

**THE ONE HUNDRED AND FOURTH DAY**

---

CARSON CITY (Saturday), May 16, 2009

Assembly called to order at 11:51 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Carpenter and Claborn, who were excused.

Prayer by the Chaplain, Terry Sullivan.

Let us pray. Dear Lord, we thank You for all the good things that You have provided us during this session and ask for Your continued blessings for these last few weeks that we are here. We might ask, too, that You help us make these final days as short and pleasant as possible. We ask You for a special blessing for the safety of those folks who have to travel today to be with their loved ones. And finally, we ask You to bring us all back safely to finish the jobs we are here to complete. We ask these things in Whose 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 Commerce and Labor, to which were referred Senate Bills Nos. 6, 72, 127, 151, 193, 288, 339, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCUS CONKLIN, *Chairman*

*Madam Speaker:*

Your Committee on Education, to which was referred Senate Bill No. 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

*Madam Speaker:*

Your Committee on Health and Human Services, to which was referred Senate Bill No. 244, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and rerefer to the Committee on Ways and Means.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

*Madam Speaker:*

Your Committee on Transportation, to which was referred Senate Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Senate Bills Nos. 218, 246 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chairman*

*Madam Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 92, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 222, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 111, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 185, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Concurrent Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MORSE ARBERRY JR., *Chair*

*Madam Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 62, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 2009

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 586 to Senate Bill No. 164.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Parks, Copening and Rhoads as a Conference Committee concerning Senate Bill No. 109.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

## NOTICE OF EXEMPTION

May 15, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 271.

GARY GHIGGERI  
*Fiscal Analysis Division*

May 16, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 207 and 503.

GARY GHIGGERI  
Fiscal Analysis Division

Senate Concurrent Resolution No. 6.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblymen Koivisto and Anderson.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 92.

Bill read second time.

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

Amendment No. 688.

AN ACT relating to the judiciary; revising the provisions governing the benefits of a retired justice or judge; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Sections 1, 3 and 10 of this bill permit a retired justice or judge who has not reached the maximum service time allowable under the Judicial Retirement System or the Public Employees' Retirement System and who is reemployed and commissioned as a senior justice, senior judge, senior justice of the peace or senior municipal court judge to reenroll in any retirement plan in which he was previously enrolled. (NRS 1A.260, 1A.370, 286.525)~~

**Section 2 of this bill allows a retired justice or judge who accepts employment as a senior justice, senior judge, senior justice of the peace or senior municipal judge of the Nevada Court System to qualify to receive allowances under the Judicial Retirement Plan for the duration of his active service if he is at least 60 years of age at the time of his reemployment and he accepts the employment at least 6 months after the effective date of his retirement. Section 3 of this bill prohibits a retired justice or judge who accepts employment as a senior justice, senior judge, senior justice of the peace or senior municipal judge of the Nevada Court System from enrolling in the Judicial Retirement Plan. Sections ~~2, 3 and 5-10~~ 5-8 of this bill provide that a retired justice or judge who is reemployed and commissioned as a senior justice, senior judge, senior justice of the peace or senior municipal court judge is entitled to receive a retirement allowance in addition to compensation for his service. ~~It~~ and is entitled to receive additional service credit for actual time served if he reenrolled in a retirement plan. ~~(NRS 1A.360, 1A.370, 2.060, 3.090, 286.520, 286.525)~~ Sections 3, 5-8 and 10 provide that a retired justice or judge who is reemployed and commissioned as a senior justice, senior judge, senior justice of the peace or senior municipal court judge and who**

~~reenrolled in a retirement plan is entitled to receive additional service credit for actual time served. (NRS 1A.370, 2.060, 3.090, 286.525)~~

~~Finally, section 4 of this bill clarifies that a member of the Judicial Retirement Plan who is receiving a pension is entitled to receive postretirement increases equal to those provided for members retired under the Public Employees' Retirement System. (NRS 1A.440)]~~

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

Section 1. ~~[NRS 1A.260 is hereby amended to read as follows:~~

~~1A.260—[1.]—No person may become a member of the System unless he is [a]#~~

~~1. A justice of the Supreme Court [or a]#~~

~~2. A district judge [, or a]#~~

~~3. A justice of the peace or municipal judge who is allowed and elects to participate in the Judicial Retirement Plan pursuant to NRS 1A.285 [.~~

~~2. Except as otherwise provided in NRS 1A.370, persons retired under the provisions of this chapter who are employed as a justice of the Supreme Court, district judge, justice of the peace or municipal judge in any judicial capacity, including, without limitation, employment as a senior justice, senior judge, senior justice of the peace or senior municipal judge of the Nevada Court System, are not eligible to become members of the System.]# or~~

~~4. A retired justice or judge who is recalled to active service as a senior justice, senior judge, senior justice of the peace or senior municipal judge in the Nevada Court System and who was previously enrolled in the Judicial Retirement Plan.] (Deleted by amendment.)~~

Sec. 2. NRS 1A.360 is hereby amended to read as follows:

1A.360 1. Except as otherwise provided in subsection 4 and NRS 1A.370, if a retired justice or judge accepts employment as a justice of the Supreme Court, district judge, justice of the peace or municipal judge in any judicial capacity, including, without limitation, employment ~~[A retired justice or judge may, pursuant to rules adopted by the Supreme Court, be recalled to active service, reemployed and issued a commission]~~ as a senior justice, senior judge, senior justice of the peace or senior municipal judge of the Nevada Court System, he is disqualified from receiving any allowances under the Judicial Retirement Plan for the duration of his active service, ~~and be compensated for serving as a senior justice, senior judge, senior justice of the peace or senior municipal judge of the Nevada Court System.]~~

2. If a ~~[A]~~ retired justice or judge ~~[who]~~ accepts any employment other than that described in subsection 1, the justice or judge ~~[as a senior justice, senior judge, senior justice of the peace or senior municipal judge of the Nevada Court System]~~ is entitled to the same ~~[retirement]~~ allowances ~~[under the Judicial Retirement Plan]~~ as a retired justice or judge who has no employment.

3. If a retired justice or judge who accepts employment as a justice of the Supreme Court, district judge, justice of the peace or municipal judge in a judicial capacity pursuant to this section elects not to reenroll in the Judicial Retirement Plan pursuant to subsection 1 of NRS 1A.370, the Court Administrator if the retired justice or judge is a justice of the Supreme Court or a district judge, the county if the retired justice or judge is a justice of the peace or the city if the retired justice or judge is a municipal judge, may pay contributions on behalf of the retired justice or judge to a retirement fund which is not a part of the Judicial Retirement Plan in an amount not to exceed the amount of the contributions that the Court Administrator, county or city would pay to the System on behalf of a participating justice or judge who is employed in a similar position.

4. ~~The System may waive, for one period of 30 days or less, a retired justice of the Supreme Court's or district judge's disqualification under this section if the Chief Justice of the Supreme Court certifies in writing, in advance, that the retired justice of the Supreme Court or district judge is recalled to meet an emergency and that no other qualified person is immediately available. The System may waive, for one period of 30 days or less, a retired justice of the peace's disqualification under this section if the board of county commissioners of the jurisdiction in which the justice of the peace is to be assigned certifies in writing, in advance, that the retired justice of the peace is recalled to meet an emergency and that no other qualified person is immediately available. The System may waive, for one period of 30 days or less, a retired municipal judge's disqualification under this section if the city council of the jurisdiction in which the municipal judge is to be assigned certifies in writing, in advance, that the retired municipal judge is recalled to meet an emergency and that no other qualified person is immediately available.~~ **The provisions of subsection 1 do not apply to a retired justice or judge who accepts employment as a senior justice, senior judge, senior justice of the peace or senior municipal judge of the Nevada Court System if he is at least 60 years of age at the time of his reemployment and he accepts the employment at least 6 months after the effective date of his retirement pursuant to subsection 2 of NRS 1A.130.**

Sec. 3. NRS 1A.370 is hereby amended to read as follows:

1A.370 1. A retired justice or judge who accepts employment as a justice of the Supreme Court, district judge, justice of the peace or municipal judge in any judicial capacity, including, without limitation, employment as a senior justice, senior judge, senior justice of the peace or senior municipal judge of the Nevada Court System, may enroll in the Judicial Retirement Plan as of the effective date of that employment ~~if~~ **unless he is reemployed pursuant to subsection 4 of NRS 1A.360.** As of the date of enrollment:

(a) ~~He~~ ~~Except as otherwise provided in subsection 5, he~~ forfeits all retirement allowances for the duration of that employment; and

(b) Except as otherwise required as a result of NRS 1A.400 or 1A.410, if the duration of the employment is at least 6 months, he gains additional

service credit for that employment and is entitled to have a separate service retirement allowance calculated based on his compensation and service, effective upon the termination of that employment. If the duration of the employment is:

(1) Less than 5 years, the additional allowance must be added to his original allowance and must be under the same option and designate the same beneficiary as the original allowance; or

(2) Five years or more, the additional allowance may be under any option and designate any beneficiary in accordance with NRS 1A.430.

2. The original service retirement allowance of such a retired justice or judge must not be recalculated based upon the additional service credit, nor is he entitled to any of the rights of membership that were not in effect at the time of his original retirement. The accrual of service credit pursuant to this section is subject to the limits imposed by:

(a) NRS 1A.440; and

(b) Section 415 of the Internal Revenue Code, 26 U.S.C. § 415.

3. Except as otherwise required as a result of NRS 1A.400 or 1A.410, a retired justice or judge who has been receiving a retirement allowance pursuant to the Judicial Retirement Plan and who is reemployed and is enrolled in the Plan for at least 5 years may have his additional credit for service added to his previous credit for service. This additional credit for service must not apply to more than one period of employment after the original retirement.

4. The survivor of a deceased member of the Judicial Retirement Plan who had previously retired and was reemployed and enrolled in the Plan, who qualifies for benefits pursuant to NRS 1A.340 and 1A.530 to 1A.670, inclusive, is eligible for the benefits based on the service accrued through the second period of employment.

~~5. The provisions of subsections 1 to 4, inclusive, apply to a retired justice or judge who is reemployed and receives a commission as a senior justice, senior judge, senior justice of the peace or senior municipal court judge, except that such a person does not forfeit retirement allowances for the duration of that employment.~~

Sec. 4. ~~[NRS 1A.440 is hereby amended to read as follows:~~

~~1A.440 Except as otherwise required as a result of NRS 1A.400 or 1A.410:~~

~~1. Except as otherwise provided in this subsection, a monthly service retirement allowance must be determined by multiplying a member of the Judicial Retirement Plan's average compensation by 3.4091 percent for each year of service, except that a member of the Plan is entitled to a benefit of not more than 75 percent of his average compensation.~~

~~2. A member of the Plan who is receiving a pension pursuant to the provisions of this section is entitled to receive postretirement increases equal to those provided for members retired under the Public Employees' Retirement System.~~

~~3. For the purposes of this section, “average compensation” means the average of a member of the Plan’s 36 consecutive months of highest compensation as certified by the Court Administrator if the member is a justice of the Supreme Court or a district judge, by the county if the member is a justice of the peace or by the city if the member is a municipal judge.]~~

**(Deleted by amendment.)**

Sec. 5. NRS 2.060 is hereby amended to read as follows:

2.060 1. Any justice of the Supreme Court who has served as a justice or judge of a district court in any one or more of those courts for a period or periods aggregating 22 years and has ended such service is, after reaching the age of 60 years, entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to three-fourths the sum received as a salary for his judicial services during the last year thereof, payable monthly from the Judicial Retirement Fund established pursuant to NRS 1A.160.

2. Any justice of the Supreme Court who has served as a justice or judge of a district court in any one or more of those courts for a period or periods aggregating 5 years and has ended such service is, after reaching the age of 60 years, entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable monthly from the Judicial Retirement Fund established pursuant to NRS 1A.160.

3. Any justice of the Supreme Court who qualifies for a pension under the provisions of subsection 2 is entitled to receive, for each year served beyond 5 years up to a maximum of 22 years, an additional 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable as provided in subsection 2.

4. Any justice who has retired pursuant to subsection 3 and is thereafter recalled to additional active service in the court system is entitled to receive credit toward accumulating 22 years’ service for the maximum pension based upon the time he actually spends in the additional active service.

5. Any justice who has the years of service necessary to retire but has not attained the required age may retire at any age with a benefit actuarially reduced to the required retirement age. A benefit under this subsection must be reduced in the same manner as benefits are reduced for persons retired under the Public Employees’ Retirement System.

6. Any person receiving a pension pursuant to the provisions of this section is entitled to receive postretirement increases equal to those provided for persons retired under the Public Employees’ Retirement System.

7. Any justice who desires to receive the benefits of this section must file with the Executive Officer of the Public Employees’ Retirement Board an affidavit setting forth the fact that he is ending his service, the date and place of his birth, and the years he has served in any district court or the Supreme Court.

8. *Any justice who has retired and is thereafter recalled to additional active service in the court system as a senior justice is entitled to receive a retirement allowance during the period of reemployment in addition to compensation for services.*

9. The faith of the State of Nevada is hereby pledged that this section shall not be repealed or amended so as to affect any justice who may have ended his service pursuant to it.

~~9.1~~ 10. As used in this section, "salary" includes a salary received for service on a Supreme Court commission created by statute.

Sec. 6. NRS 2.060 is hereby amended to read as follows:

2.060 1. Any justice of the Supreme Court who has served as a justice or judge of a district court in any one or more of those courts for a period or periods aggregating 22 years and has ended such service is, after reaching the age of 60 years, entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to three-fourths the sum received as a salary for his judicial services during the last year thereof, payable monthly from the Judicial Retirement Fund established pursuant to NRS 1A.160.

2. Any justice of the Supreme Court who has served as a justice or judge of a district court in any one or more of those courts for a period or periods aggregating 5 years and has ended such service is, after reaching the age of 60 years, entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable monthly from the Judicial Retirement Fund established pursuant to NRS 1A.160.

3. Any justice of the Supreme Court who qualifies for a pension under the provisions of subsection 2 is entitled to receive, for each year served beyond 5 years up to a maximum of 22 years, an additional 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable as provided in subsection 2.

4. Any justice who has retired pursuant to subsection 3 and is thereafter recalled to additional active service in the court system is entitled to receive credit toward accumulating 22 years' service for the maximum pension based upon the time he actually spends in the additional active service.

5. Any justice who has the years of service necessary to retire but has not attained the required age may retire at any age with a benefit actuarially reduced to the required retirement age. A benefit under this subsection must be reduced in the same manner as benefits are reduced for persons retired under the Public Employees' Retirement System.

6. Any person receiving a pension pursuant to the provisions of this section is entitled to receive postretirement increases equal to those provided for persons retired under the Public Employees' Retirement System.

7. Any justice who desires to receive the benefits of this section must file with the Executive Officer of the Public Employees' Retirement Board an



affidavit setting forth the fact that he is ending his service, the date and place of his birth, and the years he has served in any district court or the Supreme Court.

8. ***Any justice who has retired and is thereafter recalled to additional active service in the court system as a senior justice is entitled to receive a retirement allowance during the period of reemployment in addition to compensation for services.***

9. The faith of the State of Nevada is hereby pledged that this section shall not be repealed or amended so as to affect any justice who may have ended his service pursuant to it.

Sec. 7. NRS 3.090 is hereby amended to read as follows:

3.090 1. Any judge of the district court who has served as a justice of the Supreme Court or judge of a district court in any one or more of those courts for a period or periods aggregating 22 years and has ended such service is, after reaching the age of 60 years, entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to three-fourths the sum received as a salary for his judicial services during the last year thereof, payable monthly from the Judicial Retirement Fund established pursuant to NRS 1A.160.

2. Any judge of the district court who has served as a justice of the Supreme Court or judge of a district court in any one or more of those courts for a period or periods aggregating 5 years and has ended such service is, after reaching the age of 60 years, entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable monthly from the Judicial Retirement Fund established pursuant to NRS 1A.160.

3. Any judge of the district court who qualifies for a pension under the provisions of subsection 2 is entitled to receive, for each year served beyond 5 years up to a maximum of 22 years, an additional 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable as provided in subsection 2.

4. Any judge who has retired pursuant to subsection 3 and is thereafter recalled to additional active service in the court system is entitled to receive credit toward accumulating 22 years' service for the maximum pension based upon the time he actually spends in the additional active service.

5. Any district judge who has the years of service necessary to retire but has not attained the required age may retire at any age with a benefit actuarially reduced to the required retirement age. A retirement benefit under this subsection must be reduced in the same manner as benefits are reduced for persons retired under the Public Employees' Retirement System.

6. Any person receiving a pension pursuant to the provisions of this section is entitled to receive postretirement increases equal to those provided for persons retired in the Public Employees' Retirement System.

7. Any judge of the district court who desires to receive the benefits of this section must file with the Executive Officer of the Public Employees' Retirement Board an affidavit setting forth the fact that he is ending his service, the date and place of his birth, and the years he has served in any district court or the Supreme Court.

8. *Any judge who has retired and is thereafter recalled to additional active service in the court system as a senior judge, senior justice of the peace or senior municipal court judge is entitled to receive a retirement allowance during the period of reemployment in addition to compensation for services.*

9. The faith of the State of Nevada is hereby pledged that this section shall not be repealed or amended so as to affect any judge of the district court who may have ended his service pursuant to it.

~~9.~~ 10. As used in this section, "salary" includes a salary received for service on a District Court Commission created by statute.

Sec. 8. NRS 3.090 is hereby amended to read as follows:

3.090 1. Any judge of the district court who has served as a justice of the Supreme Court or judge of a district court in any one or more of those courts for a period or periods aggregating 22 years and has ended such service is, after reaching the age of 60 years, entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to three-fourths the sum received as a salary for his judicial services during the last year thereof, payable monthly from the Judicial Retirement Fund established pursuant to NRS 1A.160.

2. Any judge of the district court who has served as a justice of the Supreme Court or judge of a district court in any one or more of those courts for a period or periods aggregating 5 years and has ended such service is, after reaching the age of 60 years, entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable monthly from the Judicial Retirement Fund established pursuant to NRS 1A.160.

3. Any judge of the district court who qualifies for a pension under the provisions of subsection 2 is entitled to receive, for each year served beyond 5 years up to a maximum of 22 years, an additional 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable as provided in subsection 2.

4. Any judge who has retired pursuant to subsection 3 and is thereafter recalled to additional active service in the court system is entitled to receive credit toward accumulating 22 years' service for the maximum pension based upon the time he actually spends in the additional active service.

5. Any district judge who has the years of service necessary to retire but has not attained the required age may retire at any age with a benefit actuarially reduced to the required retirement age. A retirement benefit under

this subsection must be reduced in the same manner as benefits are reduced for persons retired under the Public Employees' Retirement System.

6. Any person receiving a pension pursuant to the provisions of this section is entitled to receive postretirement increases equal to those provided for persons retired in the Public Employees' Retirement System.

7. Any judge of the district court who desires to receive the benefits of this section must file with the Executive Officer of the Public Employees' Retirement Board an affidavit setting forth the fact that he is ending his service, the date and place of his birth, and the years he has served in any district court or the Supreme Court.

8. *Any judge who has retired and is thereafter recalled to additional active service in the court system as a senior judge, senior justice of the peace or senior municipal court judge is entitled to receive a retirement allowance during the period of reemployment in addition to compensation for services.*

9. The faith of the State of Nevada is hereby pledged that this section shall not be repealed or amended so as to affect any judge of the district court who may have ended his service pursuant to it.

Sec. 9. ~~NRS 286.520 is hereby amended to read as follows:~~

~~286.520 1. Except as otherwise provided in this section and NRS 286.525, the consequences of the employment of a retired employee are:~~

~~(a) A retired employee who accepts employment or an independent contract with a public employer under this System is disqualified from receiving any allowances under this System for the duration of that employment or contract if:~~

~~(1) He accepted the employment or contract within 90 calendar days after the effective date of his retirement; or~~

~~(2) He is employed in a position which is eligible to participate in this System;~~

~~(b) If a retired employee accepts employment or an independent contract with a public employer under this System more than 90 calendar days after the effective date of his retirement in a position which is not eligible to participate in this System, his allowance under this System terminates upon his earning an amount equal to one half of the average salary for participating public employees who are not police officers or firefighters in any fiscal year, for the duration of that employment or contract.~~

~~(c) If a retired employee accepts employment with an employer who is not a public employer under this System, the employee is entitled to the same allowances as a retired employee who has no employment.~~

~~2. The retired employee and the public employer shall notify the System:~~

~~(a) Within 10 days after the first day of an employment or contract governed by paragraph (a) of subsection 1.~~

~~(b) Within 30 days after the first day of an employment or contract governed by paragraph (b) of subsection 1.~~

~~(e) Within 10 days after a retired employee earns more than one half of the average salary for participating public employees who are not police officers or firefighters in any fiscal year from an employment or contract governed by paragraph (b) of subsection 1.~~

~~3. For the purposes of this section, the average salary for participating public employees who are not police officers or firefighters must be computed on the basis of the most recent actuarial valuation of the System.~~

~~4. If a retired employee who accepts employment or an independent contract with a public employer under this System pursuant to this section elects not to reenroll in the System pursuant to subsection 1 of NRS 286.525, the public employer with which the retired employee accepted employment or an independent contract may pay contributions on behalf of the retired employee to a retirement fund which is not a part of the System in an amount not to exceed the amount of the contributions that the public employer would pay to the System on behalf of a participating public employee who is employed in a similar position.~~

~~5. If a retired employee is chosen by election or appointment to fill an elective public office, he is entitled to the same allowances as a retired employee who has no employment, unless he is serving in the same office in which he served and for which he received service credit as a member. A public employer may pay contributions on behalf of such a retired employee to a retirement fund which is not a part of the System in an amount not to exceed the amount of the contributions that the public employer would pay to the System on behalf of a participating public employee who serves in the same office.~~

~~6. The System may waive for one period of 30 days or less a retired employee's disqualification under this section if the public employer certifies in writing, in advance, that the retired employee is recalled to meet an emergency and that no other qualified person is immediately available.~~

~~7. A person who accepts employment or an independent contract with either house of the Legislature or by the Legislative Counsel Bureau or who is recalled to active service in the court system as a senior justice, senior judge, senior justice of the peace or senior municipal court judge is exempt from the provisions of subsections 1 and 2 for the duration of that employment or contract. (Deleted by amendment.)~~

Sec. 10. [NRS 286.525 is hereby amended to read as follows:

~~286.525~~ 1. A retired employee who accepts employment in a position eligible for membership may enroll in the System as of the effective date of that employment. As of the date of enrollment:

~~(a) [He] Except as otherwise provided in subsection 7 of NRS 286.520, he forfeits all retirement allowances for the duration of that employment.~~

~~(b) He is entitled to receive, after the termination of the employment and upon written request, a refund of all contributions made by him during the employment. Except as otherwise required as a result of NRS 286.535 or 286.537, if he does not request the refund and the duration of the~~

~~employment was at least 6 months, he gains additional service credit for that employment and is entitled to have a separate service retirement allowance calculated based on his compensation and service, effective upon the termination of that employment. If the duration of the employment was:~~

~~(1) Less than 5 years, the additional allowance must be added to his original allowance and must be under the same option and designate the same beneficiary as the original allowance.~~

~~(2) Five years or more, the additional allowance may be under any option and designate any beneficiary in accordance with NRS 286.545.~~

~~2.—The original service retirement allowance of such a retired employee must not be recalculated based upon the additional service credit, nor is he entitled to any of the rights of membership that were not in effect at the time of his original retirement. The accrual of service credit pursuant to this section is subject to the limits imposed by:~~

~~(a) NRS 286.551; and~~

~~(b) Section 415 of the Internal Revenue Code, 26 U.S.C. § 415, if the member's effective date of membership is on or after January 1, 1990.~~

~~3.—Except as otherwise required as a result of NRS 286.470, 286.535 or 286.537, a retired employee who has been receiving a retirement allowance and who is reemployed and is enrolled in the System for at least 5 years may have his additional credit for service added to his previous credit for service. This additional credit for service must not apply to more than one period of employment after the original retirement.~~

~~4.—The survivor of a deceased member who had previously retired and was rehired and enrolled in the System, who qualifies for benefits pursuant to NRS 286.671 to 286.6793, inclusive, is eligible for the benefits based on the service accrued through the second period of employment.] (Deleted by amendment.)~~

**Sec. 10.5. The Public Employees' Retirement Board shall conduct an experience study of the Judicial Retirement System of the reemployment of retired justices or judges by the Nevada Court System pursuant to section 2 of this act for the period between July 1, 2009, and June 30, 2014. The Public Employees' Retirement Board shall submit a report of the study to the Interim Retirement and Benefits Committee of the Legislature on or before December 31, 2014.**

**Sec. 11. This act becomes effective on July 1, 2009 ~~14~~, and expires by limitation on June 30, 2015.**

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 6.

Bill read second time and ordered to third reading.

Senate Bill No. 7.

Bill read second time and ordered to third reading.

Senate Bill No. 62.

Bill read second time and ordered to third reading.

Senate Bill No. 72.

Bill read second time and ordered to third reading.

Senate Bill No. 127.

Bill read second time and ordered to third reading.

Senate Bill No. 137.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 706.

AN ACT relating to recycling; providing for the placement of recycling containers on the premises of certain apartment complexes, condominiums and the Nevada System of Higher Education and its branches and facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Under existing law, the [State Environmental Commission is required to adopt regulations establishing minimum standards relating to the recycling of recyclable material. (NRS 444A.020) Existing law also provides for the establishment of recycling programs that do not conflict with those standards in counties and municipalities in this State. (NRS 444A.040) Section 5 of this bill requires the Commission to adopt regulations establishing minimum standards for the placement of recycling containers on the premises of apartment complexes and condominiums where services for the collection of solid waste are provided.]~~ board of county commissioners in a county whose population is 100,000 or more (currently Clark and Washoe Counties) is required to make available for use in that county a program for separating recyclable material from other solid waste originating from certain residential premises and public buildings. Existing law authorizes certain other counties and municipalities to provide such a program. (NRS 444A.040) Section 7 of this bill provides for the inclusion of provisions concerning ~~such~~ the placement of recycling containers on the premises of apartment complexes and condominiums in the recycling programs of those counties and municipalities.

Existing law authorizes each board of county commissioners in this State to regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county. (NRS 244.3675) Existing law confers similar authority upon the governing body of an incorporated city in this State. (NRS 268.413) **Section 11** of this bill prohibits a board of county commissioners of a county or a governing body of a city from approving, on or after October 1, 2009, any plan or revised plan for the construction or major renovation of an apartment complex or condominium unless the plan or revised plan includes provisions for the

placement of recycling containers on the premises of the apartment complex or condominium.

Existing law requires the Board of Regents of the University of Nevada to prescribe procedures for the recycling of paper and paper products used by the Nevada System of Higher Education and requires the Board of Regents to pay any money received by the System for recycling those products to the State Treasurer for credit to the State General Fund. (NRS 396.437) **Section 14** of this bill requires the Board to prescribe procedures for the recycling of other waste materials, including, without limitation, the placement of recycling containers on the premises of the System or any of its branches or facilities where services for the collection of solid waste are provided. **Section 14** also requires the money received by the System for recycling those materials to be accounted for separately and used to carry out the provisions of that section.

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

Section 1. Chapter 444A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Apartment complex" means a building or group of buildings, each building of which is arranged in several units of connecting rooms, with each unit designed for independent housekeeping.*

Sec. 3. *"Condominium" has the meaning ascribed to it in NRS 117.010.*

Sec. 4. NRS 444A.010 is hereby amended to read as follows:

444A.010 As used in NRS 444A.010 to 444A.080, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms described in NRS 444A.011 to 444A.017, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 5. ~~NRS 444A.020 is hereby amended to read as follows:~~

~~444A.020 1. The State Environmental Commission shall adopt regulations establishing minimum standards for:~~

~~(a) Separating at the source recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided [.] *including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.*~~

~~(b) Establishing recycling centers for the collection and disposal of recyclable material.~~

~~(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested.~~

~~2. The regulations adopted pursuant to subsection 1 must be adopted with the goal of recycling at least 25 percent of the total solid waste generated within a municipality after the second full year following the adoption of [such] *those* standards.~~

~~3. The State Environmental Commission shall, by regulation, establish acceptable methods for disposing of used or waste tires.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 444A.030 is hereby amended to read as follows:~~

~~444A.030 1. The Division of Environmental Protection of the [State] Department [of Conservation and Natural Resources] shall, by regulation, adopt a model plan for:~~

~~(a) Separating at the source recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided [.] , **including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.**~~

~~(b) Establishing recycling centers for the collection and disposal of recyclable material in areas where there are no centers.~~

~~(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested.~~

~~(d) The disposal of infectious waste, hazardous waste which is not regulated pursuant to NRS 459.485 and liquid waste which is not regulated pursuant to NRS 445A.300 to 445A.730, inclusive.~~

~~2. The model plans adopted pursuant to subsection 1 must not conflict with the standards adopted by the State Environmental Commission pursuant to NRS 444A.020.] (Deleted by amendment.)~~

Sec. 7. NRS 444A.040 is hereby amended to read as follows:

444A.040 1. The board of county commissioners in a county whose population is 100,000 or more, or its designee, shall make available for use in that county a program for:

(a) The separation at the source of recyclable material from other solid waste originating from ~~the~~ residential premises and public buildings where services for the collection of solid waste are provided ~~[.]~~ , **including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.**

(b) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

(d) The encouragement of businesses to reduce solid waste and to separate at the source recyclable material from other solid waste. This program must, without limitation, make information regarding solid waste reduction and recycling opportunities available to a business at the time the business applies for or renews a business license.



2. The board of county commissioners of a county whose population is 40,000 or more but less than 100,000, or its designee:

(a) May make available for use in that county a program for the separation at the source of recyclable material from other solid waste originating from ~~the~~ residential premises and public buildings where services for the collection of solid waste are provided ~~[-]~~, ***including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.***

(b) Shall make available for use in that county a program for:

(1) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program established pursuant to paragraph (a).

(2) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

3. The board of county commissioners of a county whose population is less than 40,000, or its designee, may make available for use in that county a program for:

(a) The separation at the source of recyclable material from other solid waste originating from ~~the~~ residential premises and public buildings where services for the collection of solid waste are provided ~~[-]~~, ***including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.***

(b) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

4. Any program made available pursuant to this section:

(a) Must not:

(1) Conflict with the standards adopted by the State Environmental Commission pursuant to NRS 444A.020; and

(2) Become effective until approved by the Department.

(b) May be based on the model plans adopted pursuant to NRS 444A.030.

5. The governing body of a municipality may adopt and carry out within the municipality such programs made available pursuant to this section as are deemed necessary and appropriate for that municipality.

6. Any municipality may, with the approval of the governing body of an adjoining municipality, participate in any program adopted by the adjoining municipality pursuant to subsection 5.

7. Persons residing on an Indian reservation or Indian colony may participate in any program adopted pursuant to subsection 5 by a municipality in which the reservation or colony is located if the governing body of the reservation or colony adopts an ordinance requesting such participation. Upon receipt of such a request, the governing body of the municipality shall make available to the residents of the reservation or colony those programs requested.

Sec. 8. ~~NRS 444A.080 is hereby amended to read as follows:~~

~~444A.080 1. The State Environmental Commission shall adopt regulations necessary to enforce the provisions of NRS 444A.010 to 444A.070, inclusive [.] , and sections 2 and 3 of this act.~~

~~2. The State Environmental Commission may adopt any other regulations necessary to carry out the provisions of NRS 444A.010 to 444A.070, inclusive [.] , and sections 2 and 3 of this act.~~ **(Deleted by amendment.)**

Sec. 9. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.580, 278.582, 444.340 to 444.430, inclusive, and 477.030, **and section 11 of this act**, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 10. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.580, 278.582, 444.340 to 444.430, inclusive, and 477.030, **and section 11 of this act**, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, ~~[these]~~ **those** fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 11. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. On and after October 1, 2009, a governing body or its designee shall not approve any plan or revised plan for the construction or major renovation of an apartment complex or condominium unless the plan or revised plan includes provisions for the placement of recycling containers on the premises of the apartment complex or condominium.**

2. *As used in this section:*

(a) *"Apartment complex" has the meaning ascribed to it in section 2 of this act.*

(b) *"Condominium" has the meaning ascribed to it in NRS 117.010.*

(c) *"Major renovation" means the destruction or reconstruction of an apartment complex or condominium to an extent which exceeds 50 percent of the replacement value of the apartment complex or condominium.*

Sec. 12. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 11 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 13. NRS 278.460 is hereby amended to read as follows:

278.460 1. A county recorder shall not record any final map unless the map:

(a) Contains or is accompanied by the report of a title company and all the certificates of approval, conveyance and consent required by the provisions of NRS 278.374 to 278.378, inclusive, and by the provisions of any local ordinance; and

(b) Is accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid and that the full amount of any deferred property taxes for the conversion of the property from agricultural use has been paid pursuant to NRS 361A.265.

2. The provisions of NRS 278.010 to 278.630, inclusive, *and section 11 of this act* do not prevent the recording, pursuant to the provisions of NRS 278.010 to 278.630, inclusive, and *section 11 of this act*, and any applicable local ordinances, of a map of any land which is not a subdivision, nor do NRS 278.010 to 278.630, inclusive, *and section 11 of this act* prohibit the recording of a map in accordance with the provisions of any statute requiring the recording of professional land surveyor's records of surveys.

3. A county recorder shall accept or refuse a final map for recordation within 10 days after its delivery to him.

4. A county recorder who records a final map pursuant to this section shall, within 7 working days after he records the final map, provide to the county assessor at no charge:

(a) A duplicate copy of the final map and any supporting documents; or

(b) Access to the digital final map and any digital supporting documents.

The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

Sec. 14. NRS 396.437 is hereby amended to read as follows:

396.437 1. Except as otherwise provided in this section, the System shall recycle or cause to be recycled the paper and paper products it uses. This subsection does not apply to confidential documents if there is an additional cost for recycling those documents.

2. The System is not required to comply with the requirements of subsection 1 if the Board of Regents determines that the cost to recycle or cause to be recycled the paper and paper products used by the System or one of its branches or facilities is unreasonable and would place an undue burden on the operations of the System, branch or facility.

3. The Board of Regents shall adopt regulations which prescribe the procedure for the disposition of the paper and paper products to be recycled. The Board of Regents ~~may~~ **shall** prescribe ~~the procedure~~ **procedures** for the recycling of other waste material produced on the premises of the System, a branch or a facility ~~;~~ **, including, without limitation, the placement of recycling containers on the premises of the System, a branch or a facility where services for the collection of solid waste are provided.**

4. Any money received by the System for recycling or causing to be recycled the paper and paper products it uses **and other waste material it produces** must be ~~paid by the Board of Regents to the State Treasurer for credit to the State General Fund.~~ **accounted for separately and used to carry out the provisions of this section.**

5. As used in this section:

(a) "Paper" includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.

(b) "Paper product" means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.

(c) **"Solid waste" has the meaning ascribed to it in NRS 444.490.**

~~Sec. 15. [The State Environmental Commission shall, not later than October 1, 2009, in accordance with the provisions of NRS 444A.020, as amended by section 5 of this act, adopt regulations establishing minimum standards for the placement of recycling containers on the premises of apartment complexes and condominiums where services for the collection of solid waste are provided.] (Deleted by amendment.)~~

~~Sec. 16. [This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2009, for all other purposes.] (Deleted by amendment.)~~

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 151.

Bill read second time and ordered to third reading.

Senate Bill No. 193.

Bill read second time and ordered to third reading.

Senate Bill No. 218.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 742.

SUMMARY—Revises ~~certain~~ provisions governing ~~fees charged by~~ and ~~certain~~ duties performed by constables, ~~and~~ **and revises certain provisions relating to motor vehicle registration.** (BDR 20-846)

AN ACT relating to ~~constables;~~ **motor vehicles;** specifically authorizing constables to issue citations for failure to register vehicles that are required to be registered in this State; increasing the fee to which constables are entitled for removing or causing the removal of abandoned vehicles from public property; **revising the penalties for failure to register certain motor vehicles;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

**Section 1** of this bill specifically authorizes constables to issue citations for the failure to register a vehicle that is required by existing law to be registered in this State and requires constables to charge and collect a fee from the person to whom the citation is issued. The citation is to be issued to the owner of the vehicle or the driver if the driver is not the owner but is the party responsible for registering the vehicle pursuant to existing law. (NRS 258.070) **Sections 3 and 4** of this bill clarify that constables are entitled to demand and to view the certificate of registration and to request information to determine whether the vehicle is required to be registered in this State. (NRS 482.255, 482.385)

**Section 2** of this bill increases the fee to which constables are entitled for their services of removing or causing the removal of an abandoned vehicle from public property from \$50 to \$100. **Section 2** also increases the amount the constable may collect when collecting all sums on execution or writ charged against a defendant from 2 percent of the first \$3,500 to 2 percent of the first \$10,000. (NRS 258.125)

**Existing law requires a person, within 60 days of becoming a resident of this State or at the time he obtains his driver's license, to apply for registration for each vehicle he owns which is operated in this State. (NRS 482.385) Section 4 of this bill increases the fine for failing to comply with that requirement from a minimum of \$250 and a maximum of \$500 to a \$1,000 fine, and provides that the fine may be reduced to not less than \$200 if the person provides proof of registration of the vehicle in Nevada at the time of his hearing.**

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

Section 1. NRS 258.070 is hereby amended to read as follows:

258.070 1. Each constable shall:

(a) Be a peace officer in his township.

(b) Serve all mesne and final process issued by a court of competent jurisdiction.

(c) Execute the process, writs or warrants that he is authorized to receive pursuant to NRS 248.100.

(d) Discharge such other duties as are or may be prescribed by law.

2. ***Pursuant to the procedures and subject to the limitations set forth in chapters 482 and 484 of NRS, a constable may issue a citation to an owner or driver, as appropriate, of a vehicle that is required to be registered in this State if the constable determines that the vehicle is not properly registered. The constable shall, upon the issuance of such citation, charge and collect a fee of \$100 from the person to whom the citation is issued, which may be retained by the constable as compensation.***

3. If a sheriff or his deputy in any county in this State arrests a person charged with a criminal offense or in the commission of an offense, the sheriff or his deputy shall serve all process, whether mesne or final, and attend the court executing the order thereof in the prosecution of the person so arrested, whether in a justice court or a district court, to the conclusion, and whether the offense is an offense of which a justice of the peace has jurisdiction, or whether the proceeding is a preliminary examination or hearing. The sheriff or his deputy shall collect the same fees and in the same manner therefor as the constable of the township in which the justice court is held would receive for the same service.

Sec. 2. NRS 258.125 is hereby amended to read as follows:

258.125 1. Constables are entitled to the following fees for their services:

For serving a summons or other process by which a suit is commenced in civil cases.....	\$17
For summoning a jury before a justice of the peace .....	7
For taking a bond or undertaking.....	5
For serving an attachment against the property of a defendant.....	9
For serving subpoenas, for each witness.....	15
For a copy of any writ, process or order or other paper, when demanded or required by law, per folio.....	3
For drawing and executing every constable's deed, to be paid by the grantee, who must also pay for the acknowledgment thereof.....	20
For each certificate of sale of real property under execution.....	5
For levying any writ of execution or writ of garnishment, or executing an order of arrest in civil cases, or order for delivery of personal property, with traveling fees as for summons .....	9
For serving one notice required by law before the commencement of a proceeding for any type of eviction .....	26

For serving not fewer than 2 nor more than 10 such notices to the same location, each notice ..... \$20  
 For serving not fewer than 11 nor more than 24 such notices to the same location, each notice ..... 17  
 For serving 25 or more such notices to the same location, each notice ..... 15  
 For mileage in serving such a notice, for each mile necessarily and actually traveled in going only ..... 2  
 But if two or more notices are served at the same general location during the same period, mileage may only be charged for the service of one notice.  
 For each service in a summary eviction, except service of any notice required by law before commencement of the proceeding, and for serving notice of and executing a writ of restitution ..... 21  
 For making and posting notices, and advertising property for sale on execution, not to include the cost of publication in a newspaper..... 9  
 For each warrant lawfully executed..... 48  
 For mileage in serving summons, attachment, execution, order, venire, subpoena, notice, summary eviction, writ of restitution or other process in civil suits, for each mile necessarily and actually traveled, in going only ..... 2  
 But when two or more persons are served in the same suit, mileage may only be charged for the most distant, if they live in the same direction.  
 For mileage in making a diligent but unsuccessful effort to serve a summons, attachment, execution, order, venire, subpoena or other process in civil suits, for each mile necessarily and actually traveled, in going only ..... 2  
 But mileage may not exceed \$20 for any unsuccessful effort to serve such process.

2. A constable is also entitled to receive:

(a) For receiving and taking care of property on execution, attachment or order, his actual necessary expenses, to be allowed by the court which issued the writ or order, upon the affidavit of the constable that the charges are correct and the expenses necessarily incurred.

(b) For collecting all sums on execution or writ, to be charged against the defendant, on the first ~~[\$3,500.]~~ **\$10,000**, 2 percent thereof, and on all amounts over that sum, one-half of 1 percent.

(c) For service in criminal cases, except for execution of warrants, the same fees as are allowed sheriffs for like services, to be allowed, audited and paid as are other claims against the county.

(d) For removing or causing the removal of, pursuant to NRS 487.230, a vehicle that has been abandoned on public property, ~~[\$50.]~~ **\$100**.

3. Deputy sheriffs acting as constables are not entitled to retain for their own use any fees collected by them, but the fees must be paid into the county treasury on or before the fifth working day of the month next succeeding the month in which the fees were collected.

4. Constables shall, on or before the fifth working day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except fees which may be retained as compensation.

Sec. 3. NRS 482.255 is hereby amended to read as follows:

482.255 1. Upon receipt of a certificate of registration, the owner shall place it or a legible copy in the vehicle for which it is issued and keep it in the vehicle. If the vehicle is a motorcycle, trailer or semitrailer, he shall carry the certificate in the tool bag or other convenient receptacle attached to the vehicle.

2. The owner or operator of a motor vehicle shall, upon demand, surrender the certificate of registration or the copy for examination to any peace officer, *including a constable, or a* justice of the peace or deputy of the Department.

3. No person charged with violating this section may be convicted if he produces in court a certificate of registration which was previously issued to him and was valid at the time of the demand.

Sec. 4. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsection ~~4~~ 5 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. When a person, formerly a nonresident, becomes a resident of this State, he shall:

(a) Within 60 days after becoming a resident; or

(b) At the time he obtains his driver's license,

↪ whichever occurs earlier, apply for the registration of each vehicle he owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. ~~A person who violates the provisions of~~



~~this subsection is guilty of a misdemeanor and shall be punished by a fine of not less than \$250 nor more than \$500 and such fine is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested. In addition, the~~ *The* Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of this subsection and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

4. *A person who violates the provisions of subsection 3 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of \$1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 3. The fine imposed pursuant to this subsection may be reduced to not less than \$200 if the person presents evidence at the time of his hearing that he has registered the vehicle pursuant to this chapter.*

5. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his continuous use within this State, shall cause that vehicle to be registered within 60 days after beginning its operation within this State.

~~5.1~~ 6. A person registering a vehicle pursuant to the provisions of subsection 3, ~~4.1~~ 5 or ~~6.1~~ 7 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of his previous registration.

~~6.1~~ 7. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

~~7.1~~ 8. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

~~8.1~~ 9. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State; or

(b) The vehicle is used in this State for a gainful purpose.

↪ *As used in this subsection, "peace officer" includes a constable.*

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 222.

Bill read second time and ordered to third reading.

Senate Bill No. 244.

Bill read second time and ordered to third reading.

Senate Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 743.

AN ACT relating to vehicles; prohibiting a manufacturer from requiring a dealer to alter substantially an existing facility of the dealer or construct a new facility except under certain circumstances; prohibiting a manufacturer from taking adverse action against a dealer relating to the exportation of a vehicle outside the United States except under certain circumstances; providing for the licensure of an agent of a broker; revising provisions governing the modification or replacement of a franchise; establishing fees; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

**Section 2** of this bill prohibits a manufacturer from requiring a dealer to alter substantially an existing facility or to construct a new facility for any new vehicles that are handled by the dealer under certain circumstances. **Section 2** also provides that such a requirement constitutes a modification of the franchise of the dealer.

**Section 3** of this bill prohibits a manufacturer from taking adverse action against a dealer who sells a vehicle which is later exported outside the United States, unless the dealer had actual knowledge of or reasonably should have known of the exportation of the vehicle.

**Sections 5 and 14** of this bill provide for the licensure of an agent for a broker of vehicles in this State. A person who violates the provisions governing the licensure of such agents is guilty of a misdemeanor.

**Section 8** of this bill provides that if a manufacturer is purchased by another manufacturer or entity, a dealer must be offered a franchise agreement that is substantially similar to the franchise agreement offered to other dealers of the same line-make vehicles. **Section 8** defines such vehicles as those vehicles which are offered for sale, lease or distribution under the same name, trademark, service mark or brand of the manufacturer of the vehicles. (NRS 482.36354)

~~{ Section 13 of this bill provides that the forms for the application for credit and contracts to be used in the sale of vehicles prescribed by the Commissioner of Financial Institutions must contain a provision that provides if the seller elects to rescind the contract, he must provide written notice to the buyer not more than 20 days after the date of the contract. (NRS 97.299) }~~

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *1. A manufacturer shall not require a dealer:*

*(a) To alter substantially an existing facility of the dealer; or*

*(b) To construct a new facility,*

*↪ for any new vehicles that are handled by the dealer, unless the alteration or new construction constitutes a reasonable facility requirement in accordance with the franchise agreement.*

*2. If a manufacturer requires a substantial alteration of an existing facility of the dealer or requires the dealer to construct a new facility, that requirement constitutes a modification of the franchise of the dealer for the purposes of this section, NRS 482.36311 to 482.36425, inclusive, and sections 3 and 4 of this act.*

Sec. 3. *A manufacturer shall not modify the franchise of a dealer or take any adverse action against a dealer that sells a vehicle which is later exported outside the United States, unless the dealer had actual knowledge of or reasonably should have known of the exportation of the vehicle.*

Sec. 4. (Deleted by amendment.)

Sec. 5. *1. A person shall not engage in the activity of an agent for a broker, or act in the capacity of an agent in this State without first having received a license or temporary permit from the Department. Before issuing a license or temporary permit to engage in the activity of an agent, the Department shall require the applicant to submit to the Department:*

*(a) An application, signed and verified by the applicant, stating:*

*(1) That the applicant is to engage in the activity of an agent;*

*(2) The name, residence address and social security number of the applicant; and*

*(3) The name and address of the employer of the applicant.*

*(b) Proof of the employment of the applicant by a broker at the time the application is filed.*

*(c) A statement as to whether any previous application of the applicant has been denied or any previous license of the applicant has been revoked.*

*(d) Payment of a nonrefundable license fee of \$75. The license expires on December 31 of each calendar year and may be renewed annually upon the payment of a fee of \$40.*

*(e) For initial licensure, a complete set of his fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

*(f) Any other information the Department determines necessary.*

2. *The Department may issue a 60-day temporary permit to an applicant who has submitted a complete application and paid the required fee.*

3. *A license to act as an agent of a broker issued pursuant to this section does not authorize a person to engage in the business of selling mobile homes.*

4. *The Department may deny an application for a license as an agent or suspend or revoke a license issued pursuant to this section upon any of the following grounds:*

(a) *Failure of the applicant to establish by proof satisfactory to the Department that he is employed by a broker.*

(b) *Conviction of a felony.*

(c) *Conviction of a gross misdemeanor.*

(d) *Conviction of a misdemeanor for a violation of any of the provisions of this chapter.*

(e) *Falsification of the application.*

(f) *Evidence of unfitness as described in NRS 482.3255.*

(g) *Failure of the applicant to provide any information determined necessary by the Department to process the application.*

(h) *Any reason determined by the Director to be in the best interests of the public.*

5. *An agent shall not engage in any activity, or act in any other capacity as an agent other than for the account of, or for and on behalf of, a single employer, at a specified place of business of that employer, who must be a broker.*

6. *If an application for a license as an agent is denied, the applicant may reapply for a license not less than 6 months after the denial.*

7. *An agent's license must be posted in a conspicuous place on the premises of the broker by whom the agent is employed.*

8. *If an agent ceases to be employed by a broker, his license to act as an agent is automatically suspended and his right to act as an agent immediately ceases, and he shall not engage in the activity of an agent until he has:*

(a) *Paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating that he has been reemployed by a broker; and*

(b) *Presented a current temporary permit or new license to the broker by whom he is employed.*

9. *If an agent changes his residential address, he shall submit a written notice of the change to the Department within 10 days after the change occurs.*

10. *If a person who holds a temporary permit to act as an agent ceases to be employed by a broker, his permit to act as an agent is automatically suspended, his right to act as an agent immediately ceases and his application for licensure must be denied until he has:*

*(a) Paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating that he has been reemployed by a broker; and*

*(b) Presented a current temporary permit or new license to the broker by whom he is employed.*

*11. A broker who employs an agent shall notify the Department of the termination of employment of the agent not later than 10 days after the date of termination by forwarding the license of the agent to the Department.*

*12. Any person who fails to comply with the provisions of this section is guilty of a misdemeanor except as otherwise provided in NRS 482.555.*

*13. As used in this section, “agent” means a person who is employed by a broker and who, for a fee or any other consideration, assists the broker in offering to provide to another person the service of arranging, negotiating or assisting in the purchase of a new or used vehicle which has not been registered or for which an ownership interest has not been taken by the broker.*

Sec. 6. NRS 482.319 is hereby amended to read as follows:

482.319 1. Except as otherwise provided in subsection 5, a natural person who applies for the issuance or renewal of a license issued pursuant to the provisions of NRS 482.318 to 482.363105, inclusive, **and section 5 of this act** shall submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license may not be issued or renewed by the Department pursuant to the provisions of NRS 482.318 to 482.363105, inclusive, **and section 5 of this act** if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. If a licensee renews an existing license electronically, the licensee shall keep the original of the statement required pursuant to subsection 1 at his place of business for not less than 3 years after submitting the electronic renewal. The statement must be available during business hours for inspection by any authorized agent of the Director or the State of Nevada.

Sec. 7. NRS 482.3195 is hereby amended to read as follows:

482.3195 1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to NRS 482.318 to 482.363105, inclusive, **and section 5 of this act**, the Department shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Department shall reinstate a license issued pursuant to NRS 482.318 to 482.363105, inclusive, **and section 5 of this act** that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 7.5. NRS 482.36311 is hereby amended to read as follows:

482.36311 As used in NRS 482.36311 to 482.36425, inclusive, **and sections 2, 3 and 4 of this act**, unless the context otherwise requires, the words and terms defined in NRS 482.36318 to 482.36348, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 482.36354 is hereby amended to read as follows:

482.36354 1. A manufacturer or distributor shall not modify the franchise of a dealer or replace the franchise with another franchise if the modification or replacement would have a substantially adverse effect upon the dealer's investment or his obligations to provide sales and service, unless:

(a) The manufacturer or distributor has given written notice of its intention to the Director and the dealer affected by the intended modification or replacement; and

(b) Either of the following conditions occurs:

(1) The dealer does not file a protest with the Director within 30 days after receiving the notice; or

(2) After a protest has been filed with the Director and the Director has conducted a hearing, the Director issues an order authorizing the manufacturer or distributor to modify or replace the franchise.

2. The notice required by subsection 1 must be given to the dealer and to the Director at least 60 days before the date on which the intended action is to take place.

3. If a manufacturer or distributor changes the area of primary responsibility of a dealer, the change constitutes a modification of the franchise of the dealer for the purposes of NRS 482.36311 to 482.36425, inclusive ~~[-]~~, **and sections 2, 3 and 4 of this act**. As used in this subsection, “area of primary responsibility” means the geographic area in which a dealer, pursuant to a franchise agreement, is responsible for selling, servicing and otherwise representing the products of a manufacturer or distributor.

**4. Notwithstanding the provisions of this section, if a manufacturer is purchased by another manufacturer or entity, a dealer must be offered a franchise agreement that is substantially similar to the franchise agreement offered to other dealers of the same line-make vehicles.**

**5. As used in this section, “line-make vehicles” means those vehicles which are offered for sale, lease or distribution under the same name, trademark, service mark or brand of the manufacturer of the vehicles.**

Sec. 8.2. NRS 482.36366 is hereby amended to read as follows:

482.36366 1. Each witness, other than an officer or employee of the State or of a political subdivision of the State or an expert witness, who appears by order of the Director in a hearing pursuant to NRS 482.36311 to 482.36425, inclusive, **and sections 2, 3 and 4 of this act** is entitled to receive for his attendance the same fees allowed by law to witnesses in civil cases. Except as otherwise provided in subsection 2, the amount must be paid by the party at whose request the witness is ordered to appear.

2. The Director may assess other costs against the parties as he deems appropriate. After any hearing on a protest filed pursuant to NRS 482.36352, 482.36354 or 482.36357, if the Director determines that the manufacturer or distributor has failed to establish that there is good cause to terminate, refuse to continue, modify or replace a franchise, or to establish an additional dealership or relocate an existing dealership, the Director shall award to the dealer his attorney’s fees and costs.

3. For the purposes of this section, “costs” includes:

(a) Except as otherwise provided in paragraph (b), any applicable cost set forth in NRS 18.005; and

(b) The actual amount of any fees paid by a dealer to an expert witness in connection with the hearing.

Sec. 8.4. NRS 482.3638 is hereby amended to read as follows:

482.3638 It is an unfair act or practice for any manufacturer, distributor or factory branch, directly or through any representative, to:

1. Require a dealer to agree to a release, assignment, novation, waiver or estoppel which purports to relieve any person from liability imposed by this chapter, or require any controversy between a dealer and a manufacturer, distributor or representative to be referred to any person or agency except as set forth in this chapter if that referral would be binding on the dealer, except

that this section does not prevent the parties from mutually agreeing to arbitration pursuant to law.

2. Require a dealer to agree to the jurisdiction, venue or tribunal in which a controversy arising under the provisions of the franchise agreement may or may not be submitted for resolution, or prohibit a dealer from bringing an action in any forum allowed by Nevada law.

3. Require a dealer to agree to a term or condition of a franchise agreement which violates any provision of NRS 482.36311 to 482.36425, inclusive ~~and~~, **and sections 2, 3 and 4 of this act.**

4. Require a dealer to waive a trial by jury in actions involving the manufacturer, distributor or factory branch.

5. Increase prices of new vehicles which the dealer had ordered for private retail consumers before his receipt of the written official notification of a price increase. A sales contract signed by a retail consumer constitutes evidence of each order. Price changes applicable to new models or series of vehicles at the time of the introduction of the new models or series shall not be deemed a price increase. Price changes caused by:

(a) The addition to a vehicle of equipment formerly optional as standard or required equipment pursuant to state or federal law;

(b) Revaluation of the United States dollar in the case of foreign-made vehicles; or

(c) Transportation cost increases,  
↪ are not subject to this subsection.

6. Deny the principal owner the opportunity to designate his spouse, a member of his family, a qualified manager, or a trust or other artificial person controlled by any of them as entitled to participate in the ownership of:

(a) The franchised dealership;

(b) A successor franchised dealership for 2 years or a longer reasonable time after the incapacity of the principal owner; or

(c) A successor franchised dealership after the death of the principal in accordance with NRS 482.36396 to 482.36414, inclusive.

7. Modify unilaterally, replace, enter into, relocate, terminate or refuse to renew a franchise in violation of law.

8. Terminate or refuse to approve a transfer of a franchise for a dealership, or honor the right of succession set forth in a franchise agreement or refuse to approve the transfer of a controlling interest in a dealership because the dealer has, before October 1, 1997, established an additional franchise to sell or service another line or make of new vehicles in the same facility as the existing dealership.

9. Prevent a dealer from establishing, on or after October 1, 1997, an additional franchise to sell or service another line or make of new vehicles in the same facility as the existing dealership if the dealer:

(a) Submits a written request for approval of the additional franchise to the manufacturer, distributor or factory branch of the existing dealership;



(b) Complies with the reasonable requirements for approval set forth in the franchise of the existing dealership; and

(c) Obtains the approval of the manufacturer, distributor or factory branch of the existing dealership.

↪ The manufacturer, distributor or factory branch shall notify the dealer in writing of its decision to approve or deny the request within 90 days after receipt of the request. The manufacturer, distributor or factory branch shall not unreasonably withhold its approval. If the request is denied, the material reasons for the denial must be stated. Failure to approve or deny the request, in writing, within 90 days has the effect of approval.

Sec. 8.6. NRS 482.36423 is hereby amended to read as follows:

482.36423 1. Whenever it appears that a person has violated, is violating or is threatening to violate any provision of NRS 482.36311 to 482.36425, inclusive, **and sections 2, 3 and 4 of this act**, any person aggrieved thereby may apply to the district court in the county where the defendant resides, or in the county where the violation or threat of violation occurs, for injunctive relief to restrain the person from continuing the violation or threat of violation.

2. In addition to any other judicial relief, any dealer or person who assumes the operation of a franchise pursuant to NRS 482.36396 to 482.36414, inclusive, who is injured in his business or property by reason of a violation of NRS 482.36311 to 482.36425, inclusive, **and sections 2, 3 and 4 of this act** may bring an action in the district court in which the dealership is located, and may recover three times the pecuniary loss sustained by him, and the cost of suit, including a reasonable attorney's fee. The amount of pecuniary loss sustained by a dealer, pursuant to subsection 7 of NRS 482.3638, is the fair market value of the franchised dealership at the time of notification of termination, refusal to continue or unilateral modification of a franchise.

3. Any artificial person created and existing under the laws of any other state, territory, foreign government or the government of the United States, or any person residing outside the State, who grants a franchise to any dealer in this State may be served with any legal process in any action for injunctive relief or civil damages in the following manner:

(a) By delivering a copy of the process to the Director; and

(b) By mailing to the last known address of the manufacturer or distributor, by certified mail, return receipt requested, a copy of the summons and a copy of the complaint, together with copies of any petition or order for injunctive relief.

4. The defendant has 30 days, exclusive of the day of service, within which to answer or plead.

5. The method of service provided in this section is cumulative and may be utilized with, after or independently of all other methods of service.

Sec. 8.8. NRS 482.36425 is hereby amended to read as follows:

482.36425 1. Any manufacturer or distributor who willfully violates any provision of NRS 482.36311 to 482.36425, inclusive, *and sections 2, 3 and 4 of this act* is subject to a civil penalty of not less than \$50 nor more than \$1,000 for each day of violation and for each act of violation. All civil penalties recovered must be paid to the State of Nevada.

2. Whenever it appears that a manufacturer or distributor has violated, is violating or is threatening to violate any provision of NRS 482.36311 to 482.36425, inclusive, *and sections 2, 3 and 4 of this act*, the Attorney General may institute a civil suit in any district court of this State for injunctive relief to restrain the violation or threat of violation or, if the violation or threat is willful, for the assessment and recovery of the civil penalty, or both.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. ~~NRS 97.299 is hereby amended to read as follows:~~

~~97.299 1. The Commissioner of Financial Institutions shall prescribe, by regulation, forms for the application for credit and contracts to be used in the sale of vehicles if:~~

~~(a) The sale involves the taking of a security interest to secure all or a part of the purchase price of the vehicle;~~

~~(b) The application for credit is made to or through the seller of the vehicle;~~

~~(c) The seller is a dealer; and~~

~~(d) The sale is not a commercial transaction.~~

~~2. The forms prescribed pursuant to subsection 1 must meet the requirements of NRS 97.165, must be accepted and acted upon by any lender to whom the application for credit is made and, in addition to the information required in NRS 97.185 and required to be disclosed in such a transaction by federal law, must:~~

~~(a) Identify and itemize the items embodied in the cash sale price, including the amount charged for a contract to service the vehicle after it is purchased.~~

~~(b) In specifying the amount of the buyer's down payment, identify the amounts paid in money and allowed for property given in trade and the amount of any manufacturer's rebate applied to the down payment.~~

~~(c) Contain a description of any property given in trade as part of the down payment.~~

~~(d) Contain a description of the method for calculating the unearned portion of the finance charge upon prepayment in full of the unpaid total of payments as prescribed in NRS 97.225.~~

~~(e) Contain a provision which provides that if the seller elects to rescind the contract as a result of being unable to assign the contract to a financial institution with whom the seller regularly does business, the seller must~~

~~provide written notice to the buyer not more than 20 days after the date of the contract.~~

~~(f) Include the following notice in at least 10-point bold type:~~

~~**NOTICE TO BUYER**~~

~~Do not sign this agreement before you read it or if it contains any blank spaces. You are entitled to a completed copy of this agreement. If you pay the amount due before the scheduled date of maturity of the indebtedness and you are not in default in the terms of the contract for more than 2 months, you are entitled to a refund of the unearned portion of the finance charge. If you fail to perform your obligations under this agreement, the vehicle may be repossessed and you may be liable for the unpaid indebtedness evidenced by this agreement.~~

~~3.—The Commissioner shall arrange for or otherwise cause the translation into Spanish of the forms prescribed pursuant to subsection 1.~~

~~4.—If a change in state or federal law requires the Commissioner to amend the forms prescribed pursuant to subsection 1, the Commissioner need not comply with the provisions of chapter 233B of NRS when making those amendments.~~

~~5.—As used in this section:~~

~~(a) "Commercial transaction" means any sale of a vehicle to a buyer who purchases the vehicle solely or primarily for commercial use or resale.~~

~~(b) "Dealer" has the meaning ascribed to it in NRS 482.020.] (Deleted by amendment.)~~

Sec. 14. Section 5 of this act is hereby amended to read as follows:

Sec. 5. 1. A person shall not engage in the activity of an agent for a broker, or act in the capacity of an agent in this State without first having received a license or temporary permit from the Department. Before issuing a license or temporary permit to engage in the activity of an agent, the Department shall require the applicant to submit to the Department:

(a) An application, signed and verified by the applicant, stating:

(1) That the applicant is to engage in the activity of an agent;

(2) The name ~~[,]~~ **and** residence address ~~[and social security number]~~ of the applicant; and

(3) The name and address of the employer of the applicant.

(b) Proof of the employment of the applicant by a broker at the time the application is filed.

(c) A statement as to whether any previous application of the applicant has been denied or any previous license of the applicant has been revoked.

(d) Payment of a nonrefundable license fee of \$75. The license expires on December 31 of each calendar year and may be renewed annually upon the payment of a fee of \$40.

(e) For initial licensure, a complete set of his fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(f) Any other information the Department determines necessary.

2. The Department may issue a 60-day temporary permit to an applicant who has submitted a complete application and paid the required fee.

3. A license to act as an agent of a broker issued pursuant to this section does not authorize a person to engage in the business of selling mobile homes.

4. The Department may deny an application for a license as an agent or suspend or revoke a license issued pursuant to this section upon any of the following grounds:

(a) Failure of the applicant to establish by proof satisfactory to the Department that he is employed by a broker.

(b) Conviction of a felony.

(c) Conviction of a gross misdemeanor.

(d) Conviction of a misdemeanor for a violation of any of the provisions of this chapter.

(e) Falsification of the application.

(f) Evidence of unfitness as described in NRS 482.3255.

(g) Failure of the applicant to provide any information determined necessary by the Department to process the application.

(h) Any reason determined by the Director to be in the best interests of the public.

5. An agent shall not engage in any activity, or act in any other capacity as an agent other than for the account of, or for and on behalf of, a single employer, at a specified place of business of that employer, who must be a broker.

6. If an application for a license as an agent is denied, the applicant may reapply for a license not less than 6 months after the denial.

7. An agent's license must be posted in a conspicuous place on the premises of the broker by whom the agent is employed.

8. If an agent ceases to be employed by a broker, his license to act as an agent is automatically suspended and his right to act as an agent immediately ceases, and he shall not engage in the activity of an agent until he has:

(a) Paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating that he has been reemployed by a broker; and

(b) Presented a current temporary permit or new license to the broker by whom he is employed.

9. If an agent changes his residential address, he shall submit a written notice of the change to the Department within 10 days after the change occurs.

10. If a person who holds a temporary permit to act as an agent ceases to be employed by a broker, his permit to act as an agent is automatically suspended, his right to act as an agent immediately ceases and his application for licensure must be denied until he has:

(a) Paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating that he has been reemployed by a broker; and

(b) Presented a current temporary permit or new license to the broker by whom he is employed.

11. A broker who employs an agent shall notify the Department of the termination of employment of the agent not later than 10 days after the date of termination by forwarding the license of the agent to the Department.

12. Any person who fails to comply with the provisions of this section is guilty of a misdemeanor except as otherwise provided in NRS 482.555.

13. As used in this section, “agent” means a person who is employed by a broker and who, for a fee or any other consideration, assists the broker in offering to provide to another person the service of arranging, negotiating or assisting in the purchase of a new or used vehicle which has not been registered or for which an ownership interest has not been taken by the broker.

Sec. 15. 1. This section and sections 1 to 4, inclusive, and 7.5 to 13, inclusive, of this act become effective upon passage and approval.

2. Sections 5, 6 and 7 of this act become effective on July 1, 2010.

3. Section 5 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,  
 ↪ are repealed by the Congress of the United States.

4. Section 14 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,  
 ↪ are repealed by the Congress of the United States.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 247.

Bill read second time and ordered to third reading.

Senate Bill No. 288.

Bill read second time and ordered to third reading.

Senate Bill No. 339.

Bill read second time and ordered to third reading.

Senate Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Education:  
Amendment No. 760.

AN ACT relating to education; revising provisions governing public schools that are designated as demonstrating need for improvement; revising other provisions related to the accountability of public schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a "Title I school" is a public school that receives money pursuant to the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and is obligated to comply with the provisions of that federal law. (NRS 385.3746) Existing law requires each public school to be designated annually as demonstrating exemplary achievement, high achievement, adequate achievement or need for improvement. (NRS 385.3263, 385.3266) Under existing law, if a school is designated as demonstrating need for improvement for 2 or more consecutive years, increasingly progressive actions must be taken to improve the achievement of pupils enrolled at the school. (NRS 385.3455-385.391)

Under existing law, if a school is designated as demonstrating need for improvement for 3 or more consecutive years, a support team must be established for the school. (NRS 385.3721, 385.3745) This bill eliminates the requirement for the Department of Education to establish a support team for a school, and **section 6** of this bill authorizes the Department, if deemed necessary, to establish a support team for such a school. (NRS 385.361)

**Section 10** of this bill requires the board of trustees of a school district or the governing body of a charter school to conduct a comprehensive audit for a school that is designated as demonstrating need for improvement for 3 consecutive years, including an audit of the curriculum implemented at the school. (NRS 385.3721)

**Section 16** of this bill eliminates the requirement that the Department develop and carry out a new curriculum for certain schools that have demonstrated need for improvement for 3 consecutive years. (NRS 385.3744)

**Section 18** of this bill requires the development of a turnaround plan for each school that is not a Title I school that has demonstrated need for improvement for 4 consecutive years. (NRS 385.3745)

**Section 19** of this bill maintains the requirement that a restructuring plan must be developed if a Title I school has demonstrated need for improvement for 4 consecutive years and prescribes the requirements for such plans. (NRS 385.3746)

**Sections 2 and 3** of this bill require the implementation of the turnaround plan for each school that is not a Title I school if the school demonstrates need for improvement 5 or more consecutive years and requires the Department to monitor the implementation of that plan.

**Section 3.5** of this bill requires the implementation of a restructuring plan for each Title I school if the school demonstrates need for improvement for 5 or more consecutive years.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 3.5 of this act.

Sec. 2. **1. If a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 5 or more consecutive years for failure to make adequate yearly progress:**

*(a) The board of trustees of the school district shall:*

*(1) Except as otherwise provided in subsection 3 of section 3 of this act, repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and , not later than September 30, implement the turnaround plan to improve the academic achievement of pupils enrolled in the school developed pursuant to NRS 385.3745;*

*(2) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and*

*(3) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*

*(b) The State Board shall prescribe by regulation the actions which the Department may take to monitor the implementation of any corrective action at the school.*

**2. If a charter school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 5 or more consecutive years for failure to make adequate yearly progress:**

*(a) The governing body of the charter school shall:*

*(1) Except as otherwise provided in subsection 3 of section 3 of this act, repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and , not later than September 30, implement the turnaround plan to improve the academic achievement of pupils enrolled in the school developed pursuant to NRS 385.3745.*

*(2) Provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on a form prescribed by the Department pursuant to NRS 385.382.*

*(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*

*(c) For a charter school sponsored by the State Board or by a college or university within the Nevada System of Higher Education, the Department*

*shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*

*(d) The State Board shall prescribe by regulation the actions which the Department may take to monitor the implementation of any corrective action at the charter school.*

*Sec. 3. 1. Except as otherwise provided in subsection 3, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 5 or more consecutive years for failure to make adequate yearly progress:*

*(a) The Department may, for a charter school sponsored by the State Board or by a college or university within the Nevada System of Higher Education, take corrective action as set forth in NRS 385.3744 or proceed with consequences or sanctions, or both, as prescribed by the State Board pursuant to NRS 385.361.*

*(b) The board of trustees of a school district may, for a school of the school district or a charter school sponsored by the board of trustees, take corrective action as set forth in NRS 385.3744 or proceed with consequences or sanctions, or both, as prescribed by the State Board pursuant to NRS 385.361.*

*2. The Department shall monitor the implementation of the turnaround plan for the school developed pursuant to NRS 385.3745.*

*3. The Department or the board of trustees of a school district, as applicable, shall grant a delay from the imposition of corrective action, consequences or sanctions pursuant to this section for a school, including, without limitation, the development and implementation of a turnaround plan, for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the Department or the board of trustees, as applicable, may proceed with corrective action or with consequences or sanctions, or both, for the school, as appropriate, as if the delay never occurred.*

*4. Before the board of trustees or the Department proceeds with consequences or sanctions, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:*

*(a) Notice that the board of trustees or the Department, as applicable, will proceed with consequences or sanctions for the school;*

*(b) An opportunity to comment before the consequences or sanctions are carried out; and*

*(c) An opportunity to participate in the development of the consequences or sanctions.*

*Sec. 3.5. 1. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 5 or more consecutive years:*



*(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:*

*(1) Except as otherwise provided in subsection 2, repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and , not later than September 30, implement the plan for restructuring the school developed pursuant to NRS 385.3746 if required by 20 U.S.C § 6316(b)(8) and the regulations adopted pursuant thereto;*

*(2) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382;*

*(3) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto;*

*(4) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and*

*(5) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.*

*(b) If the school is a charter school:*

*(1) Sponsored by the board of trustees of a school district, the board of trustees shall:*

*(I) Except as otherwise provided in subsection 3, repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and , not later than September 30, implement the plan for restructuring the charter school developed pursuant to NRS 385.3746 if required by 20 U.S.C § 6316(b)(8) and the regulations adopted pursuant thereto;*

*(II) Provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382;*

*(III) Ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto; and*

*(IV) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.*

*(2) Sponsored by the State Board or by a college or university within the Nevada System of Higher Education, the Department shall:*

*(I) Except as otherwise provided in subsection 3, repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and, not later than September 30, implement the plan for restructuring the charter school developed pursuant to NRS 385.3746 if*

required by 20 U.S.C § 6316(b)(8) and the regulations adopted pursuant thereto;

(II) Provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382;

(III) Ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto; and

(IV) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(3) Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

(c) The State Board shall prescribe by regulation the actions which the Department may take to monitor the implementation of any corrective action at the school or charter school.

2. The board of trustees of a school district shall grant a delay from the imposition of a plan for restructuring for a school, including, without limitation, the development and implementation of a plan for restructuring, for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of delay, the board of trustees shall proceed with a plan for restructuring the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of a plan for restructuring for a school, including, without limitation, the development and implementation of a plan for restructuring, for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of delay, the Department shall proceed with a plan for restructuring the charter school as if the delay never occurred.

4. Before the board of trustees of a school district or the Department proceeds with a plan for restructuring, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees or the Department, as applicable, will develop a plan for restructuring the school;

(b) An opportunity to comment before the plan to restructure is developed; and

*(c) An opportunity to participate in the development of the plan to restructure.*

Sec. 4. NRS 385.3455 is hereby amended to read as follows:

385.3455 As used in NRS 385.3455 to 385.391, inclusive, **and sections 2, 3 and 3.5 of this act**, unless the context otherwise requires, the words and terms defined in NRS 385.346 to 385.34675, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 385.3468 is hereby amended to read as follows:

385.3468 The provisions of NRS 385.3455 to 385.391, inclusive, **and sections 2, 3 and 3.5 of this act** do not supersede, negate or otherwise limit the effect or application of the provisions of chapters 288 and 391 of NRS or the rights, remedies and procedures afforded to employees of a school district under the terms of collective bargaining agreements, memoranda of understanding or other such agreements between employees and their employers.

Sec. 5.5. NRS 385.357 is hereby amended to read as follows:

385.357 1. ~~[The]~~ **Except as otherwise provided in sections 2 and 3.5 of this act, the** principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

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

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

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

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

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each group of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each group will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies, consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located,

to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children.

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

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

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

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

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

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

(4) Manage effectively the discipline of pupils; and

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

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

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

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

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

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

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

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

(p) A budget of the overall cost for carrying out the plan.

3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.

4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:

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

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

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 and a support team has been established for the school, the support team shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS 385.3741. If the school is a Title I school that has been designated as demonstrating need for improvement, the support team established for the school shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the support team, outside experts.

6. On or before November 1 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

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

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

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto.

Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before December 15 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

- (a) Superintendent of Public Instruction;
- (b) Governor;
- (c) State Board;
- (d) Department;
- (e) Committee;
- (f) Bureau; and
- (g) Board of trustees of the school district in which the school is located.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than January 1 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 5.7. NRS 385.359 is hereby amended to read as follows:

385.359 1. The Bureau shall contract with a person or entity to:

(a) Review and analyze, in accordance with the standards prescribed by the Committee pursuant to subsection 2 of NRS 218.5354, the:

(1) Annual report of accountability prepared by:

(I) The State Board pursuant to NRS 385.3469; and

(II) The board of trustees of each school district pursuant to NRS 385.347.

(2) Plan to improve the achievement of pupils prepared by:

(I) The State Board pursuant to NRS 385.34691;

(II) The board of trustees of each school district pursuant to NRS 385.348; and

(III) Each school pursuant to NRS 385.357 identified by the Bureau for review, if any ~~[-]~~ , *or if such a plan has not been prepared, the*

*turnaround plan for the schools identified by the Bureau, if any, implemented pursuant to section 2 of this act or the plan for restructuring the school implemented pursuant to section 3.5 of this act, as applicable.*

(b) Submit a written report to and consult with the State Board and the Department regarding any methods by which the State Board may improve the accuracy of the report of accountability required pursuant to NRS 385.3469 and the plan to improve the achievement of pupils required pursuant to NRS 385.34691, and the purposes for which the report and plan to improve are used.

(c) Submit a written report to and consult with each school district regarding any methods by which the district may improve the accuracy of the report required pursuant to subsection 2 of NRS 385.347 and the plan to improve the achievement of pupils required pursuant to NRS 385.348, and the purposes for which the report and plan to improve are used.

(d) If requested by the Bureau, submit a written report to and consult with individual schools identified by the Bureau regarding any methods by which the school may improve the accuracy of the information required to be reported for the school pursuant to subsection 2 of NRS 385.347 and the ~~plan~~:

(1) *Plan* to improve the achievement of pupils required pursuant to NRS 385.357 ~~};~~;

(2) *Turnaround plan for the school implemented pursuant to section 2 of this act; or*

(3) *Plan for restructuring the school implemented pursuant to section 3.5 of this act,*

*↪ whichever is applicable for the school.*

(e) Submit written reports and any recommendations to the Committee and the Bureau concerning:

(1) The effectiveness of the provisions of NRS 385.3455 to 385.391, inclusive, in improving the accountability of the schools of this State;

(2) The status of each school district that is designated as demonstrating need for improvement pursuant to NRS 385.377 and each school that is designated as demonstrating need for improvement pursuant to NRS 385.3623; and

(3) Any other matter related to the accountability of the public schools of this State, as deemed necessary by the Bureau.

2. The consultant with whom the Bureau contracts to perform the duties required pursuant to subsection 1 must possess the experience and knowledge necessary to perform those duties, as determined by the Committee.

Sec. 6. NRS 385.361 is hereby amended to read as follows:

385.361 1. The State Board shall define the measurement for determining whether each public school, each school district and this State are making adequate yearly progress. The definition of adequate yearly progress must:

(a) Comply with 20 U.S.C. § 6311(b)(2) and the regulations adopted pursuant thereto;

(b) Be designed to ensure that all pupils will meet or exceed the minimum level of proficiency set by the State Board, including, without limitation:

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

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

(3) Pupils with disabilities; and

(4) Pupils who are limited English proficient;

(c) Be based primarily upon the measurement of progress of pupils on the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable;

(d) Include annual measurable objectives established pursuant to 20 U.S.C. § 6311(b)(2)(G) and the regulations adopted pursuant thereto;

(e) For high schools, include the rate of graduation; and

(f) For elementary schools, junior high schools and middle schools, include the rate of attendance.

2. The examination in science must not be included in the definition of adequate yearly progress.

3. The State Board shall prescribe, by regulation, the *differentiated corrective actions, the consequences or the sanctions, or ~~both,~~ any combination thereof, based upon the identified needs of the public school, including, without limitation, ~~a disproportionate number,~~ the educational needs of English language learners, ~~for~~ pupils ~~receiving special education services or other educational needs of the public school,~~ with disabilities or other groups of pupils identified in paragraph (b) of subsection 1,* that apply to a public school ~~that is not a Title I school and~~ that has been designated as demonstrating need for improvement for 4 consecutive years or more ~~[-]~~, *including, without limitation, the establishment of a support team for a school if deemed necessary by the Department in accordance with the regulations of the State Board.* In no event may the consequences or sanctions be more strict than the restructuring that applies to Title I schools.

Sec. 7. NRS 385.3661 is hereby amended to read as follows:

385.3661 1. Except as otherwise provided in subsection 2, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721, ~~for~~ 385.3745 or 385.3746 or section 2 or 3.5 of this act do not apply, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.



2. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 , ~~for~~ 385.3745 ~~or~~ ~~385.3745~~ 385.3746 ~~or~~ ~~and~~ *section 2 or 3.5 of this act* do not apply:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) For a charter school sponsored by the State Board or by a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

3. In addition to the requirements of subsection 1 or 2, as applicable, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 , ~~for~~ 385.3745 ~~or~~ 385.3746 ~~or~~ *section 2 or 3.5 of this act* do not apply:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall provide school choice to the parents and guardians of pupils enrolled in the school, including, without limitation, a charter school sponsored by the school district, in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(b) For a charter school sponsored by the State Board or by a college or university within the Nevada System of Higher Education, the Department shall work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 385.3721 is hereby amended to read as follows:

385.3721 1. ~~If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years, the support team established for the school pursuant to this section shall carry out the requirements of NRS 385.3741 and 385.3742.~~

~~2.]~~ Except as otherwise provided in subsection ~~[3,]~~ 2, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) The board of trustees of the school district shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The Department shall ~~establish a support team for the school, with the membership prescribed pursuant to NRS 385.374.~~

~~3.]~~ ***require the board of trustees of the school district to conduct a comprehensive audit of the school which must include an audit of the curriculum, including, without limitation, methods of instruction and assessments, implemented by the school.***

2. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) For a charter school sponsored by the State Board or by a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(d) The Department shall ~~establish a support team for the school, with the membership prescribed pursuant to NRS 385.374.]~~ ***require the governing body of the charter school to conduct a comprehensive audit of the charter school which must include an audit of the curriculum, including, without limitation, methods of instruction and assessments, implemented by the charter school.***

Sec. 11. NRS 385.374 is hereby amended to read as follows:

385.374 1. The membership of each support team established pursuant to NRS ~~{385.372}~~ **385.3745** must consist of, without limitation:

(a) Teachers and principals who are considered highly qualified and who are not employees of the public school for which the support team is established;

(b) One member appointed in accordance with subsection 3, who must serve as the team leader of the support team;

(c) Except for a charter school, at least one administrator at the district level who is employed by the board of trustees of the school district;

(d) At least one parent or guardian of a pupil who is enrolled in the public school for which the support team is established; and

(e) In addition to the requirements of paragraphs (a) to (d), inclusive, for a charter school:

(1) At least one member of the governing body of the charter school, regardless of the sponsor of the charter school; and

(2) If the charter school is sponsored by the board of trustees of a school district, at least one employee of the school district, which may include an administrator.

2. The membership of each support team established pursuant to NRS ~~385.3721~~ **385.3745** may consist of, without limitation:

(a) Except for a charter school, one or more members of the board of trustees of the school district in which the school is located;

(b) Representatives of institutions of higher education;

(c) Representatives of regional educational laboratories;

(d) Representatives of outside consultant groups;

(e) Representatives of the regional training program for the professional development of teachers and administrators created by NRS 391.512 that provides services to the school district in which the school is located;

(f) The Bureau; and

(g) Other persons who the Department determines are appropriate.

3. The member appointed pursuant to paragraph (b) of subsection 1 must:

(a) Be employed by the Department; or

(b) If he is not employed by the Department, have the training and experience required by the Department.

Sec. 12. NRS 385.374 is hereby amended to read as follows:

385.374 1. ~~The~~ ***If a school support team is established in accordance with the regulations adopted by the State Board pursuant to NRS 385.361, the*** membership of ~~each~~ ***the*** support team ~~established pursuant to NRS 385.3745~~ must consist of, without limitation:

(a) Teachers and principals who are considered highly qualified and who are not employees of the public school for which the support team is established;

(b) One member appointed in accordance with subsection 3, who must serve as the team leader of the support team;

(c) Except for a charter school, at least one administrator at the district level who is employed by the board of trustees of the school district;

(d) At least one parent or guardian of a pupil who is enrolled in the public school for which the support team is established; and

(e) In addition to the requirements of paragraphs (a) to (d), inclusive, for a charter school:

(1) At least one member of the governing body of the charter school, regardless of the sponsor of the charter school; and

(2) If the charter school is sponsored by the board of trustees of a school district, at least one employee of the school district, which may include an administrator.

2. ~~The~~ *If a school support team is established in accordance with the regulations adopted by the State Board pursuant to NRS 385.361, the membership of ~~each~~ the support team ~~established pursuant to NRS 385.3745~~* may consist of, without limitation:

- (a) Except for a charter school, one or more members of the board of trustees of the school district in which the school is located;
- (b) Representatives of institutions of higher education;
- (c) Representatives of regional educational laboratories;
- (d) Representatives of outside consultant groups;
- (e) Representatives of the regional training program for the professional development of teachers and administrators created by NRS 391.512 that provides services to the school district in which the school is located;
- (f) The Bureau; and
- (g) Other persons who the Department determines are appropriate.

3. The member appointed pursuant to paragraph (b) of subsection 1 must:

- (a) Be employed by the Department; or
- (b) If he is not employed by the Department, have the training and experience required by the Department.

Sec. 13. NRS 385.3741 is hereby amended to read as follows:

385.3741 1. Each support team established for a public school pursuant to NRS ~~{385.3721}~~ **385.3745** shall:

(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

(b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and review and analyze any data that is more recent than the data upon which the report is based.

(c) Review the most recent plan to improve the achievement of the school's pupils.

(d) Review the information concerning the educational involvement accords provided to the support team pursuant to NRS 392.4575 and the information concerning the reports provided to the support team pursuant to NRS 392.456.

(e) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

(f) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

(g) Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school. For a charter school sponsored by the State Board, the support team shall make the

recommendations to the State Board and the Department. For a charter school sponsored by a college or university within the Nevada System of Higher Education, the support team shall make the recommendations to the sponsor, the State Board and the Department.

(h) In accordance with its findings pursuant to this section and NRS 385.3742, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Comply with NRS 385.357;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

(3) Include the data and findings of the support team that provide support for the revisions;

(4) Set forth goals, objectives, tasks and measures for the school that are:

(I) Designed to improve the achievement of the school's pupils;

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(5) Set forth a timeline to carry out the revisions;

(6) Set forth priorities for the school in carrying out the revisions; and

(7) Set forth the name and duties of each person who is responsible for carrying out the revisions.

(i) Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State Board, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school. If a charter school is sponsored by a college or university within the Nevada System of Higher Education, that institution shall assist the school with carrying out and monitoring the plan for improvement of the school.

(j) Prepare a quarterly progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

(2) Distribute copies of the progress report to each employee of the school for review.

(k) In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in

the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise quarterly progress report for use by each support team in accordance with paragraph (j) of subsection 1.

Sec. 14. NRS 385.3741 is hereby amended to read as follows:

385.3741 1. ~~Each~~ ***If a school support team is established pursuant to the regulations adopted by the State Board pursuant to NRS 385.361, the support team [established for a public school pursuant to NRS 385.3745] shall:***

(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

(b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and review and analyze any data that is more recent than the data upon which the report is based.

(c) Review the most recent plan to improve the achievement of the school's pupils.

(d) Review the information concerning the educational involvement accords provided to the support team pursuant to NRS 392.4575 and the information concerning the reports provided to the support team pursuant to NRS 392.456.

(e) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

(f) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

(g) Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school ~~[ ]~~, ***the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school.*** For a charter school sponsored by the State Board, the support team shall make the recommendations to the State Board and the Department. For a charter school sponsored by a college or university within the Nevada System of Higher Education, the support team shall make the recommendations to the sponsor, the State Board and the Department.

(h) In accordance with its findings pursuant to this section and NRS 385.3742, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357 ~~[ ]~~, ***or submit, on or before May 1, written recommendations for revisions to the turnaround plan for the school implemented pursuant to section 2 of this act or the plan for restructuring the school implemented pursuant to section 3.5 of this act, whichever is***

*applicable for the school.* The written revisions *or recommendations, as applicable,* must:

(1) Comply with NRS 385.357 ~~[-]~~ *if the school has demonstrated need for improvement for less than 5 years or with section 2 or 3.5 of this act, as applicable, if the school has demonstrated need for improvement for 5 or more consecutive years;*

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

(3) Include the data and findings of the support team that provide support for the revisions;

(4) Set forth goals, objectives, tasks and measures for the school that are:

(I) Designed to improve the achievement of the school's pupils;

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(5) Set forth a timeline to carry out the revisions;

(6) Set forth priorities for the school in carrying out the revisions; and

(7) Set forth the name and duties of each person who is responsible for carrying out the revisions.

(i) Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State Board, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school. If a charter school is sponsored by a college or university within the Nevada System of Higher Education, that institution shall assist the school with carrying out and monitoring the plan for improvement of the school.

(j) Prepare a quarterly progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

(2) Distribute copies of the progress report to each employee of the school for review.

(k) In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise quarterly progress report for use by each support team in accordance with paragraph (j) of subsection 1.

**Sec. 14.5. NRS 385.3742 is hereby amended to read as follows:**

385.3742 1. In addition to the duties prescribed in NRS 385.3741, a support team established for a school shall prepare an annual written report that includes:

(a) Information concerning the most recent plan to improve the achievement of the school's pupils, the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, including, without limitation, an evaluation of:

(1) The appropriateness of the plan for the school; and

(2) Whether the school has achieved the goals and objectives set forth in the plan;

(b) The written revisions to the plan to improve the achievement of the school's pupils or written recommendations for revisions to the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, submitted by the support team pursuant to NRS 385.3741;

(c) A summary of each program for remediation, if any, purchased for the school with money that is available from the Federal Government, this state and the school district in which the school is located, including, without limitation:

(1) The name of the program;

(2) The date on which the program was purchased and the date on which the program was carried out by the school;

(3) The percentage of personnel at the school who were trained regarding the use of the program;

(4) The satisfaction of the personnel at the school with the program; and

(5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(d) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

(1) The financial resources of the school;

(2) The administrative and educational personnel of the school;

(3) The curriculum of the school;

(4) The facilities available at the school, including the availability and accessibility of educational technology; and

(5) Any other factors that the support team believes contributed to the designation of the school as demonstrating need for improvement; and

(e) Other information concerning the school, including, without limitation:

(1) The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable;



(2) Records of the attendance and truancy of pupils who are enrolled in the school;

(3) The transiency rate of pupils who are enrolled in the school;

(4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;

(5) A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;

(6) A description of each source of money for the remediation of pupils who are enrolled in the school; and

(7) A description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information contained in paragraphs (k) to (n), inclusive, of subsection 2 of NRS 385.347.

2. On or before November 1, the support team shall submit a copy of the final written report to the:

(a) Principal of the school;

(b) Board of trustees of the school district in which the school is located;

(c) Superintendent of schools of the school district in which the school is located;

(d) Department; and

(e) Bureau.

↪ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school.

Sec. 15. (Deleted by amendment.)

Sec. 16. NRS 385.3744 is hereby amended to read as follows:

385.3744 1. Except as otherwise provided in subsection ~~[3,]~~ 2, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years for failing to make adequate yearly progress, ~~the support team established for the school shall consider whether corrective action is appropriate for the school. If the support team determines that corrective action is appropriate, the support team shall make a recommendation for corrective action for the school, including, without limitation, the type of corrective action that is recommended from the list of corrective actions authorized pursuant to subsection 2. The recommendation must be submitted to:~~

~~(a) For a school of the school district or a charter school sponsored by the board of trustees of the school district, the board of trustees.~~

~~(b) For a charter school sponsored by the State Board or by a college or university within the Nevada System of Higher Education, the Department.~~

2. ~~Regardless of whether a support team recommends corrective action for a school, the~~ *the* Department may, for a charter school sponsored by the State Board or by a college or university within the Nevada System of Higher Education, and the board of trustees of a school district may, for a school of the school district or a charter school sponsored by the board of trustees, take one or more of the following corrective actions for the school:

(a) ~~Develop and carry out a new curriculum at the school, including the provision of appropriate professional development relating to the new curriculum.~~

~~(b)~~ Significantly decrease the managerial authority of the employees at the school.

~~(c)~~ (b) Extend the school year or the school day.

~~3-1~~ 2. The Department or the board of trustees of a school district, as applicable, shall grant a delay from the imposition of corrective action for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the Department or the board of trustees, as applicable, may proceed with corrective action as if the delay never occurred.

Sec. 17. NRS 385.3745 is hereby amended to read as follows:

385.3745 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years, the support team established for the school pursuant to ~~NRS 385.3721~~ **this section** shall carry out the requirements of NRS 385.3741 ~~and~~ **and** 385.3742 . ~~and 385.3744, as applicable.~~

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years:

(a) The board of trustees of the school district shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The Department shall ~~continue~~ **establish** a support team for the school ~~and~~ **, with the membership prescribed pursuant to NRS 385.374.**

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) For a charter school sponsored by the State Board or by a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school, ensure

that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(d) The Department shall ~~continue~~ **establish** a support team for the charter school ~~[-]~~ , **with the membership prescribed pursuant to NRS 385.374.**

Sec. 18. NRS 385.3745 is hereby amended to read as follows:

385.3745 1. ~~If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years, the support team established for the school pursuant to this section shall carry out the requirements of NRS 385.3741 and 385.3742.~~

~~2.]~~ Except as otherwise provided in subsection ~~[3,]~~ 2, if a public school **that is not a Title I school** is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 ~~for more]~~ consecutive years:

(a) The board of trustees of the school district shall:

(1) ***Except as otherwise provided in subsection 3, develop a turnaround plan to improve the academic achievement of pupils enrolled in the school which meets the requirements prescribed by the State Board pursuant to paragraph (b).***

(2) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

~~[(2)]~~ (3) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The ~~Department]~~ **State Board** shall ~~establish a support team for the school, with the membership prescribed pursuant to NRS 385.374.~~

~~3-]~~ **prescribe by regulation:**

(1) ***The requirements for a turnaround plan which must include, without limitation:***

(I) ***A requirement that the plan is based on the results of the comprehensive audit conducted pursuant to NRS 385.3721;***

(II) ***Measurable goals and objectives for obtaining adequate yearly progress;***

(III) ***Specified steps or actions for obtaining adequate yearly progress; and***

(IV) ***A timeline for the completion of the turnaround plan ~~[-]~~ , which must provide for implementation of the plan in accordance with section 2 of this act if the school is designated as needing improvement for 5 years; and***

(2) ***The actions the Department may take to monitor the development of the turnaround plan developed pursuant to this section and the implementation of any corrective action at the school.***

2. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 ~~for more]~~ consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school ~~[, ensure]~~ :

*(1) Except as otherwise provided in subsection 3, develop a turnaround plan to improve the academic achievement of pupils enrolled in the school which meets the requirements prescribed by the State Board pursuant to paragraph (d).*

*(2) Ensure* that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) For a charter school sponsored by the State Board or by a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school ~~[, ensure]~~ :

*(1) Except as otherwise provided in subsection 3, develop a turnaround plan to improve the academic achievement of pupils enrolled in the school which meets the requirements prescribed by the State Board pursuant to paragraph (d).*

*(2) Ensure* that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(d) ~~The [Department shall establish a support team for the charter school, with the membership prescribed pursuant to NRS 385.374.]~~ *State Board shall prescribe by regulation:*

*(1) The requirements for a turnaround plan which must include, without limitation:*

*(I) A requirement that the plan is based on the results of the comprehensive audit conducted pursuant to NRS 385.3721;*

*(II) Measurable goals and objectives for obtaining adequate yearly progress;*

*(III) Specified steps or actions for obtaining adequate yearly progress; and*

*(IV) A timeline for the completion of the turnaround plan ~~+~~ , which must provide for implementation of the plan in accordance with section 2 of this act if the school is designated as needing improvement for 5 years; and*

*(2) The actions the Department may take to monitor the implementation of the turnaround plan developed pursuant to this section and the implementation of any corrective action at the charter school.*

*3. If a public school is granted a delay from the development of a turnaround plan pursuant to subsection 2 of NRS 385.376 and the school fails to make adequate yearly progress during the period of the delay, a*

*turnaround plan must be immediately developed and implemented for the school in accordance with this section as if the delay never occurred.*

**4. ~~4A~~ On or before June 30, a turnaround plan developed for a school must be submitted to the:**

**(a) Superintendent of Public Instruction;**

**(b) Department;**

**(c) Bureau; ~~and~~**

**(d) Board of trustees of the school district in which the school is located ~~+~~; and**

**(e) Principal of the school.**

Sec. 19. NRS 385.3746 is hereby amended to read as follows:

385.3746 1. ~~In addition to the requirements of NRS 385.3745, if~~ **If** a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 ~~or more~~ consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

**(1) Provide notice of the designation to the parents and guardians of the pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382;**

**(2) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto;**

**(3) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto;**

~~[(2)]~~ **(4) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and**

~~[(3)]~~ **(5) Except as otherwise provided in subsection ~~[2, proceed with]~~ 3, develop a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.**

**(b) The governing body of the charter school shall provide notice of the designation to the parents and guardians of the pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382. If the school is a charter school:**

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

**(I) In conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto;**

**(II) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and**

~~[(H)]~~ **(III)** Except as otherwise provided in subsection ~~3,~~ ~~proceed with~~ **4, develop** a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(2) Sponsored by the State Board or by a college or university within the Nevada System of Higher Education, the Department shall:

(1) ***In conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto;***

**(II)** Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

~~[(H)]~~ **(III)** Except as otherwise provided in subsection ~~3,~~ ~~proceed with~~ **4, develop** a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(3) Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. ***A plan for restructuring the school developed pursuant to this section must include, without limitation:***

(a) ***A requirement that the plan is based on the results of the comprehensive audit conducted pursuant to NRS 385.3721;***

(b) ***Measurable goals and objectives for obtaining adequate yearly progress;***

(c) ***Specified steps or actions for obtaining adequate yearly progress; and***

(d) ***A timeline for the completion of the plan for restructuring the school ~~for~~, which must provide for implementation of the plan in accordance with section 3.5 of this act if the school is designated as needing improvement for 5 years.***

3. The board of trustees of a school district shall grant a delay from the ~~imposition~~ **development** of a plan for restructuring for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the board of trustees shall ***immediately develop and*** proceed with ~~the~~ ***the implementation of the*** plan for restructuring the school as if the delay never occurred.

~~3.~~ **4.** The sponsor of a charter school shall grant a delay from the ~~imposition~~ **development** of a plan for restructuring for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, ***a plan for***

*restructuring must be immediately developed for the school in accordance with this section and* the Department shall proceed with ~~the~~ *implementation of the* plan for restructuring the charter school as if the delay never occurred.

~~[4.—Before the board of trustees of a school district or the Department proceeds with a plan for restructuring, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:~~

~~(a) Notice that the board of trustees or the Department, as applicable, will develop a plan for restructuring the school;~~

~~(b) An opportunity to comment before the plan to restructure is developed; and~~

~~(c) An opportunity to participate in the development of the plan to restructure.]~~

5. ~~At~~ *On or before June 30, a plan for restructuring developed pursuant to this section must be submitted to the:*

*(a) Superintendent of Public Instruction;*

*(b) Department;*

*(c) Bureau; ~~and~~*

*(d) Board of trustees of the school district in which the school is located ~~;~~ and*

*(e) Principal of the school.*

Sec. 20. NRS 385.376 is hereby amended to read as follows:

385.376 1. Except as otherwise provided in subsection ~~[3,] 2~~, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years for failure to make adequate yearly progress, ~~the support team for the school shall:~~

~~(a) If corrective action was not taken against the school pursuant to NRS 385.3744, consider whether corrective action is appropriate for the school.~~

~~(b) If corrective action was taken against the school pursuant to NRS 385.3744, consider whether further corrective action is appropriate or whether consequences or sanctions, or both, are appropriate for the school.~~

~~2.—Regardless of whether a support team recommends corrective action or consequences or sanctions for a school,] the Department may, for a charter school sponsored by the State Board or by a college or university within the Nevada System of Higher Education, and the board of trustees of a school district may, for a school of the school district or a charter school sponsored by the board of trustees, take corrective action as set forth in NRS 385.3744 or proceed with *differentiated corrective actions*, consequences or sanctions, or ~~both,] any combination thereof,~~ as prescribed by the State Board pursuant to NRS 385.361.~~

~~[3.] 2.~~ The Department or the board of trustees of a school district, as applicable, shall grant a delay from the imposition of corrective action ,

*consequences* or ~~restructuring~~ *sanctions, or any combination thereof*, pursuant to this section for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the Department or the board of trustees, as applicable, may proceed with corrective action, ~~for with~~ consequences or sanctions, or ~~both~~ *any combination thereof*, for the school, as appropriate, as if the delay never occurred.

~~4.~~ 3. Before the board of trustees or the Department proceeds with consequences or sanctions, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees or the Department, as applicable, will proceed with consequences or sanctions for the school;

(b) An opportunity to comment before the consequences or sanctions are carried out; and

(c) An opportunity to participate in the development of the consequences or sanctions.

Sec. 21. NRS 385.376 is hereby amended to read as follows:

385.376 1. Except as otherwise provided in subsection 2, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 ~~for more~~ consecutive years for failure to make adequate yearly progress, the Department may, for a charter school sponsored by the State Board or by a college or university within the Nevada System of Higher Education, and the board of trustees of a school district may, for a school of the school district or a charter school sponsored by the board of trustees, take corrective action as set forth in NRS 385.3744 or proceed with differentiated correction actions, consequences or sanctions, or any combination thereof, as prescribed by the State Board pursuant to NRS 385.361.

2. The Department or the board of trustees of a school district, as applicable, shall grant a delay from the imposition of corrective action, consequences or sanctions, or any combination thereof, pursuant to this section for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the Department or the board of trustees, as applicable, may proceed with corrective action, consequences or sanctions, or any combination thereof, for the school, as appropriate, *pursuant to the provisions of section 2 of this act* as if the delay never occurred.

3. Before the board of trustees or the Department proceeds with consequences or sanctions, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and other educational



personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees or the Department, as applicable, will proceed with consequences or sanctions for the school;

(b) An opportunity to comment before the consequences or sanctions are carried out; and

(c) An opportunity to participate in the development of the consequences or sanctions.

Sec. 21.3. NRS 385.3785 is hereby amended to read as follows:

385.3785 1. The Commission shall:

(a) Establish a program of educational excellence designed exclusively for pupils enrolled in kindergarten through grade 6 in public schools in this State based upon:

(1) The plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691;

(2) The plan to improve the achievement of pupils prepared by the board of trustees of each school district pursuant to NRS 385.348;

(3) The plan to improve the achievement of pupils prepared by the principal of each school pursuant to NRS 385.357, which may include a program of innovation ~~[-]~~, ***the turnaround plan for the school implemented pursuant to section 2 of this act or the plan for restructuring the school implemented pursuant to section 3.5 of this act, whichever is applicable for the school;*** and

(4) Any other information that the Commission considers relevant to the development of the program of educational excellence.

(b) Identify programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

(c) Develop a concise application and simple procedures for the submission of applications by public schools and consortiums of public schools, including, without limitation, charter schools, for participation in a program of educational excellence and for grants of money from the Account. Grants of money must be made for programs designed for the achievement of pupils that are linked to the plan to improve the achievement of pupils or for innovative programs, or both ~~[-]~~, ***or that are linked to the turnaround plan for the school or the plan for restructuring the school, if applicable, or for innovative programs, or both.*** The Commission shall not award a grant of money from the Account for a program to provide full-day kindergarten. All public schools and consortiums of public schools, including, without limitation, charter schools, are eligible to submit such an application, regardless of whether the schools have made adequate yearly progress or failed to make adequate yearly progress. A public school or a consortium of public schools selected for participation may be approved by the Commission for participation for a period not to exceed 2 years, but may reapply.

(d) Prescribe a long-range timeline for the review, approval and evaluation of applications received from public schools and consortiums of public schools that desire to participate in the program.

(e) Establish guidelines for the review, evaluation and approval of applications for grants of money from the Account, including, without limitation, consideration of the list of priorities of public schools provided by the Department pursuant to subsection 5. To ensure consistency in the review, evaluation and approval of applications, if the guidelines authorize the review and evaluation of applications by less than the entire membership of the Commission, money must not be allocated from the Account for a grant until the entire membership of the Commission has reviewed and approved the application for the grant.

(f) Prescribe accountability measures to be carried out by a public school that participates in the program if that public school does not meet the annual measurable objectives established by the State Board pursuant to NRS 385.361, including, without limitation:

(1) The specific levels of achievement expected of schools that participate; and

(2) Conditions for schools that do not meet the grant criteria but desire to continue participation in the program and receive money from the Account, including, without limitation, a review of the leadership at the school and recommendations regarding changes to the appropriate body.

(g) Determine the amount of money that is available from the Account for those public schools and consortiums of public schools that are selected to participate in the program.

(h) Allocate money to public schools and consortiums of public schools from the Account. Allocations must be distributed not later than August 15 of each year.

(i) Establish criteria for public schools and consortiums of public schools that participate in the program and receive an allocation of money from the Account to evaluate the effectiveness of the allocation in improving the achievement of pupils, including, without limitation, a detailed analysis of:

(1) The achievement of pupils enrolled at each school that received money from the allocation based upon measurable criteria identified in , *as applicable*, the ~~plan~~ :

(I) *Plan* to improve the achievement of pupils for the school prepared pursuant to NRS 385.357;

(II) *Turnaround plan for the school implemented pursuant to section 2 of this act; or*

(III) *Plan for restructuring the school implemented pursuant to section 3.5 of this act;*

(2) If applicable, the effectiveness of the program of innovation on the achievement of pupils and the overall effectiveness for pupils and staff;

(3) The implementation of the applicable plans for improvement, including, without limitation, an analysis of whether the school is meeting the measurable objectives identified in the plan; and

(4) The attainment of measurable progress on the annual list of adequate yearly progress of school districts and schools.

2. To the extent money is available, the Commission shall make allocations of money to public schools and consortiums of public schools for effective programs for grades 7 through 12 that are designed to improve the achievement of pupils and effective programs of innovation for pupils. In making such allocations, the Commission shall comply with the requirements of subsection 1.

3. The Commission shall ensure, to the extent practicable, that grants of money provided pursuant to this section reflect the economic and geographic diversity of this State.

4. If a public school or consortium that receives money pursuant to subsection 1 or 2:

(a) Does not meet the criteria for effectiveness as prescribed in paragraph (i) of subsection 1;

(b) Does not, as a result of the program for which the grant of money was awarded, show improvement in the achievement of pupils, as determined in an evaluation conducted pursuant to subsection 3 of NRS 385.379; or

(c) Does not implement the program for which the money was received, as determined in an evaluation conducted pursuant to subsection 3 of NRS 385.379,

↪ over a 2-year period, the Commission may consider not awarding future allocations of money to that public school or consortium of public schools.

5. On or before July 1 of each year, the Department shall provide a list of priorities of public schools that indicates:

(a) The adequate yearly progress status of schools in the immediately preceding year; and

(b) The public schools that are considered Title I eligible by the Department based upon the poverty level of the pupils enrolled in a school in comparison to the poverty level of the pupils in the school district as a whole,

↪ for consideration by the Commission in its development of procedures for the applications.

6. A public school, including, without limitation, a charter school, or a consortium of public schools may request assistance from the school district in which the school is located in preparing an application for a grant of money pursuant to this section. A school district shall assist each public school or consortium of public schools that requests assistance pursuant to this subsection to ensure that the application of the school:

(a) Is based directly upon, *as applicable*, the ~~plan~~ :

(1) *Plan* to improve the achievement of pupils prepared for the school pursuant to NRS 385.357;

*(2) Turnaround plan for the school implemented pursuant to section 2 of this act; or*

*(3) Plan for restructuring the school implemented pursuant to section 3.5 of this act;*

(b) Is developed in accordance with the criteria established by the Commission; and

(c) Is complete and complies with all technical requirements for the submission of an application.

↪ A school district may make recommendations to the individual schools and consortiums of public schools. Such schools and consortiums of public schools are not required to follow the recommendations of a school district.

7. In carrying out the requirements of this section, the Commission shall review and consider the programs of remedial study adopted by the Department pursuant to NRS 385.389, the list of approved providers of supplemental services maintained by the Department pursuant to NRS 385.384 and the recommendations submitted by the Committee pursuant to NRS 218.5354 concerning programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

8. If a consortium of public schools is formed for the purpose of submitting an application pursuant to this section, the public schools within the consortium do not need to be located within the same school district.

Sec. 21.7. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of a charter school shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees of the school district in which the charter school is located for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and ***pursuant to NRS 385.357 [ ] or section 2 or 3.5 of this act, whichever is applicable for the school,*** consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 22. NRS 386.730 is hereby amended to read as follows:

386.730 1. Except as otherwise provided in subsection 2, the principal of a public school within a school district that participates in the Program of Empowerment Schools who wishes to convert to an empowerment school shall:

(a) Establish an empowerment team for the school; and

(b) Develop an empowerment plan for the school in consultation with:

(1) The empowerment team; and

(2) The school support team, if a school support team has been established for the school pursuant to NRS ~~[385.3721:]~~ **385.3745**.

2. The principal of a public school located in a county whose population is less than 100,000 may develop an empowerment plan for the school without establishing or consulting with an empowerment team. If a school support team has been established for the school, the principal shall develop the empowerment plan in consultation with the school support team. If an empowerment team has not been established pursuant to the exception provided in this subsection, the principal of the school shall carry out the responsibilities and duties otherwise assigned to an empowerment team pursuant to NRS 386.700 to 386.780, inclusive.

3. An empowerment team for a school must consist of the following persons:

(a) The principal of the school;

(b) At least two but not more than four teachers and other licensed educational personnel who are employed at the school, selected by a recognized employee organization that represents licensed educational personnel within the school district;

(c) At least two but not more than four employees, other than teachers and other licensed educational personnel, who are employed at the school, selected by an organization that represents those employees;

(d) At least two but not more than four parents and legal guardians of pupils enrolled in the school, selected by an association of parents established for the school;

(e) At least two but not more than four representatives of the community or businesses within the community;

(f) The facilitator of the school support team, if a school support team has been established for the school pursuant to NRS ~~[385.3721:]~~ **385.3745**; and

(g) Such other persons as may be necessary to meet the requirements set forth in subsection 4.

4. Of the total number of members on an empowerment team for a school:

(a) At least one member must have 5 years or more of experience in school finance;

(b) At least one member must have 5 years or more of experience in school administration or human resources;

(c) At least one member must have 5 years or more of experience in overseeing the academic programs and curriculum for a public school; and

(d) At least one member must have 5 years or more of experience in the collection and analysis of data.

↪ The provisions of this subsection do not require the appointment of four persons if one, two or three such persons satisfy the qualifications.

5. A charter school that wishes to participate in the Program of Empowerment Schools shall comply with the provisions of NRS 386.700 to

386.780, inclusive. If a charter school is approved as an empowerment school, the charter school does not forfeit its status as a charter school.

Sec. 23. NRS 386.730 is hereby amended to read as follows:

386.730 1. Except as otherwise provided in subsection 2, the principal of a public school within a school district that participates in the Program of Empowerment Schools who wishes to convert to an empowerment school shall:

- (a) Establish an empowerment team for the school; and
- (b) Develop an empowerment plan for the school in consultation with:
  - (1) The empowerment team; and
  - (2) The school support team, if a school support team has been established for the school *in accordance with the regulations of the State Board adopted* pursuant to NRS ~~[385.3745.]~~ **385.361**.

2. The principal of a public school located in a county whose population is less than 100,000 may develop an empowerment plan for the school without establishing or consulting with an empowerment team. If a school support team has been established for the school, the principal shall develop the empowerment plan in consultation with the school support team. If an empowerment team has not been established pursuant to the exception provided in this subsection, the principal of the school shall carry out the responsibilities and duties otherwise assigned to an empowerment team pursuant to NRS 386.700 to 386.780, inclusive.

3. An empowerment team for a school must consist of the following persons:

- (a) The principal of the school;
- (b) At least two but not more than four teachers and other licensed educational personnel who are employed at the school, selected by a recognized employee organization that represents licensed educational personnel within the school district;
- (c) At least two but not more than four employees, other than teachers and other licensed educational personnel, who are employed at the school, selected by an organization that represents those employees;
- (d) At least two but not more than four parents and legal guardians of pupils enrolled in the school, selected by an association of parents established for the school;
- (e) At least two but not more than four representatives of the community or businesses within the community;
- (f) The facilitator of the school support team, if a school support team has been established for the school pursuant to *regulations adopted by the State Board pursuant to* NRS ~~[385.3745.]~~ **385.361**; and
- (g) Such other persons as may be necessary to meet the requirements set forth in subsection 4.

4. Of the total number of members on an empowerment team for a school:

(a) At least one member must have 5 years or more of experience in school finance;

(b) At least one member must have 5 years or more of experience in school administration or human resources;

(c) At least one member must have 5 years or more of experience in overseeing the academic programs and curriculum for a public school; and

(d) At least one member must have 5 years or more of experience in the collection and analysis of data.

➔ The provisions of this subsection do not require the appointment of four persons if one, two or three such persons satisfy the qualifications.

5. A charter school that wishes to participate in the Program of Empowerment Schools shall comply with the provisions of NRS 386.700 to 386.780, inclusive. If a charter school is approved as an empowerment school, the charter school does not forfeit its status as a charter school.

Sec. 24. NRS 386.740 is hereby amended to read as follows:

386.740 1. Each empowerment plan for a school must:

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

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

(c) If a school support team has been established for the school pursuant to NRS ~~[385.3721,]~~ **385.3745**, require the principal and the empowerment team for the school to work in consultation with the school support team;

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

(e) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS 389.015 and 389.550;

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

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

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

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

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

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

(l) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385.357;

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

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

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

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

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

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

3. An empowerment plan may:

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

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

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

(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.

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

Sec. 25. NRS 386.740 is hereby amended to read as follows:

386.740 1. Each empowerment plan for a school must:

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

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



(c) If a school support team has been established for the school *in accordance with the regulations of the State Board adopted* pursuant to NRS ~~[385.3745,]~~ **385.361**, require the principal and the empowerment team for the school to work in consultation with the school support team;

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

(e) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS 389.015 and 389.550;

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

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

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

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

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

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

(l) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385.357 ~~[,]~~, ***the turnaround plan for the school implemented pursuant to section 2 of this act or the plan for restructuring the school implemented pursuant to section 3.5 of this act, whichever is applicable for the school;***

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

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

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

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

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

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

3. An empowerment plan may:

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

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

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

(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.

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

Sec. 25.3. NRS 391.298 is hereby amended to read as follows:

391.298 If the board of trustees of a school district or the superintendent of schools of a school district schedules a day or days for the professional development of teachers or administrators employed by the school district:

1. The primary focus of that scheduled professional development must be to improve the achievement of the pupils enrolled in the school district, as set forth in the ~~plan~~:

(a) **Plan** to improve the achievement of pupils *enrolled in the school district* prepared pursuant to NRS 385.348 ~~or~~;

(b) **Plan to improve the achievement of pupils prepared pursuant to NRS 385.357** ~~or~~;

(c) **Turnaround plan for the school implemented pursuant to section 2 of this act; or**

(d) **Plan for restructuring the school implemented pursuant to section 3.5 of this act,**

↪ as applicable.

2. The scheduled professional development must be structured so that teachers attend professional development that is designed for the specific subject areas or grades taught by those teachers.

Sec. 25.7. NRS 391.540 is hereby amended to read as follows:

391.540 1. The governing body of each regional training program shall:

(a) Adopt a training model, taking into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada.

(b) Assess the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program and adopt priorities of training for the program based upon the assessment of needs. The board of trustees of each such school district may submit recommendations to the appropriate governing body for the types of training that should be offered by the regional training program.

(c) In making the assessment required by paragraph (b), review the plans to improve the achievement of pupils prepared pursuant to NRS 385.348 by the school districts within the primary jurisdiction of the regional training program and, as deemed necessary by the governing body, review the ~~plans~~

:

(1) *Plans* to improve the achievement of pupils prepared pursuant to NRS 385.357;

(2) *Turnaround plans for schools implemented pursuant to section 2 of this act; and*

(3) *Plans for restructuring schools implemented pursuant to section 3.5 of this act,*

↪ for individual schools within the primary jurisdiction of the regional training program.

(d) Prepare a 5-year plan for the regional training program, which includes, without limitation:

(1) An assessment of the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program; and

(2) Specific details of the training that will be offered by the regional training program for the first 2 years covered by the plan.

(e) Review the 5-year plan on an annual basis and make revisions to the plan as are necessary to serve the training needs of teachers and administrators employed by the school districts within the primary jurisdiction of the regional training program.

2. The Department, the Nevada System of Higher Education and the board of trustees of a school district may request the governing body of the regional training program that serves the school district to provide training, participate in a program or otherwise perform a service that is in addition to the duties of the regional training program that are set forth in the plan adopted pursuant to this section or otherwise required by statute. An entity may not represent that a regional training program will perform certain duties or otherwise obligate the regional training program as part of an application by that entity for a grant unless the entity has first obtained the written confirmation of the governing body of the regional training program to perform those duties or obligations. The governing body of a regional

training program may, but is not required to, grant a request pursuant to this subsection.

Sec. 26. NRS 392.456 is hereby amended to read as follows:

392.456 1. The Department shall:

(a) Prescribe a form for use by teachers in elementary schools to provide reports to parents and legal guardians of pupils pursuant to this section;

(b) Work in consultation with the Legislative Bureau of Educational Accountability and Program Evaluation, the Nevada Association of School Boards, the Nevada Association of School Administrators, the Nevada State Education Association and the Nevada Parent Teacher Association in the development of the form; and

(c) Make the form available in electronic format for use by school districts and charter schools and, upon request, in any other manner deemed reasonable by the Department.

2. The form must include, without limitation:

(a) A notice to parents and legal guardians that parental involvement is important in ensuring the success of the academic achievement of pupils;

(b) A checklist indicating whether:

(1) The pupil completes his homework assignments in a timely manner;

(2) The pupil is present in the classroom when school begins each day and is present for the entire school day unless his absence is approved in accordance with NRS 392.130;

(3) The parent or legal guardian and the pupil abide by any applicable rules and policies of the school and the school district; and

(4) The pupil complies with the dress code for the school, if applicable; and

(c) A list of the resources and services available within the community to assist parents and legal guardians in addressing any issues identified on the checklist.

3. In addition to the requirements of subsection 2, the Department may prescribe additional information for inclusion on the form, including, without limitation:

(a) A report of the participation of the parent or legal guardian, including, without limitation, whether the parent or legal guardian:

(1) Completes forms and other documents that are required by the school or school district in a timely manner;

(2) Assists in carrying out a plan to improve the pupil's academic achievement, if applicable;

(3) Attends conferences between the teacher and the parent or legal guardian, if applicable; and

(4) Attends school activities.

(b) A report of whether the parent or legal guardian ensures the health and safety of the pupil, including, without limitation, whether:

(1) Current information is on file with the school that designates each person whom the school should contact if an emergency involving the pupil occurs; and

(2) Current information is on file with the school regarding the health and safety of the pupil, such as immunization records, if applicable, and any special medical needs of the pupil.

4. A teacher at an elementary school may provide the form prescribed by the Department, including the additional information prescribed pursuant to subsection 3 if the Department has prescribed such information on the form, to a parent or legal guardian of a pupil if the teacher determines that the provision of such a report would assist in improving the academic achievement of the pupil.

5. A report provided to a parent or legal guardian pursuant to this section must not be used in a manner that:

(a) Interferes unreasonably with the personal privacy of the parent or legal guardian or the pupil;

(b) Reprimands the parent or legal guardian; or

(c) Affects the grade or report of progress given to a pupil based upon the information contained in the report.

6. The principal of each elementary school at which a teacher provides reports pursuant to this section shall provide to the support team established for the school pursuant to NRS ~~[385.3721,]~~ **385.3745**, if applicable, the information contained in the completed reports for consideration by the support team. The information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.

Sec. 27. NRS 392.456 is hereby amended to read as follows:

392.456 1. The Department shall:

(a) Prescribe a form for use by teachers in elementary schools to provide reports to parents and legal guardians of pupils pursuant to this section;

(b) Work in consultation with the Legislative Bureau of Educational Accountability and Program Evaluation, the Nevada Association of School Boards, the Nevada Association of School Administrators, the Nevada State Education Association and the Nevada Parent Teacher Association in the development of the form; and

(c) Make the form available in electronic format for use by school districts and charter schools and, upon request, in any other manner deemed reasonable by the Department.

2. The form must include, without limitation:

(a) A notice to parents and legal guardians that parental involvement is important in ensuring the success of the academic achievement of pupils;

(b) A checklist indicating whether:

(1) The pupil completes his homework assignments in a timely manner;

(2) The pupil is present in the classroom when school begins each day and is present for the entire school day unless his absence is approved in accordance with NRS 392.130;

(3) The parent or legal guardian and the pupil abide by any applicable rules and policies of the school and the school district; and

(4) The pupil complies with the dress code for the school, if applicable; and

(c) A list of the resources and services available within the community to assist parents and legal guardians in addressing any issues identified on the checklist.

3. In addition to the requirements of subsection 2, the Department may prescribe additional information for inclusion on the form, including, without limitation:

(a) A report of the participation of the parent or legal guardian, including, without limitation, whether the parent or legal guardian:

(1) Completes forms and other documents that are required by the school or school district in a timely manner;

(2) Assists in carrying out a plan to improve the pupil's academic achievement, if applicable;

(3) Attends conferences between the teacher and the parent or legal guardian, if applicable; and

(4) Attends school activities.

(b) A report of whether the parent or legal guardian ensures the health and safety of the pupil, including, without limitation, whether:

(1) Current information is on file with the school that designates each person whom the school should contact if an emergency involving the pupil occurs; and

(2) Current information is on file with the school regarding the health and safety of the pupil, such as immunization records, if applicable, and any special medical needs of the pupil.

4. A teacher at an elementary school may provide the form prescribed by the Department, including the additional information prescribed pursuant to subsection 3 if the Department has prescribed such information on the form, to a parent or legal guardian of a pupil if the teacher determines that the provision of such a report would assist in improving the academic achievement of the pupil.

5. A report provided to a parent or legal guardian pursuant to this section must not be used in a manner that:

(a) Interferes unreasonably with the personal privacy of the parent or legal guardian or the pupil;

(b) Reprimands the parent or legal guardian; or

(c) Affects the grade or report of progress given to a pupil based upon the information contained in the report.

6. The principal of each elementary school at which a teacher provides reports pursuant to this section shall provide to the support team established for the school *in accordance with the regulations of the State Board adopted* pursuant to NRS ~~[385.3745,]~~ **385.361**, if applicable, the information contained in the completed reports for consideration by the support team. The

information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.

Sec. 28. NRS 392.4575 is hereby amended to read as follows:

392.4575 1. The Department shall prescribe a form for educational involvement accords to be used by all public schools in this State. The educational involvement accord must comply with the parental involvement policy:

(a) Required by the federal No Child Left Behind Act of 2001, as set forth in 20 U.S.C. § 6318.

(b) Adopted by the State Board pursuant to NRS 392.457.

2. Each educational involvement accord must include, without limitation:

(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:

(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;

(2) Reviewing and checking the pupil's homework; and

(3) Contributing 5 hours of time each school year, including, without limitation, by attending school-related activities, parent-teacher association meetings, parent-teacher conferences, volunteering at the school and chaperoning school-sponsored activities.

(b) The responsibilities of a pupil in a public school, including, without limitation:

(1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;

(2) Using all school equipment and property appropriately and safely;

(3) Following the directions of any adult member of the staff of the school;

(4) Completing and submitting homework in a timely manner; and

(5) Respecting himself, others and all property.

(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:

(1) Ensuring that each pupil is provided proper instruction, supervision and interaction;

(2) Maximizing the educational and social experience of each pupil;

(3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and

(4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.

3. Each educational involvement accord must be accompanied by, without limitation:

(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that

indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;

- (c) The homework and grading policies of the pupil's teacher or school;
- (d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;
- (e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;
- (f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;
- (g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;
- (h) The classroom rules and policies;
- (i) The dress code of the school, if any;
- (j) The availability of assistance to parents who have limited proficiency in the English language;
- (k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;
- (l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and
- (m) The code of honor relating to cheating prescribed pursuant to NRS 392.461.

4. The board of trustees of each school district shall adopt a policy providing for the development and distribution of the educational involvement accord. The policy adopted by a board of trustees must require each classroom teacher to:

- (a) Distribute the educational involvement accord to the parent or legal guardian of each pupil in his class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and
- (b) Provide the parent or legal guardian with a reasonable opportunity to sign the educational involvement accord.

5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. The Department and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.

7. If *a school support team is established for* an elementary school, ~~is designated as demonstrating need for improvement pursuant to NRS~~



~~385.3623 for 3 consecutive years or more,]~~ the principal of the school shall provide to the support team established for the school pursuant to NRS ~~[385.3721]~~ **385.3745** information concerning the distribution of the educational involvement accord and the number of accords which were signed and returned by parents and legal guardians. The information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.

Sec. 29. NRS 392.4575 is hereby amended to read as follows:

392.4575 1. The Department shall prescribe a form for educational involvement accords to be used by all public schools in this State. The educational involvement accord must comply with the parental involvement policy:

(a) Required by the federal No Child Left Behind Act of 2001, as set forth in 20 U.S.C. § 6318.

(b) Adopted by the State Board pursuant to NRS 392.457.

2. Each educational involvement accord must include, without limitation:

(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:

(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;

(2) Reviewing and checking the pupil's homework; and

(3) Contributing 5 hours of time each school year, including, without limitation, by attending school-related activities, parent-teacher association meetings, parent-teacher conferences, volunteering at the school and chaperoning school-sponsored activities.

(b) The responsibilities of a pupil in a public school, including, without limitation:

(1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;

(2) Using all school equipment and property appropriately and safely;

(3) Following the directions of any adult member of the staff of the school;

(4) Completing and submitting homework in a timely manner; and

(5) Respecting himself, others and all property.

(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:

(1) Ensuring that each pupil is provided proper instruction, supervision and interaction;

(2) Maximizing the educational and social experience of each pupil;

(3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and

(4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.

3. Each educational involvement accord must be accompanied by, without limitation:

(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;

(c) The homework and grading policies of the pupil's teacher or school;

(d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;

(e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;

(f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;

(g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;

(h) The classroom rules and policies;

(i) The dress code of the school, if any;

(j) The availability of assistance to parents who have limited proficiency in the English language;

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and

(m) The code of honor relating to cheating prescribed pursuant to NRS 392.461.

4. The board of trustees of each school district shall adopt a policy providing for the development and distribution of the educational involvement accord. The policy adopted by a board of trustees must require each classroom teacher to:

(a) Distribute the educational involvement accord to the parent or legal guardian of each pupil in his class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and

(b) Provide the parent or legal guardian with a reasonable opportunity to sign the educational involvement accord.

5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. The Department and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.

7. If a school support team is established *in accordance with the regulations of the State Board adopted pursuant to NRS 385.361* for an elementary school, the principal of the school shall provide to the support team ~~[established for the school pursuant to NRS 385.3745]~~ information concerning the distribution of the educational involvement accord and the number of accords which were signed and returned by parents and legal guardians. The information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.

Sec. 30. On or before January 1, 2010, the State Board of Education shall adopt the regulations required pursuant to sections 2 and 3.5 of this act, NRS 385.361, as amended by section 6 of this act, and NRS 385.3475, as amended by section 18 of this act.

Sec. 31. 1. This section and sections 6, 9, 10, 11, 13, 15, 16, 17, 20, 22, 24, 26, 28 and 30 of this act become effective on July 1, 2009.

2. Sections 1, 2, 3.5 and 18 of this act become effective on July 1, 2009, for the purpose of adopting regulations and on July 1, 2010, for all other purposes.

3. Sections 3, 4 to 5.7, inclusive, 7, 8, 12, 14, ~~14.5~~, 19, 21, 21.3, 21.7, 23, 25, 25.3, 25.7, 27 and 29 of this act become effective on July 1, 2010.

4. Sections 23 and 25 of this act expire by limitation on June 30, 2011.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 194 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Smith moved that Senate Bill No. 7 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Kirkpatrick moved that Senate Bills Nos. 41 and 53 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 111 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Kirkpatrick moved that Senate Bill No. 175 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Atkinson moved that Senate Bill No. 246, upon return from the printer, be placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 111.

Bill read third time.

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

Amendment No. 687.

SUMMARY—Revises provisions governing certain **residential** facilities for ~~the dependent, medical facilities,~~ **groups** and homes for individual residential care. (BDR 40-99)

AN ACT relating to public health; ~~requiring a licensed facility for the dependent, medical facility or home for individual residential care to obtain an endorsement on the license if the facility or home offers housing for independent living;~~ prohibiting certain residential facilities for groups and homes for individual residential care from providing accommodations to certain persons; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain **residential** facilities for ~~the dependent, medical facilities,~~ **groups** and homes for individual residential care to obtain a license to operate such facilities and homes. (NRS 449.030) ~~Existing law requires such a licensed facility or home that offers housing for independent living to post a notice indicating that the portion of the facility or home designated for independent living does not include the provision of personal care, supportive services or health related services. (NRS 449.2487) Sections 4 and 20 of this bill require such a facility or home to obtain an endorsement on its license on or before October 1, 2010, if the facility or home offers housing for independent living. Section 7 of this bill requires the State Board of Health to adopt regulations governing the issuance and renewal of an endorsement, including fees. The regulations are subject to review by the Legislative Committee on Health Care. (NRS 439B.225) Existing law prescribes grounds for the denial, suspension or revocation of a license to operate a facility or home under chapter 449 of NRS and the disciplinary action and penalties that apply to a licensee for certain violations. (NRS 449.160, 449.163, 449.170, 449.210) Sections 9-13 of this bill include the endorsement to offer housing for independent living within these provisions~~

~~setting forth the grounds for issuance and denial of an endorsement and the disciplinary action and penalties which apply.]~~

Section 5 of this bill prohibits a residential facility for groups which is authorized to have 10 or fewer beds or a home for individual residential care from providing accommodations to a person who does not meet the requirements for admission unless that person is related to a resident of the facility or home within the third degree of consanguinity.

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

Section 1. ~~[NRS 439B.225 is hereby amended to read as follows:~~

~~439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for [licensing or registration or for the renewal of licenses or certificates] **the issuance or renewal of a license, an endorsement on a license or a certificate** of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 641, 641A, 641B, 641C, 652 or 654 of NRS.~~

~~2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for [licensing or registration or to] **the issuance or renewal of a license, an endorsement on a license or a certificate of registration issued to a person or facility regulated by the board,** giving consideration to:~~

- ~~(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;~~
- ~~(b) The effect of the regulation on the cost of health care in this State;~~
- ~~(c) The effect of the regulation on the number of licensed or registered persons and facilities available to provide services in this State; and~~
- ~~(d) Any other related factor the Committee deems appropriate.~~

~~3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.~~

~~4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.]~~  
~~(Deleted by amendment.)~~

Sec. 2. ~~[Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.]~~ ~~(Deleted by amendment.)~~

Sec. 3. ~~["Housing for independent living" means single dwelling units, including, without limitation, single dwelling units located in a multidwelling or a multipurpose building, which provide residential housing intended for independent living and which do not directly provide or coordinate the oversight of services to meet the scheduled and unscheduled needs of its residents, including, without limitation, the~~

~~provision of personal care, supportive services and health-related services.]~~  
 (Deleted by amendment.)

Sec. 4. ~~[A facility for the dependent, a medical facility or a home for individual residential care that offers housing for independent living shall obtain an endorsement on its license authorizing the facility or home to offer housing for independent living.]~~ (Deleted by amendment.)

Sec. 5. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, a residential facility for groups which is authorized to have 10 or fewer beds or a home for individual residential care shall not provide accommodations for a person who does not meet the requirements for admission to the facility or home.*

2. *A residential facility for groups which is authorized to have 10 or fewer beds or a home for individual residential care may provide accommodations for a person who is related within the third degree of consanguinity to a resident of the facility or home regardless of whether the person meets the requirements for admission to the facility or home.*

Sec. 6. ~~[NRS 449.001 is hereby amended to read as follows:  
 449.001—As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, and section 3 of this act have the meanings ascribed to them in those sections.]~~  
 (Deleted by amendment.)

Sec. 7. NRS 449.037 is hereby amended to read as follows:

449.037 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, ~~and sections 3, 4 and~~ section 5 of this act and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Health Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive ~~[,], and sections 3, 4 and~~ section 5 of this act.

2. The Board shall adopt separate regulations governing the licensing and operation of:

- (a) Facilities for the care of adults during the day; and
- (b) Residential facilities for groups,

↳ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. The Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Health Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of

personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and his personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Health Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility *which is* licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling ~~if~~ if the Health Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.



9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

↪ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

~~11. The Board shall adopt regulations for the issuance and renewal of an endorsement to offer housing for independent living pursuant to section 4 of this act. The regulations must:~~

~~(a) Prescribe the grounds for the approval, denial, suspension or revocation of an endorsement;~~

~~(b) Prescribe the fees for the issuance and renewal of an endorsement; and~~

~~(c) Require compliance with all applicable laws and regulations, including, without limitation:~~

~~(1) The provisions of NRS 449.2487;~~

~~(2) Any law, ordinance or governmental regulation concerning health, safety, sanitation or fitness for habitation of the facility or home;~~

~~(3) Any law, ordinance or governmental regulation concerning the construction, maintenance, operation, occupancy, use or appearance of the facility or home; and~~

~~(4) The provisions of chapter 446 of NRS and any other laws or regulations governing the preparation of meals.~~

~~12.7~~ As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 8. NRS 449.140 is hereby amended to read as follows:

449.140 1. Money received from licensing medical facilities and facilities for the dependent ~~including, without limitation, an endorsement on a license,~~ must be forwarded to the State Treasurer for deposit in the State General Fund.

2. The Health Division shall enforce the provisions of NRS 449.001 to 449.245, inclusive, ~~and sections 3, 4 and~~ **section 5 of this act** and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 9. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Health Division may deny an application for a license ~~for an endorsement on a license~~ or may suspend or revoke any license ~~for endorsement~~ issued under the provisions of NRS 449.001 to 449.240, inclusive, ~~and sections 3, 4 and~~ **section 5 of this act** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, ~~and sections 3, 4 and~~ **section 5 of this act** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license ~~for endorsement~~ is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Health Division may revoke a license to operate a facility for the dependent ~~and an endorsement on such a license~~ if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Health Division shall maintain a log of any complaints that it receives relating to activities for which the Health Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The

Health Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Health Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

↪ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Health Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Health Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Health Division pursuant to subsection 2.

Sec. 10. NRS 449.163 is hereby amended to read as follows:

449.163 1. If a medical facility or facility for the dependent violates any provision related to its licensure ~~or endorsement,~~ including any provision of NRS 439B.410 ~~or~~ 449.001 to 449.240, inclusive, **and** ~~sections 3, 4 and~~ **section 5 of this act**, or any condition, standard or regulation adopted by the Board, the Health Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(d) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (c) of subsection 1, the Health Division may:

(a) Suspend the license ~~for endorsement, or both,~~ of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Health Division may require any facility that violates any provision of NRS 439B.410 ~~[ ]~~ or 449.001 to 449.240, inclusive, *and ~~sections 3, 4 and~~ section 5 of this act* or any condition, standard or regulation adopted by the Board ~~[ ]~~ to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the residents of the facility in accordance with applicable federal standards.

Sec. 11. ~~[NRS 449.170 is hereby amended to read as follows:~~

~~449.170 1. When the Health Division intends to deny, suspend or revoke a license [ ] or an endorsement on a license, or impose any sanction prescribed by NRS 449.163, it shall give reasonable notice to all parties by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. Notice is not required if the Health Division finds that the public health requires immediate action. In that case, it may order a summary suspension of a license or endorsement or impose any sanction prescribed by NRS 449.163, pending proceedings for revocation or other action.~~

~~2. If a person wants to contest the action of the Health Division, he must file an appeal pursuant to regulations adopted by the Board.~~

~~3. Upon receiving notice of an appeal, the Health Division shall hold a hearing pursuant to regulations adopted by the Board.~~

~~4. The Board shall adopt such regulations as are necessary to carry out the provisions of this section.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 449.210 is hereby amended to read as follows:~~

~~449.210 1. Except as otherwise provided in subsections 2 and 3, a person who operates a medical facility or facility for the dependent without a license or an endorsement on a license, if applicable, issued by the Health Division is guilty of a misdemeanor.~~

~~2. A person who operates a residential facility for groups without a license or an endorsement on a license, if applicable, issued by the Health Division:~~

~~(a) Is liable for a civil penalty, to be recovered by the Attorney General in the name of the Health Division, for the first offense of not more than \$10,000 and for a second or subsequent offense of not less than \$10,000 nor more than \$20,000;~~

~~(b) Shall be required to move all of the persons who are receiving services in the residential facility for groups to a residential facility for groups that is licensed at his own expense; and~~

~~(c) May not apply for a license to operate a residential facility for groups or an endorsement to offer housing for independent living, if applicable, for a period of 6 months after he is punished pursuant to this section.~~

~~3. Unless otherwise required by federal law, the Health Division shall deposit all civil penalties collected pursuant to this section into a separate~~

~~account in the State General Fund to be used for the protection of the health, safety and well-being of patients, including residents of residential facilities for groups.] (Deleted by amendment.)~~

Sec. 13. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Health Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.001 to 449.240, inclusive ~~[;]~~, ~~and sections 3, 4 and section 5 of this act:~~

(a) Without first obtaining a license therefor ~~;~~ ~~for an endorsement on a license, if applicable;~~ or

(b) After his license ~~for endorsement~~ has been revoked or suspended by the Health Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place operate ~~≠~~

~~(a) Operate~~ and maintain such a facility without a license.

~~(b) Offer housing for independent living without an endorsement on the license.~~

Sec. 14. NRS 449.230 is hereby amended to read as follows:

449.230 1. Any authorized member or employee of the Health Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.001 to 449.245, inclusive ~~[;]~~, ~~and sections 3, 4 and section 5 of this act.~~

2. The State Fire Marshal or his designee shall, upon receiving a request from the Health Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.037:

(a) Enter and inspect a residential facility for groups; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.037,

↳ to ensure the safety of the residents of the facility in an emergency.

3. The State Health Officer or his designee shall enter and inspect at least annually each building or the premises of a residential facility for groups to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Health Division shall enter and inspect any building or premises operated by a residential facility for groups within 72 hours after the Health Division is notified that a residential facility for groups is operating without a license.

Sec. 15. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Health Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.001 to 449.245, inclusive ~~[;]~~, ~~and sections 3, 4 and section 5 of this act.~~

Sec. 16. ~~NRS 233B.063 is hereby amended to read as follows:~~

~~233B.063 1. At least 30 days before the time of giving notice of its intention to adopt, amend or repeal a permanent regulation, an agency shall deliver to the Legislative Counsel a copy of the proposed regulation. The Legislative Counsel shall examine and if appropriate revise the language submitted so that it is clear, concise and suitable for incorporation in the Nevada Administrative Code, but shall not alter the meaning or effect without the consent of the agency.~~

~~2. Unless the proposed regulation is submitted to him between July 1 of an even numbered year and July 1 of the succeeding odd numbered year, the Legislative Counsel shall deliver the approved or revised text of the regulation within 30 days after it is submitted to him. If the proposed or revised text of a regulation is changed before adoption, the agency shall submit the changed text to the Legislative Counsel, who shall examine and revise it if appropriate pursuant to the standards of subsection 1. Unless it is submitted between July 1 of an even numbered year and July 1 of the succeeding odd numbered year, the Legislative Counsel shall return it with any appropriate revisions within 30 days. If the agency is a licensing board as defined in NRS 439B.225 and the proposed regulation relates to standards for [licensing or registration or for] the ~~issuance or~~ renewal of a license, ~~an endorsement on a license~~ or a certificate of registration issued to a person or facility regulated by the agency, the Legislative Counsel shall also deliver one copy of the approved or revised text of the regulation to the Legislative Committee on Health Care.~~

~~3. An agency may adopt a temporary regulation between August 1 of an even numbered year and July 1 of the succeeding odd numbered year without following the procedure required by this section and NRS 233B.064, but any such regulation expires by limitation on November 1 of the odd numbered year. A substantively identical permanent regulation may be subsequently adopted.~~

~~4. An agency may amend or suspend a permanent regulation between August 1 of an even numbered year and July 1 of the succeeding odd numbered year by adopting a temporary regulation in the same manner and subject to the same provisions as prescribed in subsection 3. (Deleted by amendment.)~~

Sec. 17. ~~[NRS 233B.070 is hereby amended to read as follows:~~

~~233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 293.247 or where a later date is specified in the regulation.~~

~~2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational~~

~~statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.~~

~~3.—An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.~~

~~4.—The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.~~

~~5.—The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.~~

~~6.—Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library and Archives Administrator, to the State Library and Archives Administrator for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for [licensing or registration or for] the *issuance or* renewal of a license, *an endorsement on a license* or a certificate of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the Legislative Committee on Health Care within 10 days after the regulation is filed with the Secretary of State.~~

~~7.—Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.~~

~~8.—An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.] (Deleted by amendment.)~~

Sec. 18. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and a hearing as required by law, impose an administrative fine of not more than \$5,000 on, recover reasonable investigative fees and costs incurred from, suspend, revoke or place conditions on the license of, and place on probation any nursing facility administrator or administrator of a residential facility for groups who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.001 to 449.240, inclusive, ~~and sections 3, 4 and~~ **section 5 of this act** as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the nursing facility administrator or administrator of a residential facility for groups and the patient or resident for the financial or other gain of the licensee.

2. The Board shall give a licensee against whom proceedings are brought pursuant to this section written notice of a hearing not less than 10 days before the date of the hearing.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

~~Sec. 19. [On or before January 1, 2010, the State Board of Health shall adopt regulations governing the issuance and renewal of an endorsement to offer housing for independent living required by NRS 449.037, as amended by section 7 of this act.] (Deleted by amendment.)~~

~~Sec. 20. [Each licensed facility for the dependent, medical facility and home for individual residential care which offers housing for independent living shall, on or before October 1, 2010, obtain the endorsement required by section 4 of this act.] (Deleted by amendment.)~~

~~Sec. 21. [1. This section and sections 1, 2, 3, 6, 7, 16, 17 and 19 of this act become effective upon passage and approval.~~

~~2. Sections 5, 14, 15 and 18 of this act become effective on October 1, 2009.~~

~~3. Sections 4, 8 to 13, inclusive, and 20 of this act become effective on January 1, 2010.] (Deleted by amendment.)~~

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.



Senate Bill No. 194.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 747.

AN ACT relating to certain public officials; making the district attorney of Humboldt County the ex officio public administrator of Humboldt County; revising certain provisions regarding the administration of certain estates; revising certain provisions regarding the appointment of public guardians; repealing certain provisions relating to public administrators; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill amends a number of provisions governing public administrators who are public officials that administer the estates of decedents having no qualified person willing and able to do so. **Sections 2 and 9** of this bill provide for the district attorney of Humboldt County to serve, ex officio, as the public administrator of the county, as the district attorneys for Lander, Lincoln and White Pine counties do currently. (NRS 253.010, 253.050) **Section 2** also authorizes the board of county commissioners in any county with an elected public administrator to appoint the public administrator if the office becomes vacant.

Under existing law, a public administrator may secure the property of a decedent if the public administrator finds that the decedent has no relatives able to protect the property and that failure to do so could endanger the property. (NRS 253.0405) **Section 3** of this bill authorizes a public administrator to secure the property of a decedent if either, not both, of those conditions exist. **Section 4** of this bill revises the notice requirements before a public administrator may donate or destroy certain property. (NRS 253.0407) **Sections 5 and 6** of this bill require and authorize a public administrator to conduct certain investigations. (NRS 253.0415, 253.042) **Section 7** of this bill increases the maximum value of an estate that may be set aside without administration. (NRS 253.0425)

Under existing law, certain powers and duties of public administrators are limited so as to be applicable only to public administrators in counties whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 253.041, 253.0415-253.0435) **Section 14** of this bill repeals NRS 253.041 so that the powers and duties set forth in NRS 253.0415 to 253.0435, inclusive, apply to public administrators in all counties. Conversely, existing law also sets forth that certain powers and duties of public administrators are limited so as to be applicable only to public administrators in counties whose population is less than 100,000 (currently counties other than Clark and Washoe Counties). (NRS 253.044, 253.0445, 253.045) **Section 14** repeals those provisions.

This bill also amends provisions governing public guardians. **Section 10** of this bill requires a public guardian to retain records relating to guardianships for at least 7 years. (NRS 253.190) **Section 11** of this bill revises the

requirements for a resident of Nevada to be eligible to have a county public guardian appointed as his permanent or general individual guardian. Further, **section 11** provides that a county is not liable on any written or oral contract entered into by a public guardian of the county for or on behalf of the ward. (NRS 253.200)

Currently, a public guardian may demand certain information from a proposed ward—a person for whom proceedings for the appointment of a guardian have begun—or from the spouse, parent, child or other kindred of a proposed ward, but not from a person for whom a guardian has been appointed. (NRS 253.220) **Section 12** of this bill revises that provision so that the information can be demanded from or about a ward but not a proposed ward.

Finally, **section 12.5** of this bill authorizes a court to terminate the appointment of a public guardian as an individual guardian of a person or estate if the public guardian, after exercising due diligence, is unable to identify a source to pay for the care of the ward. ~~It~~ **and, as a consequence, continuation of the guardianship would confer no benefit upon the ward.**

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

Section 1. NRS 250.160 is hereby amended to read as follows:

250.160 1. A county assessor may provide confidential information for use:

(a) By any governmental entity, including, without limitation, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, without limitation, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders or pursuant to an order of a federal or state court.

(c) By a private investigator, private patrolman or security consultant who is licensed pursuant to chapter 648 of NRS, for any use authorized pursuant to this section.

(d) In connection with an investigation conducted pursuant to NRS 253.0415 ~~[-253.044]~~ or 253.220.

(e) In activities relating to research and the production of statistical reports, if the address or information will not be published or otherwise disclosed or used to contact any person.

(f) In the bulk distribution of surveys, marketing material or solicitations, if the assessor has adopted policies and procedures to ensure that the information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations.

(g) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station.

2. Except for a reporter or editorial employee described in paragraph (g) of subsection 1, a person who obtains information pursuant to this section and sells or discloses that information shall keep and maintain for at least 5 years a record of:

- (a) Each person to whom the information is sold or disclosed; and
- (b) The purpose for which that person will use the information.

Sec. 2. NRS 253.010 is hereby amended to read as follows:

253.010 1. Except as otherwise provided in ~~subsection 4,~~ **subsections 4 and 5**, public administrators must be elected by the qualified electors of their respective counties.

2. Public administrators must be chosen by the electors of their respective counties at the general election in 1922 and at the general election every 4 years thereafter, and shall enter upon the duties of their office on the first Monday of January after their election.

3. The public administrator of a county must:

- (a) Be a qualified elector of the county;
- (b) Be at least 21 years of age on the date he will take office;
- (c) Not have been convicted of a felony for which his civil rights have not been restored by a court of competent jurisdiction; and
- (d) Not have been found liable in a civil action involving a finding of fraud, misrepresentation, material omission, misappropriation, theft or conversion.

4. The district attorneys of *Humboldt*, Lander, Lincoln and White Pine Counties are ex officio public administrators of *Humboldt County*, Lander County, Lincoln County and White Pine County, respectively. The Clerk of Carson City shall serve as Public Administrator of Carson City.

**5. In a county other than Carson City and Humboldt, Lander, Lincoln and White Pine Counties, if, for any reason, the office of public administrator becomes vacant, the board of county commissioners may appoint a public administrator for the remainder of the unexpired term.**

Sec. 3. NRS 253.0405 is hereby amended to read as follows:

253.0405 Before the issuance of the letters of administration for an estate, before filing an affidavit to administer an estate pursuant to NRS 253.0403 or before petitioning to have an estate set aside pursuant to NRS 253.0425, the public administrator may secure the property of a deceased person if he finds that:

- 1. There are no relatives of the deceased who are able to protect the property; ~~and~~ **or**
- 2. Failure to do so could endanger the property.

Sec. 4. NRS 253.0407 is hereby amended to read as follows:

253.0407 1. Except as otherwise provided in subsection 2, a public administrator, with regard to the personal property of the estate of ~~a ward or~~

a decedent, may donate property that has a value of less than \$250 to a nonprofit organization, or destroy property that has a value of less than \$100, if ~~[-~~:

~~(a) The property, if that of a ward, is not necessary for the care or comfort of the ward; and~~

~~(b) A] a notice of intent to donate or destroy the property is ~~[-~~~~

~~(1) Mailed] mailed by certified mail or delivered personally to the [ward's or] decedent's next of kin [at his last known home address; or~~

~~(2) Personally delivered to him,~~

~~→ and that person fails to claim] and the property is not claimed within 15 days.~~

2. A public administrator may authorize the immediate destruction of the property of a ~~[ward or]~~ decedent, without giving notice to the next of kin, if:

(a) The administrator determines that the property has been contaminated by vermin or biological or chemical agents;

(b) The expenses related to the decontamination of the property cause salvage to be impractical;

(c) The property constitutes an immediate threat to public health or safety;

(d) The handling, transfer or storage of the property may endanger public health or safety or exacerbate contamination; and

(e) The value of the property is less than \$100 or, if the value of the property is \$100 or more, a state or local health officer has endorsed the destruction of the property.

Sec. 5. NRS 253.0415 is hereby amended to read as follows:

253.0415 1. The public administrator shall:

(a) Investigate:

(1) The financial status of any decedent for whom he has been requested to serve as administrator to determine the assets and liabilities of the estate.

(2) Whether there is any qualified person who is willing and able to serve as administrator of the estate of an intestate decedent to determine whether he is eligible to serve in that capacity.

**(3) Whether there are beneficiaries named on any asset of the estate or whether any deed upon death executed pursuant to NRS 111.109 is on file with the county recorder.**

(b) Except as otherwise provided in NRS 253.0403 and 253.0425, petition the court for letters of administration of the estate of ~~[a person dying] an~~ intestate **decedent** if, after investigation, the public administrator finds that there is no other qualified person having a prior right who is willing and able to serve.

(c) Upon court order, act as administrator of the estate of ~~[a person dying intestate.] an~~ **intestate decedent**, regardless of the amount of assets in the estate of the decedent if no other qualified person is willing and able to serve.

2. ~~[The public administrator is not eligible to serve as a guardian of the person and estate of a ward unless the board of county commissioners has~~

~~designated the public administrator as ex officio public guardian.] *The public administrator shall not administer any estate:*~~

- ~~(a) *Held in joint tenancy unless all joint tenants are deceased;*~~
- ~~(b) *For which a beneficiary form has been registered pursuant to NRS 111.480 to 111.650, inclusive; or*~~
- ~~(c) *For which a deed upon death has been executed pursuant to NRS 111.109.*~~

~~3. *As used in this section, “intestate decedent” means a person who has died without leaving a valid will, trust or other estate plan.*~~

Sec. 6. NRS 253.042 is hereby amended to read as follows:

253.042 In connection with an investigation conducted pursuant to subsection 1 of NRS 253.0415, a public administrator may:

1. Require any spouse, parent, child or other kindred of the decedent to give any information and to execute any written requests or authorizations necessary to provide the public administrator with access to records, otherwise confidential, needed to evaluate the public administrator’s eligibility to serve.

2. Obtain information from the public records in any office of the State or any of its agencies or subdivisions upon request and without payment of any fee.

**3. *Investigate the assets and personal and family history of any decedent for whom he has been requested to serve as administrator, without hiring or being licensed as a private investigator pursuant to chapter 648 of NRS.***

Sec. 7. NRS 253.0425 is hereby amended to read as follows:

253.0425 1. If the public administrator finds that there is no qualified person willing and able to administer the estate of a particular decedent, he shall investigate further to estimate its gross value.

2. If the estate appears to have a gross value of ~~[\$50,000]~~ **\$100,000** or less, he shall:

(a) Assist a proper person to petition to have it set aside without administration or directly receive the assets from a custodian, as the facts may warrant;

(b) Himself petition to have the estate set aside without administration and properly distributed; or

(c) Administer the estate pursuant to NRS 253.0403.

3. If the estate appears to have a gross value of more than ~~[\$50,000:]~~ **\$100,000:**

(a) He shall proceed with summary or full administration as the value of the estate requires.

(b) He may retain an attorney to assist him, rotating this employment in successive estates among the attorneys practicing in the county who are qualified by experience and willing to serve. The attorney’s fee is a charge upon the estate.

Sec. 8. NRS 253.0447 is hereby amended to read as follows:

253.0447 A public administrator ~~[, or other suitable person designated by the board of county commissioners, who is authorized to perform the duties set forth in NRS 253.044,]~~ may file with the board *of county commissioners* a request for payment for expenses incurred in the performance of such duties. The amount to be paid as expenses must be determined by the board . ~~[of county commissioners.]~~ Payment must be made from the general fund of the county if the board ~~[of county commissioners]~~ approves the request and determines that there is sufficient money in the fund to pay the public administrator or other suitable person designated by the board to perform those duties. This section does not require the board ~~[of county commissioners]~~ to authorize payment of any expense that can be paid from the assets of a person or an estate . ~~[subject to NRS 253.044.]~~

Sec. 9. NRS 253.050 is hereby amended to read as follows:

253.050 1. For the administration of the estates of deceased persons, public administrators are entitled to be paid as other administrators or executors are paid, subject to the provisions of NRS 245.043.

2. The district attorneys of *Humboldt*, Lander, Lincoln and White Pine counties as ex officio public administrators and the clerk of Carson City serving as public administrator of Carson City may retain all fees provided by law received by them as public administrators.

3. The public administrator is entitled to compensation from the estate or from beneficiaries for the reasonable value of his services performed in preserving the property of an estate of a deceased person before the appointment of an administrator. Compensation must be set by the board of county commissioners.

Sec. 10. NRS 253.190 is hereby amended to read as follows:

253.190 A public guardian shall ~~[keep]~~ :

1. **Keep** financial and other appropriate records concerning all cases in which he is appointed as an individual guardian ~~[ ]~~ ; **and**

2. **Retain:**

(a) **All such financial records for each case for at least 7 years after the date of the transaction that is recorded in the record; and**

(b) **All other records for each case for at least 7 years after the termination of the guardianship pursuant to chapter 159 of NRS.**

Sec. 11. NRS 253.200 is hereby amended to read as follows:

253.200 1. A resident of Nevada is eligible to have the public guardian of the county in which he resides appointed as his temporary individual guardian pursuant to NRS 159.0523 or 159.0525.

2. A resident of Nevada is eligible to have the public guardian of a county appointed as his permanent or general individual guardian if ~~[he:~~

~~(a) Has]~~ **the proposed ward is a resident of that county and:**

(a) **The proposed ward has** no relative or friend ~~[able]~~ **suitable** and willing to serve as his guardian; ~~[and~~

~~(b) Is a resident of that county.] or~~

***(b) The proposed ward has a guardian who the court determines must be removed pursuant to NRS 159.185.***

3. A person qualified pursuant to subsection 1 or 2, or anyone on his behalf, may petition the district court of the county in which he resides to make the appointment.

4. Before a petition for the appointment of the public guardian as a guardian may be filed pursuant to subsection 3, a copy of the petition and copies of all accompanying documents to be filed must be delivered to the public guardian or a deputy public guardian.

5. Any petition for the appointment of the public guardian as a guardian filed pursuant to subsection 3 must include a statement signed by the public guardian or deputy public guardian and in substantially the following form:

The undersigned is the Public Guardian or a Deputy Public Guardian of ..... County. The undersigned certifies that he has received a copy of this petition and all accompanying documents to be filed with the court.

6. A petition for the appointment of the public guardian as permanent or general guardian must be filed separately from a petition for the appointment of a temporary guardian.

7. If a person other than the public guardian served as temporary guardian ~~[prior to]~~ ***before*** the appointment of the public guardian as permanent or general guardian, the temporary guardian must file an accounting and report with the court in which the petition for the appointment of a public guardian was filed within 30 days of the appointment of the public guardian as permanent or general guardian.

***8. In addition to NRS 159.099, a county is not liable on any written or oral contract entered into by the public guardian of the county for or on behalf of a ward.***

9. For the purposes of this section:

(a) Except as otherwise provided in paragraph (b), the county of residence of a person is the county to which the person moved with the intent to reside for an indefinite period.

(b) The county of residence of a person placed in institutional care is the county that was the county of residence of the person before the person was placed in institutional care by a guardian or agency or under power of attorney.

Sec. 12. NRS 253.220 is hereby amended to read as follows:

253.220 A public guardian may investigate the financial status, assets and personal and family history of any person for whom the public guardian has been appointed as guardian, without hiring or being licensed as a private investigator pursuant to chapter 648 of NRS. In connection with the investigation, the public guardian may require any ~~[proposed]~~ ward or any spouse, parent, child or other kindred of the ~~[proposed]~~ ward to give any information and to execute and deliver any written requests or authorizations necessary to provide the public guardian with access to records, otherwise confidential, which are needed by the public guardian. The public guardian

may obtain information from any public record office of the State or any of its agencies or subdivisions upon request and without payment of any fees.

Sec. 12.5. NRS 253.250 is hereby amended to read as follows:

253.250 The court may, at any time, terminate the appointment of a public guardian as an individual guardian *of a person or of an estate* upon petition by the ward ~~for~~, *the public guardian*, any interested person or upon the court's own motion if ~~it~~:

1. *It* appears that the services of the public guardian are no longer necessary ~~it~~; *or*

2. *After exercising due diligence, the public guardian is unable to identify a source to pay for the care of the ward ~~for~~ and, as a consequence, continuation of the guardianship would confer no benefit upon the ward.*

Sec. 13. NRS 481.063 is hereby amended to read as follows:

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 5, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsection 2, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 ~~[-253.044]~~ or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

↪ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law



enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. Except as otherwise provided in subsections 2 and 5, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

5. Except as otherwise provided in paragraph (a) and subsection 6, if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

- (1) The safety of drivers of motor vehicles;
- (2) Safety and thefts of motor vehicles;
- (3) Emissions from motor vehicles;
- (4) Alterations of products related to motor vehicles;
- (5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;
- (6) Monitoring the performance of motor vehicles;
- (7) Parts or accessories of motor vehicles;
- (8) Dealers of motor vehicles; or
- (9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrolman or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 ~~[, 253.044]~~ or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

(k) In the bulk distribution of surveys, marketing material or solicitations, if the Director has adopted policies and procedures to ensure that:

(1) The information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations;

(2) Each person about whom the information is requested has clearly been provided with an opportunity to authorize such a use; and

(3) If the person about whom the information is requested does not authorize such a use, the bulk distribution will not be directed toward that person.

6. Except as otherwise provided in paragraph (j) of subsection 5, a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 5. Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information.

↪ The record must be made available for examination by the Department at all reasonable times upon request.

7. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if he reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

8. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the database created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that database.

9. The Director shall adopt such regulations as he deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting

personal information may establish an account with the Department to facilitate his ability to request information electronically or by written request if he has submitted to the Department proof of his employment or licensure, as applicable, and a signed and notarized affidavit acknowledging:

(a) That he has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;

(b) That he understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) That he understands that a record will be maintained by the Department of any information he requests; and

(d) That he understands that a violation of the provisions of this section is a criminal offense.

10. It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

11. As used in this section, "personal information" means information that reveals the identity of a person, including, without limitation, his photograph, social security number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his full address, information regarding vehicular accidents or driving violations in which he has been involved or other information otherwise affecting his status as a driver.

Sec. 14. NRS 253.030, 253.041, 253.044, 253.0445 and 253.045 are hereby repealed.

Sec. 15. Notwithstanding any other provision of this act, the term of office of the person who holds the office of Public Administrator of Humboldt County on July 1, 2009, does not expire until that term would ordinarily expire pursuant to subsection 2 of NRS 253.010.

Sec. 16. 1. This section and sections 2, 9 and 15 of this act become effective on July 1, 2009.

2. Sections 1, 3 to 8, inclusive, and 10 to 14, inclusive, of this act become effective on October 1, 2009.

#### LEADLINES OF REPEALED SECTIONS

**253.030 Vacancy: Applicable law governing appointment; qualification of appointee.**

**253.041 County whose population is 100,000 or more: Applicability of NRS 253.041 to 253.0435, inclusive.**

**253.044 County whose population is less than 100,000: Service as administrator of estate of intestate decedent.**

**253.0445 County whose population is less than 100,000: Access to information.**

**253.045 Additional duties in county whose population is less than 100,000.**

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 401.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Assembly Bill No. 401:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Assembly Bill No. 401 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguela moved that all rules be suspended and the Assembly dispense with the reprinting of Assembly Bill No. 111.

Motion carried.

Assemblyman Oceguela moved that Assembly Bill No. 111 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. 111.

Bill read third time.

Remarks by Assemblywoman Spiegel.

Roll call on Assembly Bill No. 111:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Assembly Bill No. 111 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 548.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 548:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Assembly Bill No. 548 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 550.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 550:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Assembly Bill No. 550 having received a two-thirds majority,  
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 554.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 554:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Assembly Bill No. 554 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 9 be taken from its  
position on the General File and placed at the bottom of the General File.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 530.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 530:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Assembly Bill No. 530 having received a constitutional majority,  
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 27.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

Roll call on Senate Bill No. 27:

YEAS—39.

NAYS—Gustavson.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 27 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 34.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

Roll call on Senate Bill No. 34:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 34 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Senate Bill No. 66:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 66 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 74.

Bill read third time.

Remarks by Assemblyman Munford.

Roll call on Senate Bill No. 74:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 74 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 79.

Bill read third time.

Remarks by Assemblyman Hambrick.

Roll call on Senate Bill No. 79:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 79 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Senate Bill No. 103 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 125.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 125:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 125 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 131.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Senate Bill No. 131:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 131 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 132.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Goicoechea, Grady, Gustavson, Leslie, and Goedhart.

Roll call on Senate Bill No. 132:

YEAS—32.

NAYS—Cobb, Goedhart, Goicoechea, Gustavson, Hambrick, Hardy, McArthur, Settlemeyer—8.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 132 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 134.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

Roll call on Senate Bill No. 134:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 134 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 169.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Senate Bill No. 169:

YEAS—36.

NAYS—Kirkpatrick, Mastroluca, Pierce, Spiegel—4.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 169 having received a two-thirds majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 170.

Bill read third time.

Remarks by Assemblymen Bobzien and Goicoechea.

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

Roll call on Senate Bill No. 170:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 170 having received a constitutional majority,  
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 174.

Bill read third time.

Roll call on Senate Bill No. 174:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 174 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 209.

Bill read third time.



Remarks by Assemblywoman Mastroluca.

Roll call on Senate Bill No. 209:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 209 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 215.

Bill read third time.

Roll call on Senate Bill No. 215:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 215 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 217.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Senate Bill No. 217:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 217 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly  
would recess subject to the call of the Chair.

Assembly in recess at 1:08 p.m.

#### ASSEMBLY IN SESSION

At 1:13 p.m.

Madam Speaker presiding.

Quorum present.

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 2009

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 409.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 146, 294, 394.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 146.

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

Motion carried.

Senate Bill No. 294.

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

Motion carried.

Senate Bill No. 394.

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

Motion carried.

Senate Bill No. 409.

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

Motion carried.

## UNFINISHED BUSINESS

## CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 410.

The following Senate amendment was read:

Amendment No. 575.

AN ACT relating to industrial insurance; allowing the provisions of certain collective bargaining agreements to supersede various statutory provisions relating to industrial insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

**Section 1** of this bill allows the provisions of collective bargaining agreements between certain employers ~~in certain construction-related businesses~~ and the labor organizations that represent their employees to supersede various statutory provisions relating to industrial insurance. Such collective bargaining agreements may include provisions which establish processes for alternative dispute resolution, lists of medical evaluators and providers of medical treatment, joint safety committees, programs for light-duty or modified job responsibilities and programs for vocational rehabilitation.

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

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

1. Except as otherwise provided in subsection 2, notwithstanding any provisions of chapters 616A to 617, inclusive, of NRS to the contrary, the Division and the courts of this State shall recognize as valid and binding any provision in a collective bargaining agreement between a private employer or a group of private employers ~~engaged in construction, construction maintenance or activities limited to rock, sand, gravel, cement and asphalt operations, heavy duty mechanics, surveying and construction inspection,~~ and a labor organization that represents the employees of such employers, any provision which establishes:

(a) A process for alternative dispute resolution, including, without limitation, mediation and arbitration, which governs disputes between employees and employers or their insurers and which supplements or replaces all or part of the dispute resolution processes contained in chapters 616A to 617, inclusive, of NRS. Any such process for alternative dispute resolution must provide that a finding of fact, award, order or decision of an arbitrator or board of arbitration:

(1) Has the same force and effect as a finding of fact, award, order or decision of a hearing officer or the Administrator, as applicable; and

(2) Is subject to review by an appeals officer in the same manner, and using the same procedures, as provided for review of a finding of fact, award, order or decision made by a hearing officer or the Administrator, as applicable ~~;~~

(b) The use of a specified list of providers of medical treatment who may be the exclusive source of all medical treatment provided under chapters 616A to 617, inclusive, of NRS ~~;~~

(c) The use of a specified list of medical evaluators who may be the exclusive source of all medical evaluations under chapters 616A to 617, inclusive, of NRS ~~;~~

(d) A joint committee for safety involving both the employer and the labor organization ~~;~~

(e) A program for light-duty employment or employment that is modified according to limitations or restrictions imposed by a physician or chiropractor ~~;~~ or

(f) A program for vocational rehabilitation utilizing a specified list of providers of vocational rehabilitation services who may be the exclusive source of all vocational rehabilitation services under chapters 616A to 617, inclusive, of NRS.

2. Nothing in this section:

(a) Authorizes any provision of a collective bargaining agreement to reduce the entitlement of an employee to compensation for temporary total disability, temporary partial disability, permanent total disability, permanent partial disability, vocational rehabilitation services or medical treatment fully paid for by the employer, as otherwise provided in chapters 616A to 617, inclusive, of NRS. Any provision of a collective bargaining

*agreement which purports to so reduce the entitlement of an employee to any such compensation is void.*

*(b) Prohibits an employer and a labor organization from negotiating any aspect of the delivery of medical benefits or the delivery of compensation for disability to employees of the employer or group of employers who are eligible for group health benefits and disability benefits through their employer other than those provided in chapters 616A to 617, inclusive, of NRS.*

*3. As used in this section, "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.*

Sec. 2. This act becomes effective on July 1, 2009.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 410.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 389.

The following Senate amendment was read:

Amendment No. 603.

AN ACT relating to personal identifying information; prohibiting a ~~person~~ business from printing certain information concerning a credit card or debit card on any copy of a receipt retained by the ~~person~~ business; prohibiting a person from providing machines that do not allow a ~~person~~ business to comply with the prohibition against printing certain information; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing state and federal laws prohibit a person who accepts credit cards or debit cards for the transaction of business from printing the expiration date of the card or more than the last five digits of the account number of the card on any receipt provided to the cardholder. (NRS 597.945; 15 U.S.C. § 1681c(g)) **Section 2** of this bill prohibits ~~such a person~~ business from printing more than the last five digits of the account number of the card on any copy of the receipt that is retained by the ~~person who~~ business that accepted the card. Additionally, **section 2** prescribes a civil penalty of \$500 for a ~~person who~~ business that violates these provisions and an additional penalty of \$1,000 per week for a ~~person who~~ business that does not correct the violation. The aggregate amount of civil penalties imposed on a ~~person~~ business for violations of these provisions which occur on the same premises must not exceed \$4,500. Finally, **section 2** authorizes the Attorney General

or a district attorney to: (1) recover the civil penalties in a civil action; and (2) bring an action to enjoin any violation of the provisions of **section 2**. A ~~person who~~ **business that** violates any order or injunction issued to enjoin a violation of the provisions of **section 2** is guilty of a gross misdemeanor.

**Section 3** of this bill exempts from the applicability of **section 2**, from July 1, 2009, to December 31, 2009, a ~~person who~~ **business that** does not have the ability to control or adjust the manner in which a receipt is electronically printed.

**Section 1** of this bill prohibits a manufacturer or a supplier from providing, selling or leasing a cash register or other machine or device that does not allow a ~~person~~ **business** to comply with the provisions of **section 2**. **Section 1** also authorizes the Attorney General or a district attorney to bring an action to enjoin any violation of the provisions of **section 1**. A person who violates any order or injunction issued to enjoin a violation of the provisions of **section 1** is guilty of a gross misdemeanor.

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A manufacturer or supplier of a cash register or other machine or device that prints receipts for transactions in which a credit card or debit card is used shall not provide, lease or sell for the transaction of business any equipment that does not allow a ~~person~~ **business** to comply with the provisions of subsection 1 of NRS 597.945.*

*2. The Attorney General or the district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada against any person to restrain and prevent any violation of this section. The court may issue an injunction for those purposes without proof of actual damage sustained by any person.*

*3. A person who violates any order or injunction issued pursuant to this section is guilty of a gross misdemeanor.*

*4. As used in this section:*

*(a) "Credit card" has the meaning ascribed to it in NRS 597.945.*

*(b) "Debit card" has the meaning ascribed to it in NRS 597.945.*

*(c) "Supplier" means a person engaged in the business of providing, leasing or selling cash registers or other machines or devices that are used to print receipts in the transaction of business.*

Sec. 2. NRS 597.945 is hereby amended to read as follows:

597.945 1. Except as otherwise provided in this section, if a ~~person~~ **business** accepts credit cards or debit cards for the transaction of business, the ~~person~~ **business** shall not : ~~do any of the following:~~

(a) Print the expiration date of the credit card or debit card on any receipt provided to the cardholder ; ~~[-]~~

(b) Print more than the last five digits of the account number of the credit card or debit card on any receipt provided to the cardholder ~~[ ]~~; *or*

(c) *Print more than the last five digits of the account number of the credit card or debit card on any copy of a receipt retained by the ~~person~~ business.*

2. This section:

(a) Applies only to receipts that are electronically printed.

(b) Does not apply to transactions in which the only means of recording the credit card or debit card number is:

(1) By handwriting the credit card or debit card number; or

(2) By imprinting or copying the credit card or debit card.

3. ~~If any cash register or other machine or device that electronically prints receipts for credit card or debit card transactions was first put into use before October 1, 2003, the provisions of this section do not apply to any transaction that occurs with regard to that cash register or other machine or device before January 1, 2008.] A ~~person who~~ business that violates any provision of this section is liable for a civil penalty in the amount of \$500. The ~~person~~ business must be given notice of the violation and 2 weeks to correct the violation. A ~~person who~~ business that does not correct the violation within 2 weeks after receiving notice of the violation is liable for an additional civil penalty in the amount of \$1,000 per week until the ~~person~~ business corrects the violation, except that the aggregate amount of civil penalties imposed on a ~~person~~ business for violations which occur on the same premises must not exceed \$4,500.~~

4. *A civil penalty imposed pursuant to subsection 3 must be recovered in a civil action brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction. Any penalty collected pursuant to this section must be paid to the State Treasurer for credit to the State General Fund.*

5. *The Attorney General or the district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada against any ~~person~~ business to restrain and prevent any violation of this section. The court may issue an injunction for those purposes without proof of actual damage sustained by any person.*

6. *A ~~person who~~ business that violates any order or injunction issued pursuant to this section is guilty of a gross misdemeanor.*

7. As used in this section:

(a) "Credit card" means any instrument or device, whether known as a credit card, credit plate or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(b) "Debit card" means any instrument or device, whether known as a debit card or by any other name, that is issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods,

services or anything else of value, subject to the issuer removing money from the checking account or savings account of the cardholder.

Sec. 3. 1. From July 1, 2009, to December 31, 2009, inclusive, the prohibitions set forth in subsection 1 of NRS 597.945 are applicable only to a ~~person who~~ **business that** has the control or ability to adjust the manner in which a receipt is electronically printed for transactions in which a credit card or debit card is used.

2. As used in this section:

(a) "Credit card" has the meaning ascribed to it in NRS 597.945.

(b) "Debit card" has the meaning ascribed to it in NRS 597.945.

Sec. 4. 1. This section and sections 2 and 3 of this act become effective on July 1, 2009.

2. Section 1 of this act becomes effective on October 1, 2009.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 389.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 415.

The following Senate amendment was read:

Amendment No. 583.

AN ACT relating to counties; authorizing certain smaller counties to combine or separate certain county offices after approval by a vote of the residents of the county; ~~making the County Clerk the ex officio County Treasurer in White Pine County except in certain circumstances;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants to the Nevada Legislature the power to increase, diminish, consolidate or abolish the offices of county clerk, county recorder, auditor, sheriff, district attorney and public administrator. (Nev. Const., Art. 4, § 32) As interpreted by the Nevada Supreme Court, Nev. Const., Art. 4, § 32, does not set forth an exhaustive list of all the county offices that the Legislature may increase, diminish, consolidate or abolish but, instead, clarifies that although the offices of county clerk, county recorder, auditor, sheriff, district attorney and public administrator are constitutional offices, the Legislature may nonetheless increase, diminish, consolidate or abolish those offices. (*Harvey v. Second Judicial Dist. Court*, 117 Nev. 754, 764-66 (2001)) The Court has further determined that the Legislature may either exercise or delegate the authority set forth in Nev. Const., Art. 4, § 32. (*Cawley v. Pershing County*, 50 Nev. 237, 247 (1927))

This bill, in counties whose population is less than 40,000 (currently counties other than Clark, Douglas, Elko and Washoe Counties and Carson City), authorizes the governing body of the county, after making certain findings and after approval of the residents of the county pursuant to an

advisory ballot question (NRS 293.482), to combine or separate any county offices, except for constitutional county offices that are not listed in Nev. Const., Art. 4, § 32. Thus, this bill does not authorize the governing body of a county to combine or separate such offices as county commissioner or district judge. (Nev. Const., Art. 4, § 26, Art. 6, § 5)

~~Existing law makes the county clerk of certain counties the ex officio county treasurer for their respective counties. (NRS 249.010) Section 4 of this bill adds White Pine County to the list of such counties making the County Clerk the ex officio County Treasurer of that County, unless the governing body alters this using the new mechanism for combining or separating county offices.]~~

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. Except as otherwise provided in subsection 2, the board of county commissioners of a county whose population is less than 40,000 may by ordinance direct that:**

**(a) The powers and duties of two or more county offices be combined into one county office.**

**(b) The powers and duties of one county office be allocated between two or more county offices.**

**2. A board of county commissioners shall not take the action described in subsection 1 unless:**

**(a) The board determines that the combining or separating of the applicable county offices will benefit the public;**

**(b) The board determines that the combining or separating of the applicable county offices will not create:**

**(1) An ethical, legal or practical conflict of interest; or**

**(2) A situation in which the powers and duties assigned to a county office are incompatible with the proper performance of that office in the public interest;**

**(c) The board submits to the residents of the county, in the form of an advisory ballot question pursuant to NRS 293.482, a proposal to combine or separate the applicable county offices; and**

**(d) A majority of the voters voting on the advisory ballot question approves the proposal.**

**3. If the combining or separating of county offices pursuant to this section will result in the elimination of one or more county offices, the combining or separating of offices must not become effective until the earlier of the date on which:**

**(a) The normal term of office of the person whose office will be eliminated expires; or**

**(b) The person whose office will be eliminated resigns.**



4. *If the combining or separating of county offices pursuant to this section results in the powers and duties of one county office being transferred to another county office, the county office to which the powers and duties are transferred shall be deemed to be the county office from which the powers and duties were transferred for the purposes of any applicable provision of law authorizing or requiring the performance or exercise of those powers and duties, as appropriate.*

Sec. 2. NRS 247.010 is hereby amended to read as follows:

247.010 1. Except as otherwise provided in subsection 3 ~~{}~~ *or as altered pursuant to the mechanism set forth in section 1 of this act*, county recorders must be elected by the qualified electors of their respective counties.

2. County recorders must be chosen by the electors of their respective counties at the general election in 1922, and at the general election every 4 years thereafter, and shall enter upon the duties of their respective offices on the first Monday of January subsequent to their election.

3. The Clerk of Carson City is ex officio the Recorder of Carson City.

Sec. 3. NRS 248.010 is hereby amended to read as follows:

248.010 *Unless the arrangement is altered pursuant to the mechanism set forth in section 1 of this act:*

1. Sheriffs must be elected by the qualified electors of their respective counties.

2. Sheriffs must be chosen by the electors of their respective counties at the general election in 1922, and at the general election every 4 years thereafter, and shall enter upon the duties of their respective offices on the first Monday of January subsequent to their election.

Sec. 4. NRS 249.010 is hereby amended to read as follows:

249.010 1. Except as *otherwise* provided in subsection 3 ~~{}~~ *or as altered pursuant to the mechanism set forth in section 1 of this act*, county treasurers must be elected by the qualified electors of their respective counties.

2. County treasurers must be chosen by the electors of their respective counties at the general election in 1922, and at the general election every 4 years thereafter, and shall enter upon the duties of their respective offices on the first Monday of January subsequent to their election.

3. The county clerks of Churchill, Douglas, Esmeralda, Eureka, Lyon, Mineral, Pershing and Storey ~~and White Pine~~ Counties are ex officio county treasurers of their respective counties ~~{}~~ , *unless such an arrangement is altered pursuant to the mechanism set forth in section 1 of this act.*

Sec. 5. NRS 251.010 is hereby amended to read as follows:

251.010 1. The county recorder is ex officio county auditor in counties in which a county comptroller has not been appointed ~~{}~~ , *unless such an arrangement is altered pursuant to the mechanism set forth in section 1 of this act.*

2. County auditors shall keep an office at the county seat of their county, which must be kept open in accordance with the provisions of NRS 245.040.

Sec. 6. NRS 253.010 is hereby amended to read as follows:

253.010 1. Except as otherwise provided in subsection 4 ~~{-}~~ ***or as altered pursuant to the mechanism set forth in section 1 of this act***, public administrators must be elected by the qualified electors of their respective counties.

2. Public administrators must be chosen by the electors of their respective counties at the general election in 1922 and at the general election every 4 years thereafter, and shall enter upon the duties of their office on the first Monday of January after their election.

3. The public administrator of a county must:

- (a) Be a qualified elector of the county;
- (b) Be at least 21 years of age on the date he will take office;
- (c) Not have been convicted of a felony for which his civil rights have not been restored by a court of competent jurisdiction; and
- (d) Not have been found liable in a civil action involving a finding of fraud, misrepresentation, material omission, misappropriation, theft or conversion.

4. The district attorneys of Lander, Lincoln and White Pine Counties are ex officio public administrators of Lander County, Lincoln County and White Pine County, respectively ~~{-}~~, ***unless such an arrangement is altered pursuant to the mechanism set forth in section 1 of this act***.

5. The Clerk of Carson City shall serve as Public Administrator of Carson City.

Sec. 7. NRS 253.150 is hereby amended to read as follows:

253.150 1. The board of county commissioners of each county shall establish the office of public guardian.

2. The board of county commissioners shall:

- (a) Appoint a public guardian, who serves at the pleasure of the board, for a term of 4 years from the day of appointment;
- (b) Designate an elected or appointed county officer as ex officio public guardian;
- (c) ***Pursuant to the mechanism set forth in section 1 of this act, designate another county officer to execute the powers and duties of the public guardian;***

(d) Except in a county whose population is 100,000 or more, contract with a private professional guardian to act as public guardian; or

~~{(d)}~~ (e) Contract with the board of county commissioners of a neighboring county in the same judicial district to designate as public guardian the public guardian of the neighboring county.

3. The compensation of a public guardian appointed or designated pursuant to subsection 2 must be fixed by the board of county commissioners and paid out of the county general fund.

4. As used in this section, “private professional guardian” means a person who receives compensation for services as a guardian to three or more wards who are not related to the person by blood or marriage. The term does not include:

- (a) A governmental agency.
- (b) A banking corporation, as defined in NRS 657.016, or an organization permitted to act as fiduciary pursuant to NRS 662.245 if it is appointed as guardian of an estate only.
- (c) A trust company, as defined in NRS 669.070.
- (d) A court-appointed attorney licensed to practice law in this State.

Sec. 8. NRS 253.160 is hereby amended to read as follows:

253.160 1. Upon taking office, a public guardian shall file with the county clerk a general bond in an amount fixed by the board of county commissioners payable to the State of Nevada with sureties approved by the board of county commissioners. The premium for the bond shall be paid from the general funds of the county and be conditioned upon the public guardian’s faithful performance of his duties.

2. The general bond and oath of office of a public guardian are in lieu of the bonds and oaths required of private guardians.

3. The oath and bond of an elected or appointed public officer designated ~~[ex officio]~~ public guardian *or designated to execute the powers and duties of the public guardian* pursuant to *paragraph (b) or (c) of* subsection 2 of NRS 253.150 are in lieu of the bonds and oaths required of private guardians. The court may require ~~[the ex officio public guardian]~~ *such a designee* to execute a separate bond for any guardianship in the manner prescribed in NRS 159.065.

Sec. 9. NRS 259.020 is hereby amended to read as follows:

259.020 Except in any county where a coroner is appointed pursuant to NRS 244.163, all sheriffs in this state are ex officio coroners ~~[ ]~~, *unless such an arrangement is altered pursuant to the mechanism set forth in section 1 of this act.*

Sec. 10. This act becomes effective on July 1, 2009.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 415.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 9, 175, 185, 219, 229, 231, 238, 251, 254, 263, 278, 287, 298, 302, 317, 319, 325, 333, 340, 360, 377, 414; Senate Joint Resolutions Nos. 1, 2, 3, 4, 9; Senate Joint Resolution No. 2 of the 74th Session 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 Bills Nos. 177, 425; Senate Bills Nos. 4, 23, 37, 44, 59, 61, 76, 105, 106, 111, 130, 139, 144 and 147.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Kornze, Luca Carson Kornze Bobzien, and Finnegan Walker Kornze Bobzien.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Guy Gansert and Mackenzie Gansert.

Assemblyman Ocegüera moved that the Assembly adjourn until Monday, May 18, 2009, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:23 p.m.

Approved:

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

Attest: SUSAN FURLONG REIL

*Chief Clerk of the Assembly*