements of this section.

4. As used in this section:

(a) "Common residence" means a residence shared by both domestic partners on at least a part-time basis, irrespective of whether:

(1) Ownership of the residence or the right to occupy the residence is in the name of only one of the domestic partners; and

(2) One or both of the domestic partners owns or occupies an additional residence.

(b) "Residence" means any house, room, apartment, tenement or other building, vehicle, vehicle trailer, semitrailer, house trailer or boat designed or intended for occupancy as a residence.

Sec. 7. 1. Except as otherwise provided in section 8 of this act:

(a) Domestic partners have the same rights, protections and benefits, and are subject to the same responsibilities, obligations and duties under law, whether derived from statutes, administrative regulations, court rules, government policies, common law or any other provisions or sources of law, as are granted to and imposed upon spouses.

(b) Former domestic partners have the same rights, protections and benefits, and are subject to the same responsibilities, obligations and duties under law, whether derived from statutes, administrative regulations, court rules, government policies, common law or any other provisions or sources of law, as are granted to and imposed upon former spouses.

(c) A surviving domestic partner, following the death of the other partner, has the same rights, protections and benefits, and is subject to the same responsibilities, obligations and duties under law, whether derived from statutes, administrative regulations, court rules, government policies,

common law or any other provisions or sources of law, as are granted to and imposed upon a widow or a widower.

(d) The rights and obligations of domestic partners with respect to a child of either of them are the same as those of spouses. The rights and obligations of former or surviving domestic partners with respect to a child of either of them are the same as those of former or surviving spouses.

(e) To the extent that provisions of Nevada law adopt, refer to or rely upon provisions of federal law in a way that otherwise would cause domestic partners to be treated differently from spouses, domestic partners must be treated by Nevada law as if federal law recognized a domestic partnership in the same manner as Nevada law.

(f) Domestic partners have the same right to nondiscriminatory treatment as that provided to spouses.

(g) A public agency in this State shall not discriminate against any person or couple on the basis or ground that the person is a domestic partner rather than a spouse or that the couple are domestic partners rather than spouses.

(h) The provisions of this chapter do not preclude a public agency from exercising its regulatory authority to carry out laws providing rights to, or imposing responsibilities upon, domestic partners.

(i) Where necessary to protect the rights of domestic partners pursuant to this chapter, gender-specific terms referring to spouses must be construed to include domestic partners.

(j) For the purposes of the statutes, administrative regulations, court rules, government policies, common law and any other provision or source of law governing the rights, protections and benefits, and the responsibilities, obligations and duties of domestic partners in this State, as effectuated by the provisions of this chapter, with respect to:

(1) Community property;

(2) Mutual responsibility for debts to third parties;

(3) The right in particular circumstances of either partner to seek financial support from the other following the dissolution of the partnership; and

(4) Other rights and duties as between the partners concerning ownership of property,

↪ any reference to the date of a marriage shall be deemed to refer to the date of registration of the domestic partnership.

2. As used in this section, "public agency" means an agency, bureau, board, commission, department or division of the State of Nevada or a political subdivision of the State of Nevada.

Sec. 8. 1. The provisions of this chapter do not require a public or private employer in this State to provide health care benefits to or for the domestic partner of an officer or employee.

2. Subsection 1 does not prohibit any public or private employer from voluntarily providing health care benefits to or for the domestic partner of

an officer or employee upon such terms and conditions as the affected parties may deem appropriate.

Sec. 9. 1. Except as otherwise provided in subsection 2, domestic partners who wish to terminate a domestic partnership registered pursuant to section 6 of this act must follow the procedures set forth in chapter 125 of NRS.

2. If a domestic partnership meets the criteria specified in subsection 3, domestic partners in a domestic partnership registered pursuant to section 6 of this act may terminate the domestic partnership by:

(a) Filing with the Office of the Secretary of State, on a form prescribed by the Secretary of State, a signed and notarized statement declaring that both persons have chosen of their own free will to terminate the domestic partnership; and

(b) Paying to the Office of the Secretary of State a reasonable filing fee established by the Secretary of State, which filing fee must not exceed the total of any administrative costs incurred by the Secretary of State.

3. For a domestic partnership to qualify for the simplified termination proceedings set forth in subsection 2, all of the following conditions must exist at the time of the filing pursuant to that subsection:

(a) The domestic partnership has been registered for 5 years or less.

(b) There are no minor children of the relationship of the parties born before or during the domestic partnership or adopted by the parties during the domestic partnership and no female member of the domestic partnership, to her knowledge, is pregnant, or the parties have executed an agreement as to the custody of any children and setting forth the amount and manner of their support.

(c) There is no community or joint property or the parties have executed an agreement setting forth the division of community property and the assumption of liabilities of the community, if any, and have executed any deeds, certificates of title, bills of sale or other evidence of transfer necessary to effectuate the agreement.

(d) The parties waive any rights to support or the parties have executed an agreement setting forth the amount and manner of support.

(e) The parties waive any right to the conduct of more comprehensive proceedings pursuant to chapter 125 of NRS.

Sec. 10. A legal union of two persons, other than a marriage as recognized by the Nevada Constitution, that was validly formed in another jurisdiction, and that is substantially equivalent to a domestic partnership as defined in this chapter, must be recognized as a valid domestic partnership in this State regardless of whether the union bears the name of a domestic partnership. For a legal union that was validly formed in another jurisdiction to be recognized as a valid domestic partnership in this State, the parties desiring such recognition must comply with the provisions of section 6 of this act.

Sec. 11. *A domestic partnership is not a marriage for the purposes of Section 21 of Article 1 of the Nevada Constitution.*

Sec. 12. The provisions of this chapter do not require the performance of any solemnization ceremony to enter into a binding domestic partnership contract. It is left to the dictates and conscience of partners entering into a domestic partnership to determine whether to seek a ceremony or blessing over the domestic partnership and to the dictates of each religious faith to determine whether to offer or allow a ceremony or blessing of domestic partnerships. Providing recognition to partnerships through a domestic partnership system in no way interferes with the right of each religious faith to choose freely to whom to grant the religious status, sacrament or blessing of marriage under the rules or practices of that faith.

~~{Sec. 12.}~~ *Sec. 13. The provisions of this chapter must be construed liberally to the effect of resolving any doubt or question in favor of finding that a domestic partnership is a valid civil contract entitled to be treated in all respects under the laws of this State as any other civil contract created pursuant to title 11 of NRS would be treated.*

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 319.

Bill read second time and ordered to third reading.

Senate Bill No. 333.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 644.

AN ACT relating to real property; revising certain provisions governing encumbrances that secure future advances of principal; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a borrower to terminate the operation of a mortgage, deed of trust or other instrument encumbering real property as security for future advances of principal by sending written notice to the lender. (NRS 106.380) This bill revises the procedure for a lender to record a statement regarding such a termination and sets forth the procedure for a lender to provide an address for the purpose of receiving such termination notices that is different from any address that is listed for the lender in the mortgage, deed of trust or other instrument.

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

Section 1. NRS 106.380 is hereby amended to read as follows:

106.380 1. ~~1. The~~ A borrower may at any time personally deliver or send by certified mail, return receipt requested, ~~or~~ written notice to the lender stating that the borrower elects to terminate the operation of ~~the~~ *an* instrument as security for future advances of principal made after the ~~date of receipt of the notice by the lender.~~ *lender receives the notice. The notice:*

(a) *Must be delivered or sent to the lender at each address provided for the lender in the instrument or, if applicable, at each address provided for the lender in a document which is effective pursuant to subsection 5; and*

(b) *Does not become effective until it is received by the lender.*

2. Within 4 ~~working~~ *business* days after ~~receipt of~~ *receiving* the notice, the lender must record in the office of the county recorder ~~of the county where the original~~ *in which the* instrument was recorded a statement ~~which:~~ *that:*

(a) ~~Refers~~ *Expressly refers* to the ~~original~~ instrument ~~by:~~

(1) *The date on which the instrument was recorded in the office of the county recorder; and*

(2) *The book, page and document number, as applicable, of the instrument as recorded;*

(b) Contains the legal description of the encumbered real property;

(c) ~~States~~ *Affirms* that the notice given pursuant to subsection 1 was received by the lender, ~~with~~ *and identifies* the date of that receipt; *and*

(d) ~~States the total~~ *Separately sets forth:*

(1) *The* amount of principal owed ~~on the date of receipt of the notice on account of all outstanding debts and obligations~~ *that is* secured by the instrument; and

~~(e) States the total amount of~~

(2) *The outstanding interest* accrued on ~~the outstanding debts and obligations~~ *the principal described in subparagraph (1)* as of the date the statement *of the lender* is recorded.

3. If the lender does not record the statement ~~pursuant to~~ *required by* subsection 2 within ~~4 working days,~~ *the period set forth in subsection 2,* the borrower may record a similar statement. ~~and that~~ *The borrower's* statement has the same effect ~~as the lender's statement would have had if the lender had recorded the statement required by subsection 2.~~

4. *If a lender wishes to receive notices pursuant to this section at an address other than the address for the lender provided in the instrument, if any, the lender must:*

(a) *Record, in the office of the county recorder in which the instrument was recorded, a document entitled "Change of Notice Address" that includes, without limitation, the address at which the lender wishes to receive notices pursuant to this section; and*

(b) *Personally deliver or send by certified mail, return receipt requested, a copy of the document to the borrower at each address provided for the borrower in the instrument, if any.*

5. A document recorded pursuant to subsection 4 does not become effective until it is received by the borrower.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 377.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 1.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 2.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 4.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 2 of the 74th Session.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Senate Bill No. 63 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 97.

The following Senate amendment was read:

Amendment No. 584.

AN ACT relating to governmental financial administration; requiring the establishment by regulation of procedures for transferring governmental functions between and among local governments; requiring the establishment by regulation of procedures for transferring governmental functions between and among local governments and state agencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Committee on Local Government Finance to adopt regulations to establish procedures for transferring a function from one local government to another local government.

This bill also requires the Committee on Local Government Finance, in consultation with the Director of the Department of Administration, to adopt regulations to establish procedures for transferring a function from a local government to a state agency or from a state agency to a local government.

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

Section 1. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Committee on Local Government Finance created pursuant to NRS 354.105 shall, in consultation with the Director of the Department of Administration, adopt regulations to establish procedures for transferring a function from a state agency to a local government or from a local government to a state agency.

2. The regulations adopted by the Committee on Local Government Finance pursuant to subsection 1 must:

(a) Be adopted in the manner prescribed for state agencies in chapter 233B of NRS.

(b) Include provisions requiring:

(1) That, except as otherwise provided in subsection 3, notice to the affected state agency and local government of the intent to transfer a function from a state agency to a local government or from a local government to a state agency be given not less than 30 days before September 1 of an even-numbered year, unless a different period of notification is required by a statute or by contractual agreement.

(2) That, except as otherwise provided in subsection 3, the effective date of the transfer of a function from a state agency to a local government or from a local government to a state agency not be any earlier than July 1 of the year after the year in which notice is given, as described in subparagraph (1).

(3) The exchange of such information between the affected state agency and local government as is necessary to complete the transfer, including, without limitation, such matters as a complete description of the function to be transferred and the mechanism to be used to pay for the performance of that function.

3. An affected state agency and local government may, by mutual agreement, waive the requirements set forth in subparagraphs (1) and (2) of paragraph (b) of subsection 2.

4. As used in this section, "local government" has the meaning ascribed to it in NRS 354.474.

Sec. 2. NRS 353.150 is hereby amended to read as follows:

353.150 NRS 353.150 to 353.246, inclusive, *and section 1 of this act* may be cited as the State Budget Act.

Sec. 3. NRS 353.246 is hereby amended to read as follows:

353.246 1. Except as otherwise provided in subsection 2 of this section and subsection 6 of NRS 353.210, the provisions of NRS 353.150 to 353.245, inclusive, *and section 1 of this act* do not apply to agencies, bureaus, commissions and officers of the Legislative Department, the Public

Employees' Retirement System and the Judicial Department of the State Government.

2. The Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit their budgets to the Legislature in the same format as the proposed executive budget unless otherwise provided by the Legislative Commission. All projections of revenue and any other information concerning future state revenue contained in those budgets must be based upon the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228.

Sec. 4. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Committee on Local Government Finance shall adopt regulations to establish procedures for transferring a function from one local government to another local government.

2. The regulations adopted by the Committee on Local Government Finance pursuant to subsection 1 must:

(a) Be adopted in the manner prescribed for state agencies in chapter 233B of NRS.

(b) Include provisions requiring:

(1) ~~At~~ Except as otherwise provided in subsection 3, at least 180 days' notice to the affected local governments of the intent to transfer a function from one local government to another local government, unless a different period of notification is required by a statute or by contractual agreement.

(2) The exchange of such information between the affected local governments as is necessary to complete the transfer, including, without limitation, such matters as a complete description of the function to be transferred and the mechanism to be used to pay for the performance of that function.

3. Affected local governments may, by mutual agreement, waive the requirements set forth in subparagraph (1) of paragraph (b) of subsection 2.

Sec. 5. NRS 354.476 is hereby amended to read as follows:

354.476 As used in NRS 354.470 to 354.626, inclusive, **and section 4 of this act**, unless the context otherwise requires, the words and terms defined in NRS 354.479 to 354.578, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 354.594 is hereby amended to read as follows:

354.594 The Committee on Local Government Finance shall determine and advise local government officers of regulations, procedures and report forms for compliance with NRS 354.470 to 354.626, inclusive ~~and~~, **and section 4 of this act.**

Sec. 7. NRS 354.626 is hereby amended to read as follows:

354.626 1. No governing body or member thereof, officer, office, department or agency may, during any fiscal year, expend or contract to

expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, in excess of the amounts appropriated for that function, other than bond repayments, medium-term obligation repayments and any other long-term contract expressly authorized by law. Any officer or employee of a local government who willfully violates NRS 354.470 to 354.626, inclusive, **and section 4 of this act** is guilty of a misdemeanor ~~and~~ and upon conviction thereof ceases to hold his office or employment. Prosecution for any violation of this section may be conducted by the Attorney General or, in the case of incorporated cities, school districts or special districts, by the district attorney.

2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) Purchase of coverage and professional services directly related to a program of insurance which require an audit at the end of the term thereof.

(b) Long-term cooperative agreements as authorized by chapter 277 of NRS.

(c) Long-term contracts in connection with planning and zoning as authorized by NRS 278.010 to 278.630, inclusive.

(d) Long-term contracts for the purchase of utility service such as, but not limited to, heat, light, sewerage, power, water and telephone service.

(e) Contracts between a local government and an employee covering professional services to be performed within 24 months following the date of such contract or contracts entered into between local government employers and employee organizations.

(f) Contracts between a local government and any person for the construction or completion of public works, money for which has been or will be provided by the proceeds of a sale of bonds, medium-term obligations or an installment-purchase agreement and that are entered into by the local government after:

(1) Any election required for the approval of the bonds or installment-purchase agreement has been held;

(2) Any approvals by any other governmental entity required to be obtained before the bonds, medium-term obligations or installment-purchase agreement can be issued have been obtained; and

(3) The ordinance or resolution that specifies each of the terms of the bonds, medium-term obligations or installment-purchase agreement, except those terms that are set forth in subsection 2 of NRS 350.165, has been adopted.

↪ Neither the fund balance of a governmental fund nor the equity balance in any proprietary fund may be used unless appropriated in a manner provided by law.

(g) Contracts which are entered into by a local government and delivered to any person solely for the purpose of acquiring supplies, services and equipment necessarily ordered in the current fiscal year for use in an ensuing fiscal year and which, under the method of accounting adopted by the local

government, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

(h) Long-term contracts for the furnishing of television or FM radio broadcast translator signals as authorized by NRS 269.127.

(i) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

(j) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.

(k) The receipt by a local government of increased revenue that:

(1) Was not anticipated in the preparation of the final budget of the local government; and

(2) Is required by statute to be remitted to another governmental entity.

Sec. 8. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 97.

Remarks by Assemblywoman Kirkpatrick.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 432.

The following Senate amendment was read:

Amendment No. 602.

AN ACT relating to intoxicating liquors; revising provisions relating to alcoholic beverage awareness programs; providing for enforcement of certain provisions by peace officers; revising the distribution of civil fines paid for certain violations; requiring certain reports to be made to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain employees of certain establishments that sell alcohol must have successfully completed an alcoholic beverage awareness program. The owner of an establishment that is not in compliance must pay an administrative fine, to be imposed by the Department of Taxation. Money from the administrative fines must be divided equally into the Fund for the Compensation of Victims of Crime and the Alcoholic Beverage Awareness Program Account in the State General Fund. (NRS 369.630) **Section 1** of this bill provides that peace officers may enforce the requirements of the provision relating to employees having successfully completed the program by issuing a notice of a civil infraction for violations. **Section 1** also revises the provision for distribution of the money received by the Department for

finer from establishments found in violation, providing that instead of depositing 50 percent of the money in the **Fund for the Compensation of Victims of Crime and 50 percent of the money in the** Alcoholic Beverage Awareness Program Account, 50 percent of the money must be deposited in the **Account for Aid for Victims of Domestic Violence and 50 percent of the money must be deposited in the** account created in the State General Fund for the support of community juvenile justice programs and must be used only to enforce laws that prohibit the purchase, consumption or possession of alcoholic beverages by persons under the age of 21 years.

Section 2 of this bill requires each recipient of money from the collection of fines for civil infractions to submit a report to the Legislature concerning the amount of money received and how the money was used. In addition, certain law enforcement agencies and the Department of Taxation are required to submit a report to the Legislature concerning the enforcement of the provisions requiring employees to participate in an alcoholic beverage awareness program.

Section 4 of this bill requires the Legislative Auditor to conduct an audit of any fines imposed pursuant to NRS 369.630 after July 1, 2007.

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

Section 1. NRS 369.630 is hereby amended to read as follows:

369.630 1. Except as otherwise provided in subsection ~~[5.]~~ 7, on and after July 1, 2007, a person who owns or operates an establishment shall not:

(a) Hire a person to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:

(1) The person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed a certified program and already holds a valid alcohol education card; or

(2) The person who owns or operates the establishment ensures that the person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment, within 30 days after the date on which he is hired, successfully completes a certified program and obtains a valid alcohol education card; or

(b) Continue to employ a person who was hired before that date to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:

(1) The person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed a certified program and already holds a valid alcohol education card; or

(2) The person who owns or operates the establishment ensures that the person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment, not later than July

31, 2007, successfully completes a certified program and obtains a valid alcohol education card.

2. ~~[(The Department shall impose upon an owner or operator of an establishment who violates any of the provisions of this section an administrative fine of not more than:)]~~ ***A violation of this section is a civil infraction, and when an owner or operator of an establishment is found in violation pursuant to subsection 3, a notice of infraction must be issued on a form prescribed by the Department, and must contain, without limitation, the following information:***

- (a) *The location at which the violation occurred;*
- (b) *The date and time of the violation;*
- (c) *The name of the establishment and the owner;*
- (d) *The signature of the person who issued the notice of infraction;*
- (e) *A copy of this section which allegedly is being violated;*
- (f) *Information which advises of the manner in which, and the time within which, the notice of infraction must be answered; and*
- (g) *Any other reasonable information which is prescribed by the Department.*

3. *The notice of infraction may be issued by any peace officer or by any person who is authorized by the Department to issue such a notice. A duplicate of the notice of infraction must be served on the person to whom it is issued either in person, by providing the notice to the person in charge of the establishment at the time the notice of infraction is issued, or by affixing the notice to the establishment in a conspicuous place.*

4. *The notice of infraction or a facsimile thereof must be filed with the Department and retained by the Department and is deemed to be a public record of matters which are observed pursuant to a duty imposed by law and is prima facie evidence of the facts which are alleged therein.*

5. *A person who responds to the notice of infraction must:*

(a) *Admit the commission of the infraction by paying to the Department the appropriate civil fine:*

(1) *For the first violation within a 24-month period, \$500.*

~~[(b)]~~ (2) *For the second violation within a 24-month period, \$1,000.*

~~[(c)]~~ (3) *For the third and any subsequent violation within a 24-month period, \$5,000.*

~~[(3)]~~ (b) *Deny liability for the infraction by notifying the Department and requesting a hearing in the manner indicated on the notice of infraction. Upon receipt of such a request, the Department shall afford to the person making the request an opportunity for a hearing pursuant to the provisions of NRS 233B.121.*

6. *Of the money collected by the Department from ~~[(fines)]~~ a civil fine pursuant to subsection ~~[(2)]~~ 5:*

(a) *Fifty percent must be deposited with the State Treasurer for credit to the ~~[(Fund)]~~ Account for ~~[(the Compensation of)]~~ Aid for Victims of ~~[(Crime)]~~ Domestic Violence created by NRS ~~[(217.260)]~~ 217.440.*

(b) Fifty percent must be deposited in the ~~Alcoholic Beverage Awareness Program Account, which is hereby created in the State General Fund. The Account must be administered by the Commission. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. The money in the Account must be used solely to reduce the costs for employees to complete programs certified by the Commission pursuant to subsection 3 of NRS 369.625.~~

~~4. Any law enforcement agency whose officer discovers a violation of this section shall report the violation to the Department.~~

~~5.] account created in the State General Fund for the support of community juvenile justice programs and must be used only to enforce laws that prohibit the purchase, consumption or possession of alcoholic beverages by persons under the age of 21 years.~~

7. The provisions of this section apply only in a jurisdiction that:

- (a) Is located in a county whose population is 100,000 or more; or
- (b) Is located in a county whose population is less than 100,000, if the governing body of the jurisdiction has, by the affirmative vote of a majority of its members, agreed to be bound by the provisions of this section.

~~6.] 8. As used in this section:~~

- (a) "Certified program" means an alcoholic beverage awareness program certified by the Commission pursuant to NRS 369.625.
- (b) "Valid alcohol education card" means a card issued by a certified program which has been obtained or renewed within the immediately preceding 4 years.

Sec. 2. 1. Each recipient of money pursuant to subsection 6 of section 1 of this act shall submit a report to the Director of the Legislative Counsel Bureau on or before February 1, 2011, for distribution to the Legislature setting forth the amount of money received during the biennium, the manner in which the money was used and the amount of money that remains in the account of the recipient.

2. Each law enforcement agency in a county subject to the provisions of NRS 369.630 and the Department of Taxation shall prepare and submit a report to the Director of the Legislative Counsel Bureau on or before February 1, 2011, for distribution to the Legislature which sets forth the actions taken by the agency or the Department, as applicable, to enforce the provisions of NRS 369.600 to 369.635, inclusive, and the number of violations of those provisions that were discovered by them. The Department shall also include in the report the amount of money collected from fines imposed for such violations.

Sec. 3. ~~[This act becomes effective on July 1, 2009.] (Deleted by amendment.)~~

Sec. 4. 1. The Legislative Auditor shall conduct an audit concerning any fines imposed by the Department of Taxation pursuant to NRS 369.630 after July 1, 2007.

2. The audit must include, without limitation, an analysis of:

(a) Whether any fines were imposed pursuant to NRS 369.630; and
(b) If any fines were imposed pursuant to NRS 369.630, the
disposition of all such fines that were imposed.

3. The Legislative Auditor shall present a final written report of the
audit to the Audit Subcommittee of the Legislative Commission not later
than February 7, 2011. A copy of the final written report must be
provided to the Department of Taxation not later than February 7, 2011.

4. The provisions of NRS 218.737 to 218.893, inclusive, apply to the
audit performed pursuant to this section.

5. The Department of Taxation shall use the results of the audit to
improve the efficiency and effectiveness of imposing and collecting fines
pursuant to NRS 369.630.

Assemblywoman McClain moved that the Assembly concur in the Senate amendment to Assembly Bill No. 432.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 41.

The following Senate amendment was read:

Amendment No. 607.

AN ACT relating to elections; making various changes concerning voter registration and voting procedures for certain members of the Armed Forces of the United States and their spouses and dependents, and certain other voters who reside outside the United States; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill authorizes the Secretary of State to adopt regulations concerning standards for the approved electronic transmission of certain applications, forms and ballots. (NRS 293.247)

Section 8 of this bill expands the acceptable use of the form provided by the Federal Government from a special absent ballot to be used only in general elections and only for federal offices to allow its use in primary and special elections, in addition to general elections, and for state and local offices in addition to federal offices. (NRS 293.3155)

Section 15 of this bill provides that an elector of this State who resides outside the United States may use the special absent ballot as a simultaneous application for registration and ballot to vote. (NRS 293.501)

Sections 8, 9, 11, 12, 15, 16, 18 and 20-22 of this bill allow certain members of the Armed Forces and their spouses and dependents, and certain other electors of this State who reside outside the United States: (1) to request forms for registration, absent ballots, special absent ballots and the form provided by the Federal Government for simultaneous registration and request of an absent ballot; and (2) to return voted ballots by approved

electronic transmission. (NRS 293.3155, 293.3157, 293.320, 293.323, 293.501, 293.502, 293.553, 293C.315, 293C.320, 293C.322)

~~{ Sections 14 and 17 of this bill allow certain citizens of the United States who have never resided in the United States to use the address of a parent who resides in this State for purposes of establishing residency for voter registration. (NRS 293.486, 293.507) }~~

Section 16 of this bill expands the eligibility for late registration by those who have recently returned to residency in the United States to include: (1) the spouses and dependents of members of the Armed Forces stationed outside the United States who have been recently discharged; and (2) persons recently separated from employment outside of the United States and the spouses and dependents of such persons. (NRS 293.502)

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 4 of this act.

Sec. 2. *"Approved electronic transmission" means the sending of information by facsimile machine or by use of the Internet pursuant to the acceptable standards set forth by regulations of the Secretary of State adopted pursuant to NRS 293.247.*

Sec. 3. (Deleted by amendment.)

Sec. 4. *"Special absent ballot" means the absent ballot provided by the Federal Government pursuant to 42 U.S.C. § 1973ff et seq. to ~~any elector or registered voter of this State who is in the~~ Armed Forces personnel or resides outside the continental United States. overseas citizens.*

Sec. 5. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, **and sections 2 and 4 of this act** have the meanings ascribed to them in those sections.

Sec. 6. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election that are effective on or before December 31 of the year immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

3. The regulations must prescribe:

- (a) The duties of election boards;
- (b) The type and amount of election supplies;

- (c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;
- (d) The method to be used in distributing ballots to precincts and districts;
- (e) The method of inspection and the disposition of ballot boxes;
- (f) The form and placement of instructions to voters;
- (g) The recess periods for election boards;
- (h) The size, lighting and placement of voting booths;
- (i) The amount and placement of guardrails and other furniture and equipment at voting places;
- (j) The disposition of election returns;
- (k) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;
- (l) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;
- (m) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;
- (n) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;
- (o) The procedures to be used for the disposition of absent ballots in case of an emergency;
- (p) *The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors or registered voters who are authorized to use approved electronic transmission pursuant to the provisions of this title;*
- (q) The forms for applications to register to vote and any other forms necessary for the administration of this title; and
- ~~(q)~~ (r) Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

- (a) Laws and regulations concerning elections in this State;
- (b) Interpretations issued by the Secretary of State's Office; and
- (c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 7. NRS 293.270 is hereby amended to read as follows:

293.270 1. Voting at any election regulated by this title must be on printed ballots or by any other system approved by the Secretary of State or specifically authorized by law.

2. ~~Voting~~ **Except as otherwise provided in NRS 293.3155, voting** must be only upon candidates whose names appear upon the ballot prepared by the election officers, and no person may write in the name of an additional candidate for any office.

Sec. 8. NRS 293.3155 is hereby amended to read as follows:

293.3155 Notwithstanding any other provisions of this title:

1. Any registered voter of this State who ~~resides outside the continental United States~~ **is Armed Forces personnel or an overseas citizen** may use ~~the form provided by the Federal Government as~~ a special absent ballot for a **primary, general or special** election. ~~if the voter:~~

~~(a) Requests an absent ballot and the request is received by the county clerk not later than 30 days before the general election; and~~

~~(b) Does not receive the absent ballot.~~

2. The special absent ballot ~~must~~ **may** be used ~~only~~ for the offices of President and Vice President of the United States, United States Senator and Representative in Congress ~~], and for any state or local offices and ballot questions for which the registered voter is entitled to cast his ballot.~~ The ballot must allow the registered voter to vote by writing in his choice of a political party for each office or the name of a candidate whose name appears on the ballot for each office.

3. The **special absent ballot may be voted by completing the ballot according to the instructions and returning it to the county clerk by:**

(a) Mail, if it can be returned in a timely manner; or

(b) Approved electronic transmission.

4. **The** special absent ballot must not be counted if:

(a) It is submitted from any location within the continental United States ~~]~~ **by an overseas citizen; or**

~~(b) The county clerk receives the request for an absent ballot less than 30 days before the general election; or~~

~~(c) The county clerk receives the **regular** absent ballot **from the voter** on or before the date of the **primary, general or special** election.~~

5. **As used in this section, “regular absent ballot” means the absent ballot prepared by the county clerk pursuant to NRS 293.309.**

Sec. 9. NRS 293.3157 is hereby amended to read as follows:

293.3157 1. Any registered voter of this State who resides outside the continental United States may use ~~a facsimile machine~~ **approved electronic transmission** to request an absent ballot. **Such a request must be received by the county clerk not later than 5 p.m. on the seventh day before the primary, general or special election.** The registered voter shall state on the request whether ~~he~~ :

(a) He requests the county clerk to send the absent ballot by mail or ~~facsimile machine~~ **approved electronic transmission; and** ~~whether he~~

(b) **He** will return the absent ballot to the county clerk by mail or ~~facsimile machine.~~ **approved electronic transmission.**

2. If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by mail, he shall include with his completed absent ballot the identification envelope provided by the county clerk. The identification envelope must be in the form prescribed by the Secretary of State and include, without limitation:

(a) A declaration, under penalty of perjury, stating that the registered voter resides within the precinct in which he is voting and is the person whose name appears on the envelope;

(b) The signature of the registered voter;

(c) The address that the registered voter provided on his application for voter registration; and

(d) A statement that the voter has not applied and will not apply to any other county clerk for an absent ballot.

3. If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by ~~facsimile machine.~~ **approved electronic transmission**, he shall include with his completed absent ballot the following:

OATH OF VOTER

I, _____, acknowledge that by returning my voted ballot by ~~facsimile transmission,~~ **approved electronic transmission**, I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any absent voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.

My residential address is

(Street Address) (City) (ZIP Code)

My current mailing address is

_____.

My e-mail address is _____.

My facsimile transmission number is *(if applicable)* _____.

I am a resident of _____ County, State of Nevada, and I have not applied, nor do I intend to apply, for an absentee ballot from any other jurisdiction for the same election.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this _____ day of _____, 20____.

(Signed)

Voter (power of attorney cannot be accepted)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT, ALL OF WHICH ARE RETURNED BY ~~{FACSIMILE TRANSMISSION}~~ **APPROVED ELECTRONIC TRANSMISSION.**

4. The county clerk, if so requested pursuant to subsection 1, shall use ~~{a facsimile machine}~~ **approved electronic transmission** to send an absent ballot and the oath, as required pursuant to subsection 3, to the registered voter.

5. Each county clerk shall, *insofar as is practicable*, ensure the secrecy of absent ballots that are submitted by ~~{facsimile machine}~~ **approved electronic transmission.**

6. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 10. NRS 293.317 is hereby amended to read as follows:

293.317 Absent ballots, including special absent ballots, ~~{described in NRS 293.3155}~~, received by the county or city clerk after the polls are closed on the day of election are invalid.

Sec. 11. NRS 293.320 is hereby amended to read as follows:

293.320 1. The county clerk shall determine before issuing an absent ballot that the person making application is a registered voter in the proper county.

2. Armed Forces personnel *and overseas citizens* who are not registered to vote and are applying for absent ballots must complete:

(a) The application to register to vote required by NRS 293.517 for registration; ~~{or}~~

(b) The form provided by the Federal Government for registration and request of an absent ballot, *pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.*; or

(c) *A special absent ballot used only for purposes of registering the person to vote,*

↪ before receiving an absent ballot.

3. If the county clerk rejects an application submitted pursuant to subsection 2, ~~{for submitted by an overseas voter}~~, the county clerk shall inform the applicant of the reason for the rejection.

Sec. 12. NRS 293.323 is hereby amended to read as follows:

293.323 1. Except as otherwise provided in subsection 2 ~~{}~~ **and NRS 293.3157**, if the request for an absent ballot is made by mail or facsimile machine, the county clerk shall, as soon as the official absent ballot for the

precinct or district in which the applicant resides has been printed, send to the voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot : ~~[, unless otherwise requested pursuant to NRS 293.3157, if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail, unless otherwise requested pursuant to NRS 293.3157, if the absent voter is in a foreign country but not on a military base:]~~

- (a) An absent ballot;
- (b) A return envelope;
- (c) An envelope or similar device into which the ballot is inserted to ensure its secrecy;
- (d) An identification envelope, if applicable pursuant to NRS 293.3157; and
- (e) Instructions.

2. If the county clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the county clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter may mail his absent ballot to the county clerk or submit his absent ballot by facsimile machine.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2 and NRS 293.3157.

5. Before depositing a ballot in the mail or sending a ballot by facsimile machine, the county clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, his political affiliation, if any, the number of the ballot and any remarks he finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

Sec. 13. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in subsection 2, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine *or other approved electronic transmission* or in person, and record thereof is made in the absent ballot record book, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. If an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine *or other approved electronic transmission* or in person, the county clerk shall check the signature on the return envelope ~~for~~, facsimile *or other approved electronic transmission* against the original

signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

Sec. 14. ~~[NRS 293.486 is hereby amended to read as follows:~~

~~293.486 1. Except as otherwise provided in [subsection 2,] **subsections 2 and 3,** for the purposes of registering to vote, the address at which the voter actually resides is the street address assigned to the location at which the voter actually resides.~~

~~2. For the purposes of registering to vote, if the voter does not reside at a location that has been assigned a street address, the address at which the voter actually resides is a description of the location at which the voter actually resides. The description must identify the location with sufficient specificity to allow the county clerk to assign the location to a precinct.~~

~~3. A person who:~~

~~(a) Is a citizen of the United States;~~

~~(b) Has never been a resident of any state but is lawfully entitled to reside in the United States;~~

~~(c) Would otherwise be an elector of this State; and~~

~~(d) Has a parent who has an actual residence in this State pursuant to subsection 1 or 2,~~

~~may use the street address or description of the location at which his parent resides in this State as his address for the purposes of registering to vote in this State.~~

~~4. The provisions of this section do not authorize a person to register to vote if he is not otherwise eligible to register to vote.] (Deleted by amendment.)~~

Sec. 15. NRS 293.501 is hereby amended to read as follows:

293.501 Notwithstanding any other provisions of this title:

1. ~~[Any elector of this State who resides outside this State]~~ **Armed Forces personnel and overseas citizens** may use the form provided by the Federal Government **for registration and request of an absent ballot** pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[of 1986,]~~ 42 U.S.C. ~~[§ 1973,]~~ **§§ 1973ff et seq.,** to register to vote in this State.

2. ~~[The county clerk shall not register a voter who submits the form from any location within this State.~~

~~3. If an elector registers to vote pursuant to the provisions of subsection 1, he shall be deemed to be registered as of the date that the form or the envelope containing the form is postmarked.] *An elector referred to in subsection 1 may complete the form and return it by:*~~

- ~~(a) Mail, if it can be returned in a timely manner; or~~
- ~~(b) Approved electronic transmission.~~

3. If an elector registers to vote pursuant to the provisions of this section and returns the form provided by the Federal Government for registration and request of an absent ballot by:

- (a) Mail, he shall be deemed to be registered as of the date that the form or the envelope containing the form is postmarked.*
- (b) Approved electronic transmission, he shall be deemed to be registered as of the date on which he initiates the approved electronic transmission.*

Sec. 16. NRS 293.502 is hereby amended to read as follows:

293.502 1. An elector ~~[who:~~

~~(a) Complies] :~~

(a) Who complies with the requirements for registration set forth in the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. ~~[§ 1973;~~

~~(b) Is] §§ 1973ff et seq.;~~

(b) Who, not more than 60 days before an election:

(1) Is discharged from the Armed Forces of the United States or is the spouse or dependent of an elector who is discharged from the Armed Forces; or

(2) Is separated from employment outside the territorial limits of the United States ~~[not more than 60 days before an election;]~~ or is the spouse or dependent of an elector who is separated from employment outside the territorial limits of the United States;

(c) ~~[Presents]~~ Who presents evidence of ~~[his]~~ *the discharge or separation from employment described in paragraph (b)* to the county clerk; and

(d) Is not registered to vote at the close of registration for that election,

↪ must be allowed to register to vote in the election.

2. Such an elector must:

(a) Register in person; and

(b) Vote in the office of the county clerk unless he is otherwise entitled to vote an absent ballot pursuant to federal law.

3. The Secretary of State shall adopt regulations to carry out a program of registration for such electors.

Sec. 17. ~~[NRS 293.507 is hereby amended to read as follows:~~

~~293.507 1. The Secretary of State shall prescribe:~~

~~(a) A standard form for applications to register to vote;~~

~~(b) A special form for registration to be used in a county where registrations are performed and records of registration are kept by computer; and~~

~~(c) A standard form for the affidavit described in subsection 5.~~

~~2.—The county clerks shall provide forms for applications to register to vote to field registrars in the form and number prescribed by the Secretary of State.~~

~~3.—Each form for an application to register to vote must include a:~~

- ~~(a) Unique control number assigned by the Secretary of State; and~~
- ~~(b) Receipt which:~~

~~(1) Includes a space for a person assisting an applicant in completing the form to enter his name; and~~

~~(2) May be retained by the applicant upon completion of the form.~~

~~4.—The form for an application to register to vote must include:~~

- ~~(a) A line for use by the applicant to enter:~~

~~(1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;~~

~~(2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or~~

~~(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.~~

~~(b) A line on which to enter the address at which the applicant or his parent actually resides, as set forth in NRS 293.486.~~

~~(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless he actually resides there.~~

~~(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.~~

~~5.—If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.~~

~~6.—The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5. (Deleted by amendment.)~~

Sec. 18. NRS 293.553 is hereby amended to read as follows:

293.553 Any elector of this State who is in the service of the United States or attending an institution of learning, and by reason thereof is beyond the boundaries of this State, and who has not registered before or whose registration has been cancelled may, at any time, request from the county clerk of the county of the elector's residence ~~[by mail, telephone or telegram]~~ an application to register to vote. The county clerk, if satisfied that the elector is eligible for registration, shall forward the application immediately. The

county clerk shall, upon receipt of the completed application, file it in the manner provided by law.

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 293C.315 is hereby amended to read as follows:

293C.315 1. Any registered voter of this State who resides outside the continental United States may use ~~fa facsimile machine~~ **approved electronic transmission** to request an absent ballot. **Such a request must be received by the city clerk not later than 5 p.m. on the seventh day before the primary, general or special election.** The registered voter shall state on the request whether ~~he~~:

(a) **He** requests the city clerk to send the absent ballot by mail or ~~fa facsimile machine~~ **approved electronic transmission**; and ~~whether he~~

(b) **He** will return the absent ballot to the city clerk by mail or ~~fa facsimile machine~~ **approved electronic transmission.**

2. If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by mail, he shall include with his completed absent ballot the identification envelope provided by the city clerk. The identification envelope must be in the form prescribed by the Secretary of State and include, without limitation:

(a) A declaration, under penalty of perjury, stating that the registered voter resides within the precinct or district in which he is voting and is the person whose name appears on the envelope;

(b) The signature of the registered voter;

(c) The address that the registered voter provided on his application for voter registration; and

(d) A statement that the voter has not applied and will not apply to any other city clerk for an absent ballot.

3. If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by ~~fa facsimile machine~~ **approved electronic transmission**, he shall include with his completed absent ballot the following:

OATH OF VOTER

I, _____, acknowledge that by returning my voted ballot by ~~fa facsimile transmission~~ **approved electronic transmission**, I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any absent voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.

My residential address is

(Street Address)

(City)

(ZIP Code)

My current mailing address is

My e-mail address is _____.
 My facsimile transmission number is *(if applicable)* _____.

I am a resident of _____ County, State of Nevada, and I have not applied, nor do I intend to apply, for an absentee ballot from any other jurisdiction for the same election.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this _____ day of _____, 20____.
 (Signed)

 Voter (power of attorney cannot be accepted)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT, ALL OF WHICH ARE RETURNED BY ~~[FACSIMILE TRANSMISSION.]~~ **APPROVED ELECTRONIC TRANSMISSION.**

4. The city clerk, if so requested pursuant to subsection 1, shall use ~~fa~~ ~~facsimile machine]~~ **approved electronic transmission** to send an absent ballot and the oath, as required pursuant to subsection 3, to the registered voter.

5. Each city clerk shall, *insofar as is practicable*, ensure the secrecy of absent ballots that are submitted by ~~[facsimile machine.]~~ **approved electronic transmission.**

6. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 21. NRS 293C.320 is hereby amended to read as follows:

293C.320 1. The city clerk shall determine before issuing an absent ballot that the person making application is a registered voter in the proper city.

2. Armed Forces personnel *and overseas citizens* who are not registered to vote and are applying for absent ballots must complete:

(a) The application to register to vote required by NRS 293.517 for registration; ~~[or]~~

(b) The form provided by the Federal Government for registration and request of an absent ballot, *pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.; or*

(c) *A special absent ballot used only for purposes of registering the person to vote,*

↪ before receiving an absent ballot.

Sec. 22. NRS 293C.322 is hereby amended to read as follows:

293C.322 1. Except as otherwise provided in subsection 2 ~~and NRS 293C.315~~, if the request for an absent ballot is made by mail or facsimile machine, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot : ~~[, unless otherwise requested pursuant to NRS 293C.315, if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail, unless otherwise requested pursuant to NRS 293C.315, if the absent voter is in a foreign country but not on a military base.]~~

- (a) An absent ballot;
- (b) A return envelope;
- (c) An envelope or similar device into which the ballot is inserted to ensure its secrecy;
- (d) An identification envelope, if applicable pursuant to NRS 293C.315; and
- (e) Instructions.

2. If the city clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the city clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter may mail his absent ballot to the city clerk or submit his absent ballot by facsimile machine.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2 and NRS 293C.315.

5. Before depositing a ballot with the United States Postal Service or sending a ballot by facsimile machine, the city clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, the number of the ballot and any remarks he finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

Sec. 23. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in subsection 2, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine *or other approved electronic transmission* or in person, and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. If an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the

mail, by facsimile machine *or other approved electronic transmission* or in person, the county clerk shall check the signature on the return envelope , ~~for~~ facsimile *or other approved electronic transmission* against the original signature of the voter on the county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.

Sec. 24. This act becomes effective on July 1, 2009.

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 41.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 107.

The following Senate amendment was read:

Amendment No. 597.

AN ACT relating to public health; creating the Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease within the Health Division of the Department of Health and Human Services; prescribing the duties of the Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 8 and 9 of this bill create the Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease within the Health Division of the Department of Health and Human Services and prescribe the duties of the Committee. **Section 10** of this bill authorizes the Health Division to enter into contracts and to apply for and accept gifts, grants, donations and bequests to carry out the provisions of this bill.

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 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 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. "Committee" means the Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease created by section 8 of this act.

Sec. 4. "Hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 5. "Primary prevention" means the treatment of risk factors for stroke, heart disease and other vascular disease in the general population before the onset of any symptoms.

Sec. 6. "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 7. "Secondary prevention" means the treatment of patients who have developed symptoms of stroke, heart disease or other vascular disease that is designed to prevent the onset of additional symptoms and attacks of the condition.

Sec. 8. 1. The Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease is hereby created within the Health Division.

2. The Committee consists of the following members:

(a) A board-certified neurologist who is licensed to practice in this State and who is experienced in treating victims of stroke, appointed by the Administrator;

(b) A board-certified cardiologist who is licensed to practice in this State and who is experienced in treating victims of heart disease and heart attacks, appointed by the Administrator;

(c) A provider of emergency medical services, appointed by the Administrator;

(d) A representative of the Health Division whose primary responsibilities relate to the licensure and certification of persons who provide emergency medical services, appointed by the Administrator;

(e) A representative of the American Heart Association or its successor, appointed by the Administrator;

(f) A person with knowledge or expertise in the prevention of chronic diseases, appointed by the Administrator;

(g) A representative from rural Nevada, appointed by the Administrator;

(h) A representative of hospitals in this State, appointed by the Administrator;

(i) A representative of collectively bargained plans, self-funded plans or other entities that pay claims under a contract for health insurance in this State, appointed by the Administrator;

(j) A registered nurse who is licensed to practice professional nursing in this State, appointed by the Administrator;

(k) A person who is a representative of a population disproportionately affected by heart disease or stroke, appointed by the Governor;

(l) A person who is a survivor of stroke, appointed by the Majority Leader of the Senate; ~~and~~

(m) A person who is a survivor of heart disease, appointed by the Speaker of the Assembly ~~and~~; and

(n) A representative of the Nevada System of Higher Education who has knowledge of matters relating to public health, appointed by the Board of Regents of the University of Nevada.

3. The Committee shall elect a Chairman and a Vice Chairman from among its members to initial terms expiring on June 30, 2011. After the initial election, each of those officers holds office for a term of 1 year beginning on July 1 of each year and may be reelected to one or more successive terms. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Committee shall elect a replacement for the remainder of the unexpired term.

4. After the initial terms, each member of the Committee serves a term of 2 years beginning on July 1. Except for a member appointed pursuant to paragraph (f) of subsection 2, a member may be reappointed to one or more successive terms.

5. A vacancy on the Committee must be filled for the remainder of the unexpired term in the same manner as the original appointment.

6. The members of the Committee serve without compensation. If sufficient money is available, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while attending meetings of the Committee or otherwise engaged in the business of the Committee.

Sec. 9. 1. The Committee shall, to the extent money is available from any source:

(a) Adopt rules for its own governance.

(b) Meet at least once each calendar quarter and at other times upon the call of the Chairman.

(c) Make recommendations to the Health Division for the establishment of a comprehensive plan for the prevention of stroke, heart disease and other vascular disease in this State which must:

(1) Emphasize the development of a policy for the primary prevention and secondary prevention of stroke;

(2) Include recommendations to eliminate disparities in vascular health among populations that are disproportionately affected by stroke, heart disease and other vascular disease;

(3) Include recommendations concerning methods of increasing public knowledge and awareness relating to vascular health, including, without limitation, the prevention and treatment of stroke, heart disease and other vascular disease;

(4) Include recommendations concerning acute stroke treatment, including treatment during the hyperacute and emergency phases of stroke;

(5) Include recommendations concerning the rehabilitation of patients and continuous quality improvement activities for medical facilities and providers of health care; and

(6) Include recommendations concerning the notification and response of emergency medical services.

(d) On or before May 1 of each year, submit a written report to the Health Division summarizing the activities of the Committee and any recommendations it has made.

(e) In carrying out its duties, solicit suggestions and information from:

(1) Providers of emergency medical services;

(2) Associations of medical professionals;

(3) Hospitals;

(4) The Health Division;

(5) The Board of Medical Examiners and other boards responsible for issuing a license to a provider of health care; and

(6) Other persons with interests relating to vascular health as deemed necessary by the Committee.

2. In making the recommendations required by paragraph (c) of subsection 1, the Committee shall not consider or address any issue concerning the transfer of a patient.

3. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Committee.

Sec. 10. 1. The Health Division may:

(a) Enter into contracts for any service necessary to carry out the provisions of sections 2 to 10, inclusive, of this act; and

(b) Apply for and accept gifts, grants, donations and bequests from any source to carry out the provisions of sections 2 to 10, inclusive, of this act.

2. Any money collected pursuant to subsection 1 and any money appropriated to carry out the provisions of sections 2 to 10, inclusive, of this act:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) Except as otherwise provided by the terms of a specific gift, grant, donation or bequest, must only be expended to carry out the provisions of sections 2 to 10, inclusive, of this act.

3. The Administrator shall administer the account. Any interest or income earned on the money in the account must be credited to the account.

4. Any claims against the account must be paid as other claims against the State are paid.

Sec. 11. On or before July 1, 2010:

1. The Administrator of the Health Division of the Department of Health and Human Services shall appoint the following members to the Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease created by section 8 of this act:

(a) One member each pursuant to paragraphs (a) to (f), inclusive, of subsection 2 of section 8 of this act to initial terms commencing on July 1, 2010, and expiring on June 30, 2011.

(b) One member each pursuant to paragraphs (g) to (j), inclusive, of subsection 2 of section 8 of this act to initial terms commencing on July 1, 2010, and expiring on June 30, 2012.

2. The Governor shall appoint to the Committee one member pursuant to paragraph (k) of subsection 2 of section 8 of this act to an initial term commencing on July 1, 2010, and expiring on June 30, 2012.

3. The Majority Leader of the Senate shall appoint to the Committee one member pursuant to paragraph (l) of subsection 2 of section 8 of this act to an initial term commencing on July 1, 2010, and expiring on June 30, 2012.

4. The Speaker of the Assembly shall appoint one member to the Committee pursuant to paragraph (m) of subsection 2 of section 8 of this act to an initial term commencing on July 1, 2010, and expiring on June 30, 2012.

5. The Board of Regents of the University of Nevada shall appoint one member to the Committee pursuant to paragraph (n) of subsection 2 of section 8 of this act to an initial term commencing on July 1, 2010, and expiring on June 30, 2012.

Sec. 12. 1. This section and section 11 of this act become effective on October 1, 2009.

2. Sections 1 to 10, inclusive, of this act become effective on July 1, 2010.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 107.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GENERAL FILE AND THIRD READING

Assembly Bill No. 279.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 279:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Dondero Loop—2.

Assembly Bill No. 279 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 359.

Bill read third time.

Remarks by Assemblywoman Woodbury.

Roll call on Assembly Bill No. 359:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Dondero Loop—2.

Assembly Bill No. 359 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 461.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 461:

YEAS—39.

NAYS—Hambrick.

EXCUSED—Carpenter, Dondero Loop—2.

Assembly Bill No. 461 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 4.

Bill read third time.

Remarks by Assemblywomen Parnell, Gansert, and Leslie.

Roll call on Senate Bill No. 4:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Dondero Loop—2.

Senate Bill No. 4 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 35.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 35:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Dondero Loop—2.

Senate Bill No. 35 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 37.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Senate Bill No. 37:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Dondero Loop—2.

Senate Bill No. 37 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 44.

Bill read third time.

Remarks by Assemblyman Munford.

Roll call on Senate Bill No. 44:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Dondero Loop—2.

Senate Bill No. 44 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 54.

Bill read third time.

Remarks by Assemblyman Hambrick.

Roll call on Senate Bill No. 54:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Dondero Loop—2.

Senate Bill No. 54 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 68.

Bill read third time.

Remarks by Assemblymen Horne, Hambrick, Gansert, Goicoechea, and Anderson.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 68 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 77.

Bill read third time.

Remarks by Assemblymen Mastroluca and Stewart.

Roll call on Senate Bill No. 77:

YEAS—37.

NAYS—Goedhart, Gustavson, McArthur—3.

EXCUSED—Carpenter, Dondero Loop—2.

Senate Bill No. 77 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 100.

Bill read third time.

Roll call on Senate Bill No. 100:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Dondero Loop—2.

Senate Bill No. 100 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 101.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 101:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Dondero Loop—2.

Senate Bill No. 101 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 105.

Bill read third time.

Remarks by Assemblyman Settlemeyer.

Roll call on Senate Bill No. 105:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Dondero Loop—2.

Senate Bill No. 105 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 106.

Bill read third time.

Remarks by Assemblyman McArthur.

Roll call on Senate Bill No. 106:

YEAS—38.

NAYS—Bobzien, Leslie—2.

EXCUSED—Carpenter, Dondero Loop—2.

Senate Bill No. 106 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 111.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Senate Bill No. 111:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Dondero Loop—2.

Senate Bill No. 111 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 505 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 505.

Bill read third time.

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

Amendment No. 669.

AN ACT relating to education; requiring the Department of Education to work in consultation with the Nevada System of Higher Education to establish a plan to ensure that high school pupils are ready for postsecondary education and the workplace; revising provisions governing the academic plans for ninth grade pupils; requiring instruction on financial responsibility in high school; authorizing the issuance of an adjusted adult diploma for certain persons; requiring peer mentoring for ninth grade pupils; requiring school districts to adopt a policy for the remediation of deficient credits ~~to~~ **to the extent money is available;** requiring school districts to adopt a policy for pupils to report unlawful activities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Department of Education to work in consultation with the Nevada System of Higher Education to establish clearly defined goals and benchmarks for pupils enrolled in high schools to be adequately prepared for the educational requirements of postsecondary education and for success in the workplace.

Existing law requires the board of trustees of a school district to adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. (NRS 388.205) **Section 5** of this bill requires the policy to ensure that each ninth grade pupil and his parent or legal guardian are adequately notified of certain courses and programs available to the pupil which will assist in the advancement of the education of the pupil as well as the

requirements for graduation, for admission to the Nevada System of Higher Education and for receipt of a Governor Guinn Millennium Scholarship.

Section 6 of this bill requires the board of trustees of each school district and the governing body of each charter school that operates as a high school to ensure that instruction on financial responsibility is provided to pupils enrolled in the public high schools in each school district and in each charter school that operates as a high school.

Existing law provides that a pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive an adjusted diploma if he satisfies the requirements set forth in his individualized education program. (NRS 389.805) **Section 7** of this bill requires the State Board of Education to create an adjusted adult diploma and provides that a pupil who was identified as a pupil with a disability and who did not graduate before the age of 22 years may receive an adjusted adult diploma under certain circumstances.

Section 9 of this bill requires the board of trustees of each school district to adopt a policy for a program of peer mentoring, which may include a component of adult mentoring, designed to assist the ninth grade pupils in the transition from middle school or junior high school to high school.

Section 10 of this bill requires the board of trustees of each school district, to the extent money is available for this purpose, to adopt a policy which ensures that a pupil who is deficient in the number of credits required for promotion to the next grade or graduation from high school has sufficient opportunities to remediate his deficient credits.

Section 11 of this bill requires the board of trustees of each school district to adopt a policy that allows pupils enrolled in a school within the school district to report, anonymously if the pupils choose, any unlawful activities that are being conducted on school property, at an activity sponsored by a public school or on a school bus, commonly referred to as a “secret witness program.”

Section 16 of this bill repeals NRS 392.090, 392.100 and 392.110, relating to the exemption of certain children from compulsory school attendance.

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 a new section to read as follows:

1. The Department shall work in consultation with the Nevada System of Higher Education to establish a plan which sets forth clearly defined goals and benchmarks for pupils enrolled in the public high schools to ensure that those pupils are adequately prepared for the educational requirements of postsecondary education and for success in the workplace, including, without limitation, methods to ensure that the high school standards, graduation requirements and assessments are aligned with college and workforce readiness expectations.

2. The Superintendent of Public Instruction shall:

(a) On or before February 1 of each odd-numbered year, submit a report on the progress of the plan to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature; and

(b) On or before February 1 of each even-numbered year, submit a report on the progress of the plan to the Legislative Committee on Education.

Sec. 2. 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 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 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 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. 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, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) *An adult diploma.*

(3) An adjusted diploma.

~~[(3)]~~ (4) *An adjusted adult diploma.*

(5) A certificate of attendance.

(6) *A certificate of educational equivalence for passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.*

(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 failed to pass the high school proficiency examination.

(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.

(gg) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that 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. 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 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) *Adjusted adult diploma*;
- (5) Certificate of attendance; *and*

(6) *Certificate of educational equivalence for passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.*

(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 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 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. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following 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 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 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.

(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 group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that 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. 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, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) *An adult diploma.*

(3) An adjusted diploma.

~~[(3)]~~ (4) *An adjusted adult diploma.*

(5) A certificate of attendance.

(6) *A certificate of educational equivalence for passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.*

(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 failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school 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) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ee) 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 388.205 is hereby amended to read as follows:

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

2. *The policy must ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are adequately notified and informed of the following information:*

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

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

(c) The requirements for admission to the Nevada System of Higher Education and the eligibility requirements for a Governor Guinn Millennium Scholarship; and

(d) To the extent available, programs offered by charter schools within the school district.

3. The policy must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

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

(b) ~~Sign the academic plan; and~~

~~(c)~~ Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

~~3.~~ 4. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

~~4.~~ 5. An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if he otherwise satisfies the requirements for a diploma.

Sec. 6. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall ensure that instruction on financial responsibility is provided to pupils in each public high school within the school district or in the charter school, as applicable. The instruction must include:

(a) The skills necessary to develop financial responsibility, including, without limitation:

(1) Making reasonable financial decisions by analyzing the alternatives and consequences to those financial decisions;

(2) Locating and evaluating financial information from various sources;

(3) Developing communication strategies to discuss financial issues;

(4) Controlling personal information; and

(5) Reviewing and summarizing federal and state consumer protection laws.

(b) The skills necessary to manage finances, including, without limitation:

(1) Developing a plan for spending and saving;

(2) Developing a system for keeping and using financial records; and

(3) Developing a personal financial plan.

(c) *The skills necessary to understand the use of credit and the incurrence of debt, including, without limitation:*

- (1) *Identifying the costs and benefits of various types of credit;*
- (2) *Explaining the purpose of a credit report, including, without limitation, the manner in which a credit report is used by lenders;*
- (3) *Describing the rights of a borrower regarding his credit report;*
- (4) *Identifying methods to avoid and resolve debt problems; and*
- (5) *Reviewing and summarizing federal and state consumer credit protection laws.*

(d) *The skills necessary to understand the basic principles of saving and investing, including, without limitation:*

- (1) *Understanding how saving and investing contribute to financial well-being;*
- (2) *Understanding the methods of investing and alternatives to investing;*
- (3) *Understanding how to buy and sell investments; and*
- (4) *Understanding how the regulation of financial institutions protects investors.*

2. *The instruction required by subsection 1 may be included within a course that pupils enrolled in high school are otherwise required to complete.*

Sec. 7. NRS 389.805 is hereby amended to read as follows:

389.805 1. A pupil must receive a standard high school diploma if he:

(a) Passes all subject areas of the high school proficiency examination administered pursuant to NRS 389.015 and otherwise satisfies the requirements for graduation from high school; or

(b) Has failed to pass the high school proficiency examination administered pursuant to NRS 389.015 in its entirety not less than three times before beginning grade 12 and the pupil:

(1) Passes the subject areas of mathematics and reading on the proficiency examination;

(2) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;

(3) Satisfies the alternative criteria prescribed by the State Board pursuant to subsection ~~3~~ 4; and

(4) Otherwise satisfies the requirements for graduation from high school.

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

3. *The State Board shall prescribe an adjusted adult diploma. A person who did not satisfy the requirements for receipt of a standard high school*

diploma or an adjusted diploma may receive an adjusted adult diploma if he:

- (a) Was identified as a pupil with a disability and received instruction pursuant to an individualized education program;*
- (b) Did not graduate before attaining the age of 22 years;*
- (c) Except as otherwise provided in paragraph (d), meets all of the current requirements for graduation; and*
- (d) Has taken the high school proficiency examination administered pursuant to NRS 389.015 at least one time but failed to pass the examination in its entirety.*

4. The State Board shall adopt regulations that prescribe the alternative criteria for a pupil to receive a standard high school diploma pursuant to paragraph (b) of subsection 1, including, without limitation:

- (a) An essay;
 - (b) A senior project; or
 - (c) A portfolio of work,
- ↪ or any combination thereof, that demonstrate proficiency in the subject areas on the high school proficiency examination which the pupil failed to pass.

5. *As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

Sec. 8. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 9, 10 and 11 of this act.

Sec. 9. 1. *The board of trustees of each school district shall adopt a policy for the high schools within the school district to provide a program of peer mentoring, which may include a component of adult mentoring, designed to increase the ability of ninth grade pupils enrolled in high school to successfully make the transition from middle school or junior high school to high school.*

2. *The principal of each high school shall:*

- (a) Carry out a program of mentoring for the ninth grade pupils enrolled in the high school in accordance with the policy adopted by the board of trustees pursuant to subsection 1;*
- (b) Submit an annual report to the board of trustees on:*
 - (1) The specific activities of the program of mentoring; and*
 - (2) The effectiveness of the program of mentoring in increasing the ability of ninth grade pupils to successfully make the transition from middle school or junior high school to high school.*

3. *This section does not prohibit the principal of a high school from continuing any other similar program of mentoring that the high school currently provides in a manner that is consistent with the policy prescribed by the board of trustees.*

Sec. 10. ~~The~~ To the extent money is available for this purpose, the board of trustees of each school district shall adopt a policy of credit remediation which ensures that pupils who are deficient in the number of

credits required for promotion to the next grade or for graduation from high school are provided sufficient opportunities, including, without limitation, opportunities during the school day, to complete appropriate remediation of deficient credits.

Sec. 11. 1. *The board of trustees of each school district shall adopt a policy that allows a pupil enrolled in a public school within the school district to report, anonymously if the pupil chooses, any unlawful activity which is being conducted on school property, at an activity sponsored by a public school or on a school bus. The policy must include, without limitation:*

- (a) The types of unlawful activities which a pupil may report; and*
- (b) The manner in which a pupil may report the unlawful activities.*

2. *The board of trustees of a school district may work in consultation with a local law enforcement agency or other governmental entity, corporation, business, organization or other entity to assist in the implementation of the policy adopted pursuant to subsection 1.*

3. *Each public school within the school district shall post prominently in various locations at the school the policy adopted pursuant to subsection 1, which must clearly denote the phone number and any other methods to make a report. If a public school maintains an Internet website for the school, the policy must also be posted on the school's website.*

4. *The board of trustees of each school district shall post the policy on the Internet website maintained by the school district.*

Sec. 12. NRS 392.019 is hereby amended to read as follows:

392.019 1. Except as otherwise provided in this subsection, if a child is exempt from compulsory attendance pursuant to *this section or* NRS 392.070 [~~392.100 or 392.110.~~] and the child is employed to work in the entertainment industry pursuant to a written contract for a period of more than 91 school days, or its equivalent if the child resides in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, including, without limitation, employment with a motion picture company or employment with a production company hired by a casino or resort hotel, the entity that employs the child shall, upon the request of the parent or legal guardian of the child, pay the costs for the child to receive at least 3 hours of tutoring per day for at least 5 days per week. In lieu of tutoring, the parent or legal guardian of such a child may agree with the entity that employs the child that the entity will pay the costs for the child to receive other educational or instructional services which are equivalent to tutoring. The provisions of this subsection apply during the period of a child's employment with an entity, regardless of whether the child has obtained the appropriate exemption from compulsory attendance at the time his contract with the entity is under negotiation.

2. *The board of trustees of a school district may excuse a child who is employed pursuant to subsection 1 from full-time attendance.* If such a child is exempt from [~~compulsory~~] attendance pursuant to [~~NRS 392.100 or~~]

~~392.110,~~ *this subsection*, the tutoring or other educational or instructional services received by the child pursuant to subsection 1 must be approved by the board of trustees of the school district in which the child resides.

Sec. 13. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is under 18 years of age and required to attend school pursuant to NRS 392.040 for violation of any of the provisions of NRS 392.040 to ~~392.110,~~ **392.080**, inclusive, or 392.130 to 392.160, inclusive.

2. Make and file a written report of the investigation and the findings thereof in the records of the board.

Sec. 14. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is under 18 years of age and required to attend school pursuant to NRS 392.040 has violated any of the provisions of NRS 392.040 to ~~392.110,~~ **392.080**, inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 15. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to ~~392.110,~~ **392.080**, inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;
2. Presents a false birth certificate or record of attendance at school; or
3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,
↪ of a child under 18 years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 16. NRS 392.090, 392.100 and 392.110 are hereby repealed.

Sec. 17. This act becomes effective on July 1, 2009.

TEXT OF REPEALED SECTIONS

392.090 Juvenile court may permit child who has completed eighth grade to leave school. After review of the case, the juvenile court may issue a permit authorizing any child who has completed the eighth grade to leave school.

392.100 Attendance excused if child 14 years of age or older must support himself or his parent. Attendance required by the provisions of

NRS 392.040 shall be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child, 14 years of age or over, must work for his own or his parent's support.

392.110 Attendance excused for child between 14 and 18 years of age who has completed eighth grade to enter employment or apprenticeship; written permit required.

1. Any child between the ages of 14 and 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority must state the reason or reasons for such excuse.

2. In all such cases, no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit must be kept on file by the employer and, upon the termination of employment, must be returned by the employer to the board of trustees or other authority issuing it.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 130.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Senate Bill No. 130:

YEAS—39.

NAYS—Hardy.

EXCUSED—Carpenter, Dondero Loop—2.

Senate Bill No. 130 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 147.

Bill read third time.

Remarks by Assemblywoman Spiegel.

Roll call on Senate Bill No. 147:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Dondero Loop—2.

Senate Bill No. 147 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 163.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Senate Bill No. 163:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Dondero Loop—2.

Senate Bill No. 163 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 125, 169, 175, 194, 207, 219, 254, 287, 298, 317, 414; Senate Joint Resolutions Nos. 3 and 9 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 31; Senate Bills Nos. 49, 83, 91, 129, 220, 280, 300, 304, 307, 335, 343, 348; Senate Concurrent Resolutions Nos. 3, 16, 30, 31, 32, 33, and 34.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Marcus Liem, Amy Nelson, Alyssa Barnes, and Megan LoPresti.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Gasca, Jessica Wilson, Jackie Seylor, and Lindsay Anderson.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Lucy Higgs.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Judson, Carl Zamila, and Megan Walsh.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Sheetz, Ryan Gilbrech, and Kimberly Carsten.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Johns and David White.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Stirgus and Brad Stewart.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Martha P. King Elementary School: Caleb Alger, Julie Alger, Grant Armantrout, Kenadee Bailey, Kim Bailey, Kyler Bredsguard, Rachel Brooks, Erika Brooks, Daniel Davis, James Davis, Elise Echeverria, Tracy Echeverria, Dean Good, Abligail Harling, Kellie Kostick, John Krumm, John Krumm, Sr., Jordan Nelson, Kelli Nelson, Makinzy Onken, Samantha Ortiz, Caleb Shamo, Eric Shamo, Aubree Weyandt, Jack-Thomas Wold, Melissa Wold, Katherine Elles, Catherine Dunagan, MaryAnne Dunagan, Bridgette Ewell, Julie Ewell, Matisse Johnson, Karen Johnson, James Jordan, Samantha Lilly, Audrey Palumbo, Juan Perez, Jillian Perez, Holly Piper, David Schaller, Elaina Vick, Aaron Walker, Carol Page, Truax Rena, Debra Cattoir, Matthew Esplin, and Lee Esplin.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan Olivas and Shirley Love.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Larmaya Kilgore and Mashara Munns.

On request of Assemblyman Settlemeyer, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Zephyr Cove Elementary School: Hayden Armstrong, Luke Borchers, JD Buchholz, Drue Chapman, Marijane Rodriguez, Gigi Stetler, Elijah Wothe, Samuel Berry, Cameron Ceglia, George Chakmakis, Alison Copsy, Marcos Flores Rojas, Cal Feller, Samantha Forvilly, Alayna Guyser, Scott Harrison, Isaac Hernandez, Anna Jidko, Fabiola Juarez, Aspen Kidd, Caroline Krolicki, Jakob La Rossa, Tahpainga Landavazo, Kristian Landing, Trevyn Larson, Pierce Manchester, Zamora Martinez, Chandler Nash-Elliott, Jackson Oleson, Kaven Peck, Michelle Rodriguez, Jalen Sigel, and Cole Snyder.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Vince LoPresti, Paul Klein, Brian Wilk, and Seema Donohue.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from David M. Cox Elementary School: Adam Kathrein, Alex Milewski, Alex Hernandez, Anna White, Anthony Baumgartner, Anthony Rock, Baylee Blackburn, Brittany Whitt, Byron Mitchell, Carly Trost, Chan Lim, Chasyn Royce, Erica Hardy, Jacob Griffiths, Joia White, Kainoa Gonzales, Kayvon

Heravi, Lucas Wagner-DeMann, Madison Farbod, Marren Abernathy, Michael Janosik, Nate Cromwell, Phoenix Frey, Ryan Baldwin, Sophia Leventis, Troi Pryor, Ashley Abad, Kiara Ackerman, Tristan Beavers, Darius Brown, Cooper Burgess, Taylor Cronic, Michael DiAsio, Ryan Garlick, Jacob Horowitz, Mychaela Jordan-Hill, William Kemp, Mary Kramp, Samuel Makowski, Chad McCracken, Lynnette Michels, Roy Morley, Alexis Mosley, Amanda Pemberton, Jeanea Perez, Emma Shepard, Gage Walker; chaperones Anissa Cole, James Orth, and Tanya Steele.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Bertocchi.

Assemblyman Ocegüera moved that the Assembly adjourn until Friday, May 15, 2009, at 12 noon.

Motion carried.

Assembly adjourned at 1:19 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly