

THE ONE HUNDRED AND FOURTH DAY

CARSON CITY (Saturday), May 18, 2013

Senate called to order at 1:49 p.m.

President Krolicki presiding.

Roll called.

All present except for Senators Brower and Ford, who were excused.

Prayer by Senator Moises "Mo" Denis.

Spanish Translation:

Nuestro querido Padre Celestial: en este día te agradecemos todas las grandes bendiciones que tenemos en nuestra vida. Te agradecemos por el privilegio de servir aquí en el Estado de Nevada—por el privilegio de poder ayudar a la gente aquí.

También te agradecemos por nuestras familias que nos apoyan y nuestros amigos y otros que nos dan gran apoyo.

Estamos en un tiempo de hacer decisiones importantes para el estado y pedimos tu ayuda en poder hacerlo. Pedimos Tu Espíritu que nos guíe, y pedimos que nos dé fuerza y ánimo y salud para poder hacer esta gran obra.

Padre, también ayudanos este día si vamos a viajar que podemos estar protegidos en los viajes y que Tu Espíritu pueda ayudarnos este día. Y hacemos esto en el Nombre de Jesucristo.

AMEN.

English Translation:

Our beloved Heavenly Father: in this day we thank Thee for all the many blessings we have in our lives. We thank Thee for the privilege of serving here in the State of Nevada—for the privilege of helping our people.

We also thank Thee for our families who support us, our friends and others who give us great support.

We are in a period of time when we are making important decisions for our State. We ask Your help in doing so. We ask your Spirit to guide us, and we ask that You give us strength, energy and health to be able to do this great work.

Father also help us if we are traveling this day that we travel safely.

That your Spirit might help us this day. And I say this in the Name of Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

The President announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President and Secretary are authorized to make any necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Assembly Bills Nos. 11, 23, 39, 72, 90, 94, 120, 173, 185, 199, 277, 322, 334, 354, 432, 434, 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 231, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 48, 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAT SPEARMAN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 17, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 7, 8, 26, 29, 30, 32, 35, 37, 40, 41, 45, 46, 47, 48, 51, 53, 61, 65, 71, 74, 77, 79, 81, 86.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 444.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 9, Amendment No. 593, and respectfully requests your honorable body to concur in said amendment.

MATTHEW BAKER

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

May 17, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 316.

CINDY JONES

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that all Assembly Bills, just reported out of Committee, be placed on the Second Reading File for this legislative day.

Motion carried.

Senator Smith moved that Senate Bills Nos. 303, 423, 463, 469, 471, 490; Senate Joint Resolution No. 14 of the 76th Session; Assembly Bills Nos. 17, 19, 25, 29, 30, 40, 55, 59, 60, 65, 82, 83, 89, 102, 110, 117, 128, 129, 132, 144, 154, 155, 158, 182, 183, 194, 210, 217, 221, 243, 244, 248, 249, 255, 259, 266, 281, 282, 307, 310, 321, 327, 333, 337, 352, 365, 366, 377, 382, 383, 389, 417, 418, 421, 441, 442, 455, 459, 460, 483, 487; Assembly Joint Resolution No. 3 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 444.

Senator Smith moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 466.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 658.

"SUMMARY—Transfers authority over programs of nutrition from the Department of Education to the Director of the State Department of Agriculture. (BDR 34-1146)"

"AN ACT relating to programs of nutrition; transferring authority over programs of nutrition from the Department of Education to the Director of the State Department of Agriculture; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Department of Education administers certain programs which provide food or nutritional education and assistance to persons in this State. (NRS 385.109, 387.070-387.105) This bill transfers authority over such programs from the Department of Education to the Director of the State Department of Agriculture.

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

Section 1. NRS 385.109 is hereby amended to read as follows:

385.109 The ~~{State Board}~~ *Director of the State Department of Agriculture* shall:

1. Cooperate with the Aging and Disability Services Division of the Department of Health and Human Services in the planning of programs whereby the school districts may prepare hot lunches for persons 60 years of age or older and their spouses or any group of such persons by utilizing the systems and procedures already developed for use in the operation of school lunch programs; and

2. Adopt regulations containing guidelines for boards of trustees of school districts entering into such agreements.

Sec. 2. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. *As used in NRS 387.070 to 387.105, inclusive, and sections 3, 4 and 5 of this act, unless the context otherwise requires, the words and terms defined in NRS 387.070 and section 4 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Director" means the Director of the State Department of Agriculture.*

Sec. 5. ~~*{The Director shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.}*~~ (Deleted by amendment.)

Sec. 6. NRS 387.070 is hereby amended to read as follows:

387.070 ~~[As used in NRS 387.070 to 387.105, inclusive, "program]~~
 "Program of nutrition" means a program under which food is served to or nutritional education and assistance are provided for children and adults by any public school, private school or public or private institution on a nonprofit basis, including any such program for which assistance may be made available out of money appropriated by the Congress of the United States. The term includes, but is not limited to, a school lunch program.

Sec. 7. NRS 387.075 is hereby amended to read as follows:

387.075 1. The ~~[State Board of Education]~~ *Director* may accept and adopt regulations or establish policies for the disbursement of money appropriated by any Act of Congress and apportioned to the State of Nevada for use in connection with programs of nutrition.

2. The ~~[Superintendent of Public Instruction]~~ *Director* shall deposit with the State Treasurer all money received from the Federal Government or from other sources for programs of nutrition.

Sec. 8. NRS 387.080 is hereby amended to read as follows:

387.080 1. The ~~[State Board]~~ *Director* may enter into agreements with any agency of the Federal Government, *the Department, the State Board*, any board of trustees of a school district, any governing body of a charter school or any other entity or person. The ~~[State Board]~~ *Director* may establish policies and prescribe regulations, authorize the employment of such personnel and take such other action as it considers necessary to provide for the establishment, maintenance, operation and expansion of any program of nutrition operated by a school district or of any other such program for which state or federal assistance is provided.

2. The State Treasurer shall disburse federal, state and other money designated for a program of nutrition on warrants of the State Controller issued upon the order of the ~~[Superintendent of Public Instruction]~~ *Director* pursuant to regulations or policies of the State ~~[Board.]~~ *Department of Agriculture.*

3. The ~~[Superintendent of Public Instruction]~~ *Director* may:

(a) Give technical advice and assistance to any person or entity in connection with the establishment and operation of any program of nutrition.

(b) Assist in training personnel engaged in the operation of any program of nutrition.

Sec. 9. NRS 387.090 is hereby amended to read as follows:

387.090 The board of trustees of each school district and the governing body of each charter school may:

1. Operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction.

2. Use therefor money disbursed to them pursuant to the provisions of NRS 387.070 to 387.105, inclusive, *and sections 3, 4 and 5 of this act*, gifts, donations and other money received from the sale of food under those programs.

3. Deposit the money in one or more accounts in one or more banks or credit unions within the State.

4. Contract with respect to food, services, supplies, equipment and facilities for the operation of the programs.

Sec. 10. NRS 387.100 is hereby amended to read as follows:

387.100 The ~~{State Board of Education}~~ *Director* may, to the extent that money is available for that purpose, and in cooperation with other appropriate agencies and organizations:

1. Conduct studies of methods of improving and expanding programs of nutrition and promoting nutritional education in the public schools.

2. Conduct appraisals of the nutritive benefits of programs of nutrition.

Sec. 11. NRS 387.105 is hereby amended to read as follows:

387.105 1. To enable the ~~{State Board}~~ *Director* to provide for the establishment, maintenance, operation and expansion of programs of nutrition, money must be provided by legislative appropriation from the General Fund as a budgeted part of the appropriation for the support of the *State Department of Agriculture* and must be paid out on claims as other claims against the State are paid.

2. In addition to the amounts provided pursuant to subsection 1, money must be provided by legislative appropriation in an amount that satisfies the amount required as a matching grant from this State for participation in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq., which must be designated as the "Nutrition State Match." ~~{For those school districts that participate in the National School Lunch Program, the amount appropriated must be a reduction in the total amount of basic support calculated for those school districts pursuant to NRS 387.1233 and must be distributed in accordance with NRS 387.124.}~~ Each school district receiving money that is designated as a "Nutrition State Match" shall verify that the money is used to support the National School Lunch Program in the public schools located within the school district.

Sec. 12. ~~{NRS 387.124 is hereby amended to read as follows:~~

~~387.124 Except as otherwise provided in this section and NRS 387.528:~~

~~1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school, all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another~~

~~school district or a charter school and all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support.~~

~~2.— Except as otherwise provided in subsection 3 and NRS 387.1244, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus the sponsorship fee prescribed by NRS 386.570 and minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.~~

~~3.— Except as otherwise provided in NRS 387.1244, the apportionment to a charter school that is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus the sponsorship fee prescribed by NRS 386.570 and minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school.~~

~~4.— Except as otherwise provided in NRS 387.1244, in addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.~~

~~5.— The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made.~~

~~A charter school may receive all four apportionments in advance in its first year of operation.~~

~~6.—Except as otherwise provided in NRS 387.1244, the apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the university school is located plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the difference directly to the university school. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the university school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A university school for profoundly gifted pupils may receive all four apportionments in advance in its first year of operation.~~

~~7.—[The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.~~

~~8.]—If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, the State Controller may pay out the apportionments monthly, each approximately one twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.] (Deleted by amendment.)~~

Sec. 13. 1. Notwithstanding the amendatory provisions of sections 1, 7 and 8 of this act transferring authority to adopt regulations from the State Board of Education to the Director of the State Department of Agriculture, any regulations adopted by the State Board of Education pursuant to NRS 385.109, 387.075 and 387.080 before July 1, 2013, remain in effect and may be enforced by the State Department of Agriculture until the Director of the Department adopts regulations to repeal or replace those regulations.

2. Notwithstanding the amendatory provisions of section 8 of this act transferring authority to enter into agreements from the State Board of Education to the Director of the State Department of Agriculture, any agreement entered into by the State Board of Education pursuant to NRS 387.080 before July 1, 2013, remains in effect and may be enforced by the State Department of Agriculture.

Sec. 14. Any balance of money appropriated to the Department of Education pursuant to NRS 387.105 that remains on June 30, 2013, must be transferred on July 1, 2013, to an account in the State General Fund administered by the Director of the State Department of Agriculture for the purposes of carrying out the provisions of NRS 387.105, as amended by section 11 of this act.

Sec. 15. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 16. This act becomes effective on July 1, 2013.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 658 to Senate Bill No. 466 eliminates Section 5 and Section 12 of the bill. This is language related to who is in charge of State matching funds transfers related to nutritional programs. As the program is transferred over to the State Department of Agriculture it no longer belongs in the State Department of Education.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 2.

Bill read second time and ordered to third reading.

Assembly Bill No. 11.

Bill read second time and ordered to third reading.

Assembly Bill No. 23.

Bill read second time and ordered to third reading.

Assembly Bill No. 39.

Bill read second time and ordered to third reading.

Assembly Bill No. 48.

Bill read second time and ordered to third reading.

Assembly Bill No. 61.

Bill read second time and ordered to third reading.

Assembly Bill No. 72.

Bill read second time and ordered to third reading.

Assembly Bill No. 79.

Bill read second time and ordered to third reading.

Assembly Bill No. 90.

Bill read second time and ordered to third reading.

Assembly Bill No. 93.

Bill read second time and ordered to third reading.

Assembly Bill No. 94.

Bill read second time and ordered to third reading.

Assembly Bill No. 109.

Bill read second time and ordered to third reading.

Assembly Bill No. 120.

Bill read second time and ordered to third reading.

Assembly Bill No. 147.

Bill read second time and ordered to third reading.

Assembly Bill No. 168.

Bill read second time and ordered to third reading.

Assembly Bill No. 173.

Bill read second time and ordered to third reading.

Assembly Bill No. 174.

Bill read second time and ordered to third reading.

Assembly Bill No. 185.

Bill read second time and ordered to third reading.

Assembly Bill No. 199.

Bill read second time and ordered to third reading.

Assembly Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 612.

If this amendments is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law authorizes the formation and operation of charter schools. (NRS 386.490-386.610) Section 3 of this bill requires that a written performance framework for a charter school be incorporated into the charter contract executed by the sponsor and the governing body of the charter school pursuant to section 8 of this bill. The performance framework must include performance indicators, measures and metrics for: (1) the academic achievement and proficiency of pupils enrolled in the charter school and

disparities in achievement among those pupils; (2) the attendance rate of pupils enrolled in the charter school and the percentage of pupils who reenroll from year-to-year; (3) the financial condition and sustainability of the charter school; (4) the performance of the governing body of the charter school; and (5) if the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils.

Existing law prescribes the circumstances under which the sponsor of a charter school is authorized to revoke the charter of a charter school. (NRS 386.535) Section 3.5 of this bill requires the sponsor of a charter school to terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department of Education pursuant to the statewide system of accountability for public schools. The procedures in existing law setting forth notice and timelines for the termination of a charter contract do not apply to termination on these grounds. Section 3.5 also provides that a rating of a charter school based upon the performance of the charter school for any school year before ~~July 1, 2013,~~ the 2013-2014 school year pursuant to the statewide system of accountability must not be included in the count of consecutive annual ratings for the purposes of determining whether termination is required.

Existing law authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools. (NRS 386.515) Section 5 of this bill clarifies that, similar to the board of trustees of a school district, a college or university is required to submit an application to the Department to sponsor charter schools. Under existing law, the Department is also required to adopt regulations prescribing the process for submission of an application by the board of trustees of a school district for authorization to sponsor charter schools. (NRS 386.540) Section 12 of this bill makes a college or university within the Nevada System of Higher Education subject to those regulations and requires the Department to adopt additional regulations prescribing: (1) the process and timeline for the review of an application for authorization to sponsor charter schools; (2) the process for the Department to conduct a comprehensive review of sponsors of charter schools approved by the Department at least once every 3 years; and (3) the process for the Department to continue or revoke the authorization of a board of trustees or a college or university to sponsor charter schools.

Under existing law, the proposed sponsor of a charter school may request the Department to assist in the review of an application to form a charter school by determining whether the application is substantially complete and compliant. If the Department determines that an application is not substantially complete and compliant, the staff of the Department is required to meet with the applicant to confer on the method to correct the deficiencies

in the application identified by the Department. (NRS 386.520) Sections 6 and 7 of this bill remove the provisions relating to the review of an application to form a charter school by the Department.

Existing law sets forth the process for review of an application to form a charter school by the proposed sponsor of the charter school. (NRS 386.525) Section 7 ~~[of this bill]~~ requires the proposed sponsor to assemble a team of reviewers and to conduct a thorough evaluation of the application, including an in-person interview with the committee to form the charter school. ~~[Existing law further provides that a proposed sponsor may approve an application to form a charter school if the application is complete and complies with the applicable statutes and regulations.]~~ Section 7 also requires that to approve an application, the proposed sponsor must determine that the applicant has demonstrated competence which will likely result in a successful opening and operation of the charter school.

Under existing law, if an application to form a charter school is approved by the proposed sponsor of the charter school, the charter school is issued a written charter for a term of 6 years. (NRS 386.527) Section 8 removes the requirement for the issuance of a written charter and instead requires the proposed sponsor of the charter school and the governing body of the charter school to execute a charter contract for a term of 6 years.

Existing law sets forth the procedures for renewal and revocation of written charters. (NRS 386.530, 386.535) Section 9 of this bill removes the written charter and instead prescribes the procedure for renewal of a charter contract, which includes a requirement that the sponsor provide the charter school with a written report summarizing the charter school's performance during the term of the charter contract. Section 10 of this bill prescribes the grounds for termination of a charter contract, which includes the ground that the charter school has persistently underperformed, as measured by the performance framework developed for the charter school.

Existing law provides that a charter school dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who is the child of a full-time employee of the charter school before enrolling pupils who are otherwise eligible for enrollment. Section 17 of this bill removes the provision that such a charter school must serve at-risk pupils and instead authorizes any charter school to, before enrolling children who are otherwise eligible for enrollment, enroll a child if the child is the child of: (1) an employee of the charter school; (2) a member of the committee to form the charter school; or (3) a member of the governing body of the charter school.

Section 19 of this bill revises requirements for the annual report that the sponsor of a charter school is required to provide to the Department of Education by including a summary evaluating the performance of the charter school, as measured by the performance framework, and by removing the

requirement that the sponsor of the charter school include a description of the administrative support and services provided by the sponsor. (NRS 386.610) Section 3.5 of Assembly Bill No. 205 First Reprint is hereby amended as follows:

Sec. 3.5. 1. *The sponsor of a charter school shall terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any school year before ~~July 1, 2013,~~ the 2013-2014 school year must not be included in the count of consecutive annual ratings for the purposes of this subsection.*

2. *If a charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after terminating the charter contract.*

3. *The provisions of NRS 386.535 do not apply to the termination of a charter contract pursuant to this section.*

Section 6 of Assembly Bill No. 205 First Reprint is hereby amended as follows:

Sec. 6. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;

(c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

(d) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the committee to form a charter school may include, without limitation, not more than four additional members as follows:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

3. A majority of the persons who serve on the committee to form a charter school must be residents of this State at the time that the application to form the charter school is submitted to the Department.

4. *The committee to form a charter school shall ensure that the completed application:*

(a) Presents the academic, financial and organizational vision and plans for the proposed charter school; and

(b) Provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.

5. An application to form a charter school must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.490 to 386.610, inclusive [–], *and sections 2 to 3.5, inclusive, of this act.*

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the academic achievement of pupils;

(2) Encouraging the use of effective and innovative methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability and transparency of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates for accepting applications for enrollment in the initial year of operation of the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method for nominating and electing the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

- (h) The textbooks that will be used at the charter school.
- (i) The qualifications of the persons who will provide instruction at the charter school.
- (j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.
- (k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.
- (l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.
- (m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125 and 391.3128. If the procedure is different from the procedure prescribed in NRS 391.3125 and 391.3128, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 and 391.3128.
- (n) The time by which certain academic or educational results will be achieved.
- (o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.
- (p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

~~[5.] *f6.* The proposed sponsor of a charter school may request that the Department review an application before review by the proposed sponsor to determine whether the application [is substantially complete and compliant.] *f*satisfies the requirements of subsection 3 of NRS 386.525. Upon such a request, the Department shall review an application to form a charter school to determine whether [it is substantially complete and compliant.] *f*the application satisfies the requirements of subsection 3 of NRS 386.525. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall provide written notice to the applicant that the application is ineligible for consideration by the proposed sponsor.]~~

~~6. ^{7.} The Department shall provide written notice to the applicant and the proposed sponsor of the charter school of its determination whether the application [is substantially complete and compliant.] *[satisfies the requirements of subsection 3 of NRS 386.525.* If the Department determines that an application [is not substantially complete and compliant,] *[does not satisfy the requirements of subsection 3 of NRS 386.525,* the Department shall include in the written notice the basis for that determination and the deficiencies in the application. The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. If the Department determines an application [is substantially complete and compliant,] *[satisfies the requirements of subsection 3 of NRS 386.525,* the Department shall transmit the application to the proposed sponsor for review pursuant to NRS 386.525.]~~

~~{7.} ^{8.}~~ As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

↪ The term does not include a person who is employed as a substitute teacher.

Section 7 of Assembly Bill No. 205 First Reprint is hereby amended as follows:

Sec. 7. NRS 386.525 is hereby amended to read as follows:

386.525 1. ~~[Except as otherwise provided in this subsection, a committee to form a]~~ A charter school may submit the application to the proposed sponsor of the charter school. ~~[If the proposed sponsor of a charter school requested that the Department review the application pursuant to NRS 386.520 and the Department determined that the application] [was not substantially complete and compliant pursuant to that section,] *[does not satisfy the requirements of subsection 3,* the application may not be submitted to the proposed sponsor for review pursuant to this section.] If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.~~

2. *The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:*

(a) *Assemble a team of reviewers who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools to review and evaluate the application;*

(b) *Conduct a thorough evaluation of the application, which includes an in-person interview with the committee to form the charter school;*

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 5 of NRS 386.515.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act, and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department; and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 5 of NRS 386.515 that will likely result in a successful opening and operation of the charter school.

4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than ~~[45]~~ 60 days after the receipt of the application, or a *later* period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. ~~If the proposed sponsor requested that the Department review the application pursuant to NRS 386.520, the proposed sponsor shall be deemed to receive the application pursuant to this subsection upon transmittal of the application from the Department.~~ The board of trustees, the college or the university, as applicable, shall review an application ~~to determine whether the application:~~

(a) Complies with NRS 386.490 to 386.610, inclusive, and the regulations applicable to charter schools; and

(b) Is complete in accordance with the regulations of the Department.

~~3.]~~ in accordance with the requirements for review set forth in subsections 2 and 3.

5. ~~[The Department shall assist the board of trustees of a school district, the college or the university, as applicable, in the review of an application.]~~ The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of ~~paragraphs (a) and (b) of~~ subsection ~~[2.]~~ 3.

6. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application.

~~{4.}~~ If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~{5.}~~ 7. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection ~~{4.}~~ 6, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

~~{6.}~~ 8. If the State Public Charter School Authority receives an application pursuant to subsection 1 or ~~{5.}~~ 7, it shall consider the application at a meeting which must be held not later than ~~{45}~~ 60 days after receipt of the application ~~{.}~~ or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. ~~{If the State Public Charter School Authority requested that the Department review the application pursuant to NRS 386.520, the State Public Charter School Authority shall be deemed to receive the application pursuant to this subsection upon transmittal of the application from the Department.}~~ Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the ~~{factors}~~ requirements for review set forth in ~~{paragraphs (a) and (b) of subsection}~~ subsections 2 ~~{.}~~ and 3. ~~{The Department shall assist the State Public Charter School Authority in the review of an application.}~~ The State Public Charter School Authority may approve an application *only* if it satisfies the requirements of ~~{paragraphs (a) and (b) of}~~ subsection ~~{2.}~~ 3. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

~~{7.}~~ 9. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to ~~{adequately address objective criteria established by regulation of the Department or the State Board.}~~ satisfy the requirements of subsection 3. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~{8.}~~ 10. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection ~~{7.}~~ 9, the

applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

~~19.1~~ 11. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Senator Cegavske moved the adoption of the amendment.

Remarks by Senator Cegavske.

Thank you, Mr. President. Amendment No. 612 makes two changes to the Assembly Bill No. 205. First, the amendment revises the start time to the 2013-2014 school year and subsequent school years, for assessments used to determine whether a school is underperforming under the provisions of the bill concerning default closure of a charter school. This delay allows for the new State performance framework to be fully implemented. Second, it revises portions of the bill concerning the review of a charter school application to make it consistent with Senate Bill No. 443, already passed by the Senate. I urge your support.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 209.

Bill read second time and ordered to third reading.

Assembly Bill No. 227.

Bill read second time and ordered to third reading.

Assembly Bill No. 231.

Bill read second time and ordered to third reading.

Assembly Bill No. 277.

Bill read second time and ordered to third reading.

Assembly Bill No. 322.

Bill read second time and ordered to third reading.

Assembly Bill No. 334.

Bill read second time and ordered to third reading.

Assembly Bill No. 354.

Bill read second time and ordered to third reading.

Assembly Bill No. 358.

Bill read second time and ordered to third reading.

Assembly Bill No. 381.

Bill read second time and ordered to third reading.

Assembly Bill No. 393.

Bill read second time and ordered to third reading.

Assembly Bill No. 432.

Bill read second time and ordered to third reading.

Assembly Bill No. 434.

Bill read second time and ordered to third reading.

Assembly Bill No. 437.

Bill read second time and ordered to third reading.

Assembly Bill No. 478.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 44.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 657.

"SUMMARY—Revises provisions relating to allocations from the Disaster Relief Account. (BDR 31-341)"

"AN ACT relating to public financial administration; enlarging the purposes for which a grant or loan may be made from the Disaster Relief Account; revising the process for requesting a grant or loan from the Account and for reviewing such a request; enlarging the purposes for which a local government may use money in a fund to mitigate the effects of a natural disaster; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes a process by which a state agency or a local government may apply to the State Board of Examiners and the Interim Finance Committee for a grant or loan from the Disaster Relief Account, and also specifies the purposes for which that money may be used. (NRS 353.2705-353.2771) Money granted or loaned to a local government from the Account may be used, among other purposes, to pay a portion of any "grant match" the local government must provide to obtain a grant from a federal disaster assistance agency. (NRS 353.2715, 353.2725, 353.2745, 353.2751) Sections 1, 2, 5 and 6 of this bill remove the limitation that the federal agency making such a grant must be a disaster assistance agency, with the result that money granted or loaned from the Account may be used to match a grant from any federal agency. Section 10 of this bill makes a similar change with respect to the use of money from a fund established by a

local government to mitigate the effects of a natural disaster. (NRS 354.6115)

Sections 4 and 5 of this bill otherwise enlarge the purposes for which money granted from the Account may be used, to authorize use of the money for a project to prevent or reduce the likelihood of damage or injury resulting from a similar disaster in the future.

The remaining provisions of this bill revise the process for submitting and reviewing a request for a grant or loan from the Account. Section 9 of this bill requires a state agency or a local government to give notice of its intention to request a grant or loan to the Division of Emergency Management of the Department of Public Safety, which forwards that notice to the State Board of Examiners ~~and~~ and the Fiscal Analysis Division of the Legislative Counsel Bureau. Section 9 enlarges the time within which the request must thereafter be submitted, and requires that it be submitted initially to the Division of Emergency Management and the Department of Taxation for review and comment. The ~~comments~~ request and the reports of each agency are transmitted to the State Board of Examiners ~~which~~ and the Fiscal Analysis Division. The State Board of Examiners then considers the request and the reports and makes a recommendation to the Interim Finance Committee as provided under existing law. (NRS 353.2755, 353.276)

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

Section 1. NRS 353.2715 is hereby amended to read as follows:

353.2715 "Eligible project" means a project that:

1. Is related to a disaster; and
2. Is proposed, coordinated or conducted by a public or nonprofit private entity that has been designated and approved as qualifying and eligible to receive federal grant money for the disaster from a federal ~~disaster assistance~~ agency.

Sec. 2. NRS 353.2725 is hereby amended to read as follows:

353.2725 "Grant match" means the share of a grant provided by a federal ~~disaster assistance~~ agency that must be matched by a state or local government.

Sec. 3. NRS 353.2735 is hereby amended to read as follows:

353.2735 1. The Disaster Relief Account is hereby created in the State General Fund. The Interim Finance Committee shall administer the Disaster Relief Account.

2. The Division may accept grants, gifts or donations for deposit in the Disaster Relief Account. Except as otherwise provided in subsection 3, money received from:

- (a) A direct legislative appropriation to the Disaster Relief Account;

(b) A transfer from the State General Fund in an amount equal to not more than 10 percent of the aggregate balance in the Account to Stabilize the Operation of the State Government made pursuant to NRS 353.288; and

(c) A grant, gift or donation to the Disaster Relief Account,
 ↪ must be deposited in the Disaster Relief Account. Except as otherwise provided in NRS 414.135, the interest and income earned on the money in the Disaster Relief Account must, after deducting any applicable charges, be credited to the Disaster Relief Account.

3. If, at the end of each quarter of a fiscal year, the balance in the Disaster Relief Account exceeds 0.75 percent of the total amount of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year, the State Controller shall not, until the balance in the Disaster Relief Account is 0.75 percent or less of that amount, transfer any money in the Account to Stabilize the Operation of the State Government from the State General Fund to the Disaster Relief Account pursuant to the provisions of NRS 353.288.

4. Money in the Disaster Relief Account may be used for any purpose authorized by the Legislature or distributed through grants and loans to state agencies and local governments as provided in NRS 353.2705 to 353.2771, inclusive. Except as otherwise provided in NRS 353.276, such grants will be disbursed on the basis of reimbursement of costs authorized pursuant to NRS 353.274 and 353.2745.

5. If ~~[the Governor declares a disaster,]~~ the State Board of Examiners receives a notice submitted to and forwarded by the Division pursuant to subsections 1 and 2 of NRS 353.2755, the State Board of Examiners shall estimate:

(a) The money in the Disaster Relief Account that is available for grants and loans for the disaster *that is the subject of the notice* pursuant to the provisions of NRS 353.2705 to 353.2771, inclusive; and

(b) The anticipated amount of those grants and loans for the disaster.
 ↪ Except as otherwise provided in this subsection, if the anticipated amount determined pursuant to paragraph (b) exceeds the available money in the Disaster Relief Account for such grants and loans, all grants and loans from the Disaster Relief Account for the disaster must be reduced in the same proportion that the anticipated amount of the grants and loans exceeds the money in the Disaster Relief Account that is available for grants and loans for the disaster. If the reduction of a grant or loan from the Disaster Relief Account would result in a reduction in the amount of money that may be received by a state agency or local government from the Federal Government, the reduction in the grant or loan must not be made.

Sec. 4. NRS 353.274 is hereby amended to read as follows:

353.274 Money in the Account may be distributed as a grant to a state agency because of a disaster for the payment of expenses incurred by the state agency for:

1. The repair or replacement of public roads, public streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the State and damaged by the disaster;

2. Any emergency measures undertaken to save lives, protect public health and safety or protect public property, including, without limitation, an emergency measure undertaken in response to a crisis involving violence on school property, at a school activity or on a school bus, in the jurisdiction in which the disaster occurred;

3. The removal of debris from publicly or privately owned land and waterways undertaken because of the disaster; ~~and~~

4. The administration of a disaster assistance program ~~[-]~~; and

5. *Any project to prevent or reduce the likelihood of damage to property or injury to persons resulting from a similar disaster in the future.*

Sec. 5. NRS 353.2745 is hereby amended to read as follows:

353.2745 Money in the Account may be distributed as a grant to a local government because of a disaster for:

1. The payment of not more than 50 percent of the expenses incurred by the local government for:

(a) The repair or replacement of public roads, public streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the local government and damaged by the disaster; ~~and~~

(b) Any emergency measures undertaken to save lives, protect public health and safety or protect public property, including, without limitation, an emergency measure undertaken in response to a crisis involving violence on school property, at a school activity or on a school bus, in the jurisdiction in which the disaster occurred;

(c) *The removal of debris from publicly or privately owned land and waterways undertaken because of the disaster; and*

(d) *Any project to prevent or reduce the likelihood of damage to property or injury to persons resulting from a similar disaster in the future; and*

2. The payment of not more than 50 percent of any grant match the local government must provide to obtain a grant from a federal ~~disaster assistance~~ agency for an eligible project to repair damage caused by the disaster within the jurisdiction of the local government.

Sec. 6. NRS 353.2751 is hereby amended to read as follows:

353.2751 Money in the Account may be distributed as a loan to a local government because of a disaster for:

1. The payment of expenses incurred by the local government for:

(a) The repair or replacement of public roads, public streets, bridges, water control facilities, public buildings, public utilities, recreational

facilities and parks owned by the local government and damaged by the disaster;

(b) Any overtime worked by an employee of the local government because of the disaster or any other extraordinary expenses incurred by the local government because of the disaster; and

(c) Any projects to reduce or prevent the possibility of damage to persons or property from similar disasters in the future; and

2. The payment of not more than 50 percent of any grant match the local government must provide to obtain a grant from a federal ~~{disaster assistance}~~ agency for an eligible project to repair damage caused by the disaster within the jurisdiction of the local government. Before a loan may be distributed to a local government pursuant to this subsection:

(a) The Interim Finance Committee must make a determination that the local government is currently unable to meet its financial obligations; and

(b) The local government must execute a loan agreement in which the local government agrees to:

(1) Use the money only for the purpose of paying the grant match; and

(2) Repay the entire amount of the loan, without any interest or other charges, to the Account not later than 10 years after the date on which the agreement is executed.

Sec. 7. NRS 353.2753 is hereby amended to read as follows:

353.2753 1. A state agency or local government may request the Division to ~~{conduct a preliminary}~~ *provide technical assistance to the state agency or local government by conducting an assessment of the damages related to an event for which the state agency or local government seeks a grant or loan from the Account.*

2. Upon receipt of such a request, the Division shall ~~{investigate}~~ :

(a) *Notify the State Board of Examiners of the request;*

(b) *Investigate the event or cause the event to be investigated to make ~~{a preliminary}~~ an assessment of the damages related to the event ; and ~~{shall make}~~*

(c) *Make or cause to be made a written report of the damages . ~~{related to the event.}~~*

3. As soon as practicable after completion of the investigation and preparation of the report of damages, the Division shall:

(a) Determine whether the event constitutes a disaster for which the state agency or local government may seek a grant or loan from the Account; and

(b) Submit the report prepared pursuant to this section and its written determination regarding whether the event constitutes a disaster to the state agency or local government.

4. The Division shall prescribe by regulation the information that must be included in a report of damages, including, without limitation, a description of the damage caused by the event, an estimate of the costs to

repair such damage and a specification of whether the purpose of the project is for repair or replacement, emergency response or mitigation.

Sec. 8. NRS 353.2754 is hereby amended to read as follows:

353.2754 A local government may request a grant or loan from the Account if:

1. Pursuant to NRS 414.090, the governing body of the local government determines that an event which has occurred constitutes a disaster; and

2. After the Division conducts ~~fa preliminary~~ an assessment of the damages pursuant to NRS 353.2753, the Division determines that an event has occurred that constitutes a disaster.

Sec. 9. NRS 353.2755 is hereby amended to read as follows:

353.2755 1. ~~{A}~~ *Not later than 60 days after the Governor, in the case of a notice by a state agency, or the governing body of a local government determines that an event constitutes a disaster, a state agency or local government may submit to the Division a ~~request to the State Board of Examiners for~~ written notice of the state agency's or local government's intention to request a grant or loan from the Account as provided in NRS 353.2705 to 353.2771, inclusive, if:*

(a) The agency or local government finds that, because of a disaster, it is unable to pay for an expense or grant match specified in NRS 353.274, 353.2745 or 353.2751 from money appropriated or otherwise available to the agency or local government;

(b) The request has been approved by the chief administrative officer of the state agency or the governing body of the local government; and

(c) If the requester is an incorporated city, the city has requested financial assistance from the county and was denied all or a portion of the requested assistance.

2. *Not later than 10 working days after it receives a notice from a state agency or local government pursuant to subsection 1, the Division shall forward a copy of the notice to the State Board of Examiners ~~and~~ and the Fiscal Analysis Division of the Legislative Counsel Bureau.*

3. *A request by a state agency or local government for a grant or loan ~~submitted pursuant to subsection 1 must be made within 60 days after the disaster and must~~ from the Account:*

(a) *Must be submitted to the Division and the Department of Taxation not later than 18 months after the Governor, in the case of a request by a state agency, or the governing body of the local government determines that an event constitutes a disaster, unless the Chief of the Division grants an extension of time; and*

(b) *Must include:*

~~{a}~~ (1) *A statement specifying whether the request is for a grant or loan and setting forth the amount of money requested by the state agency or local government;*

~~[(b)]~~ (2) An assessment of the need of the state agency or local government for the money requested;

~~[(e)]~~ (3) If the request is submitted by a local government that has established a fund pursuant to NRS 354.6115 to mitigate the effects of a natural disaster, a statement of the amount of money that is available in that fund, if any, for the payment of expenses incurred by the local government as a result of a disaster;

~~[(d)]~~ (4) A determination of the type, value and amount of resources the state agency or local government may be required to provide as a condition for the receipt of a grant or loan from the Account;

~~[(e)]~~ (5) A written report of damages prepared by the Division and the written determination made by the Division that the event constitutes a disaster pursuant to NRS 353.2753; and

~~[(f)]~~ (6) If the requester is an incorporated city, all documents which relate to a request for assistance submitted to the board of county commissioners of the county in which the city is located.

↪ Any additional documentation relating to the request that is requested by the ~~{State Board of Examiners}~~ *Division or the Department of Taxation* must be submitted *to the Division or the Department, as the case may be, within ~~{6 months after the disaster}~~ 10 working days after the date of the Division's or the Department's request unless the ~~{State Board of Examiners and the Interim Finance Committee grant}~~ Chief of the Division or the Executive Director of the Department, as applicable, or his or her designee, grants an extension.*

~~{3. Upon the receipt of a complete request for a grant or loan submitted pursuant to subsection 1, the}~~

4. Not later than 60 days after the Division receives a request for a grant or loan and receives any additional information requested by the Division, the Division shall:

(a) Except as otherwise provided in this subsection, review the request to determine whether it contains the information necessary for the State Board of Examiners and the Interim Finance Committee to act upon the request and otherwise complies with the requirements of NRS 353.2705 to 353.2771, inclusive;

(b) Prepare a written report of the determination required by paragraph (a);

(c) Submit a copy of the request and its report to the State Board of Examiners ~~and~~ and to the Fiscal Analysis Division of the Legislative Counsel Bureau; and

(d) Provide a copy of its report to the state agency or local government, as applicable, and the Department of Taxation.

↪ *The Division shall coordinate its review of the request with the Department of Taxation to ensure, to the extent practicable, that the*

Division's review does not duplicate the review conducted by the Department pursuant to subsection 5.

5. Not later than 60 days after the Department of Taxation receives a request for a grant or loan and receives any additional information requested by the Department, the Department shall:

(a) Review any financial information submitted in support of the request which the Department believes to be relevant, including, without limitation:

(1) The report of damages prepared by the Division pursuant to NRS 353.2753;

(2) Information relating to the expenses for which the grant or loan is requested;

(3) If the requester is a local government and is requesting a loan, information relating to the current ability of the local government to meet its financial obligations; and

(4) If the requester is a local government and is requesting a grant or loan for the payment of any grant match described in NRS 353.2745 or 353.2751, information relating to the grant or grant match;

(b) Prepare a written report of its findings;

(c) Submit a copy of its report to the State Board of Examiners ~~and~~ and to the Fiscal Analysis Division of the Legislative Counsel Bureau; and

(d) Provide a copy of the report to the state agency or local government, as applicable, and the Division.

6. Upon its receipt of a request for a grant or loan submitted pursuant to this section and the reports of the Division and the Department of Taxation relating to the request, the State Board of Examiners:

(a) Shall consider the request ~~and~~ and the reports; and

(b) May require any additional information that it determines is necessary to make a recommendation.

~~4.~~ 7. If the State Board of Examiners finds that a grant or loan is appropriate, it shall include in its recommendation to the Interim Finance Committee the proposed amount of the grant or loan. If the State Board of Examiners recommends a grant, it shall include a recommendation regarding whether or not the state agency or local government requires an advance to avoid severe financial hardship. If the State Board of Examiners recommends a loan for a local government, it shall include the information required pursuant to subsection 1 of NRS 353.2765. If the State Board of Examiners finds that a grant or loan is not appropriate, it shall include in its recommendation the reason for its determination.

~~5.~~ 8. The provisions of this section do not prohibit a state agency or local government from submitting more than one request for a grant or loan from the Account.

~~6.~~ 9. As used in this section, the term "natural disaster" has the meaning ascribed to it in NRS 354.6115.

Sec. 10. NRS 354.6115 is hereby amended to read as follows:

354.6115 1. The governing body of a local government may, by resolution, establish a fund to stabilize the operation of the local government and mitigate the effects of natural disasters.

2. The money in the fund must be used only:

(a) If the total actual revenue of the local government falls short of the total anticipated revenue in the general fund for the fiscal year in which the local government uses that money; or

(b) To pay expenses incurred by the local government to mitigate the effects of a natural disaster.

↪ The money in the fund at the end of the fiscal year may not revert to any other fund or be a surplus for any purpose other than a purpose specified in this subsection.

3. The money in the fund may not be used to pay expenses incurred to mitigate the effects of a natural disaster until the governing body of the local government issues a formal declaration that a natural disaster exists. The governing body shall not make such a declaration unless a natural disaster is occurring or has occurred. Upon the issuance of such a declaration, the money in the fund may be used for the payment of the following expenses incurred by the local government as a result of the natural disaster:

(a) The repair or replacement of roads, streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the local government and damaged by the natural disaster;

(b) Any emergency measures undertaken to save lives, protect public health and safety or protect property within the jurisdiction of the local government;

(c) The removal of debris from publicly or privately owned land and waterways within the jurisdiction of the local government that was undertaken because of the natural disaster;

(d) Expenses incurred by the local government for any overtime worked by an employee of the local government because of the natural disaster or any other extraordinary expenses incurred by the local government because of the natural disaster; and

(e) The payment of any grant match the local government must provide to obtain a grant from a federal ~~[disaster assistance]~~ agency for an eligible project to repair damage caused by the natural disaster within the jurisdiction of the local government.

4. The balance in the fund must not exceed 10 percent of the expenditures from the general fund for the previous fiscal year, excluding any federal funds expended by the local government.

5. The annual budget and audit report of the local government prepared pursuant to NRS 354.624 must specifically identify the fund.

6. The audit report prepared for the fund must include a statement by the auditor whether the local government has complied with the provisions of this section.

7. Any transfer of money from a fund established pursuant to this section must be completed within 90 days after the end of the fiscal year in which the natural disaster for which the fund was established occurs.

8. As used in this section:

(a) "Grant match" has the meaning ascribed to it in NRS 353.2725.

(b) "Natural disaster" means a fire, flood, earthquake, drought or any other occurrence that:

(1) Results in widespread or severe damage to property or injury to or the death of persons within the jurisdiction of the local government; and

(2) As determined by the governing body of the local government, requires immediate action to protect the health, safety and welfare of persons residing within the jurisdiction of the local government.

Sec. 11. This act becomes effective on July 1, 2013.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 657 to Senate Bill No. 44 relates to the amount of time local governments can use to access the State Disaster Relief Account. It requires some noticing to the Legislative Counsel Bureau as well as the State Board of Examiners.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 58.

Bill read third time.

Remarks by Senator Woodhouse.

Thank you, Mr. President. Senate Bill No. 58 eliminates or modifies limits on pupil enrollment in distance education programs. Pupils may enroll in such programs unless prohibited by statute or if the pupil fails to meet the qualifications and conditions established by the State Board of Education. If a pupil is otherwise qualified to enroll in a distance education program, the school district board of trustees must grant the requested permission to enroll. Additionally, the measure provides that the Superintendent of Public Instruction may grant permission for unlicensed personnel to supervise pupils attending a course of distance education while receiving instruction from a licensed educator remotely, through electronic means. The bill is effective upon passage and approval. I urge your support.

Roll call on Senate Bill No. 58:

YEAS—19.

NAYS—None.

EXCUSED—Brower, Ford.

Senate Bill No. 58 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 451.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President. Senate Bill No. 451 directs the Legislative Committee on Child Welfare and Juvenile Justice to conduct an interim study on the standards of care for specialized foster homes. To conduct the study, the Committee shall appoint a subcommittee, whose membership includes representatives of specific State and local agencies having responsibilities

for social services, juvenile justice, health care financing and providers of specialized foster care. The subcommittee is required to submit a report to the Legislative Committee on Child Welfare and Juvenile Justice on or before June 1, 2014. The bill is effective on July 1, 2013.

Roll call on Senate Bill No. 451:

YEAS—19.

NAYS—None.

EXCUSED—Brower, Ford.

Senate Bill No. 451 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 462.

Bill read third time.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Senate Bill No. 462 makes a General Fund appropriation totaling \$2,315,090 to the Central Repository for Nevada Records of Criminal History of the Department of Public Safety for the first phase of a multi-year project, estimated to cost a total of \$18.8 million over six years, to modernize the Nevada Criminal Justice Information System. Funds appropriated to the Central Repository for Nevada Records of Criminal History for this purpose must be obligated by June 30, 2015, and any funds not spent prior to September 18, 2015, must be reverted to the General Fund. The bill becomes effective upon passage and approval.

Roll call on Senate Bill No. 462:

YEAS—19.

NAYS—None.

EXCUSED—Brower, Ford.

Senate Bill No. 462 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 464.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Senate Bill No. 464 renames the Division of Measurement Standards within the State Department of Agriculture as the Division of Consumer Equitability and renames the State Sealer of Weights and Measures as the State Sealer of Consumer Equitability. The bill is effective on July 1, 2013.

Roll call on Senate Bill No. 464:

YEAS—19.

NAYS—None.

EXCUSED—Brower, Ford.

Senate Bill No. 464 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 465.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Senate Bill No. 465 increases the maximum rate the State Department of Agriculture may set for stock cattle, dairy cattle, hogs, pigs and goats. The bill increases the penalty for failure to pay the tax. The measure also increases from \$5 to \$10 the annual minimum tax paid by each owner of livestock. Senate Bill No. 465 authorizes the State Department of Agriculture, if it determines that an owner of livestock was not assessed the head tax on any year the tax was due, to assess the tax at any time within five years after the date on which it was due. The bill is effective on July 1, 2013.

Roll call on Senate Bill No. 465:

YEAS—18.

NAYS—Gustavson.

EXCUSED—Brower, Ford.

Senate Bill No. 465 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 468.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Senate Bill No. 468 increases fees for certain applications and permits collected by the Office of the State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources. It also clarifies that fees collected by the State Engineer that were once credited to the State General Fund must now be deposited in the Water Distribution Revolving Account. There are some new fees approved in the bill which are required to implement the State Water Resources budget as closed by the Senate Committee on Finance and the Assembly Committee on Ways and Means. It is industry supported and becomes effective July 1, 2013.

Roll call on Senate Bill No. 468:

YEAS—18.

NAYS—Gustavson.

EXCUSED—Brower, Ford.

Senate Bill No. 468 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 512.

Bill read third time.

Remarks by Senators Spearman and Denis.**SENATOR SPEARMAN:**

Thank you, Mr. President. Senate Bill No. 512 reflects revisions previously made to the titles and salaries of certain employees of the Legislature. The measure also permits Legislators to use their printing allocation to choose among types of stationery and other printed materials that are of equivalent value and appropriate to their official duties. The bill is effective on July 1, 2013.

SENATOR DENIS:

Thank you, Mr. President. I want to clarify that during the 2011 Legislative Session, the Secretary of the Senate went through and evaluated all of the Senate staff positions. He was able to audit all of the positions and the salaries that go along with them. This bill is a cleanup for that. It also gives flexibility on the letterhead and other materials that we buy. I urge your support.

Roll call on Senate Bill No. 512:

YEAS—19.

NAYS—None.

EXCUSED—Brower, Ford.

Senate Bill No. 512 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 28.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Assembly Bill No. 28 revises the definition of sentinel event to mean an event in Appendix A of the *Serious Reportable Events in Healthcare - 2011 Update: A Consensus Report*, or subsequent revisions to the list of events, as published in the *National Quality Forum*. If the *National Quality Forum* ceases to exist, the last version of the publication will be considered the most current version. This bill is effective on October 1, 2013.

Roll call on Assembly Bill No. 28:

YEAS—19.

NAYS—None.

EXCUSED—Brower, Ford.

Assembly Bill No. 28 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 53.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Assembly Bill No. 53 repeals the requirement that hospitals report information on traumatic brain injuries to the Aging and Disability Services Division of the Department of Health and Human Services. The bill also abolishes the Subcommittee on Traumatic Brain Injuries of the Nevada Commission on Services for Persons with Disabilities.

Roll call on Assembly Bill No. 53:

YEAS—19.

NAYS—None.

EXCUSED—Brower, Ford.

Assembly Bill No. 53 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 69.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Assembly Bill No. 69 adds a requirement that proposed crematories in an incorporated city with a population of 60,000 or more, or unincorporated towns adjacent to such cities, must be located in zones for mixed, commercial or industrial and be at least 1,500 feet from any residential use zone.

Roll call on Assembly Bill No. 69:

YEAS—19.

NAYS—None.

EXCUSED—Brower, Ford.

Assembly Bill No. 69 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 493.

Bill read third time.

Remarks by Senator Parks.

Thank you, Mr. President. Assembly Bill No. 493 abolishes the Nevada Commission on Sports. Any balance remaining in the Account for Physical Fitness and Sports must not be committed for expenditure after June 30, 2013, and must be reverted to the State General Fund on or before September 20, 2013. The provisions relevant to the Account for Physical Fitness and Sports are effective upon passage and approval. The repeal of all the statutory provisions relevant to the Nevada Commission on Sports is effective on July 1, 2013. The Sunset Subcommittee of the Legislative Commission recommended this Commission be abolished.

Roll call on Assembly Bill No. 493:

YEAS—19.

NAYS—None.

EXCUSED—Brower, Ford.

Assembly Bill No. 493 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 495.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Assembly Bill No. 495 abolishes the Committee on Co-Occurring Disorders as recommended by the Sunset Subcommittee of the Legislative Commission.

Roll call on Assembly Bill No. 495:

YEAS—19.

NAYS—None.

EXCUSED—Brower, Ford.

Assembly Bill No. 495 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Assembly Joint Resolution No. 1 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Smith moved that Senate Bill No. 303 be placed at the bottom of the General File for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 4.

Resolution read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Assembly Joint Resolution No. 4 urges the Bureau of Land Management and the United States Forest Service to assist Nevada with the prevention and suppression of wildfires and repeat wildfires. The resolution states that wildfires negatively affect the ecosystem and that cheatgrass has been a significant contributing factor to wildfire activity in the State. It further suggests that the Bureau of Land Management and United States Forest Service should partner with local agencies and other interested parties, and also may consider partnering with the livestock industry, to determine whether increased grazing under certain circumstances would reduce the frequency of wildfires and enhance rangeland and forest conditions. This resolution is effective upon passage.

Roll call on Assembly Joint Resolution No. 4:

YEAS—19.

NAYS—None.

EXCUSED—Brower, Ford.

Assembly Joint Resolution No. 4 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 5.

Resolution read third time.

Remarks by Senator Manendo.

Thank you, Mr. President. Assembly Joint Resolution No. 5 notes that Nevada has an abundance of natural and renewable resources, many of which are located on public lands that are managed and controlled by the federal government. The resolution urges Congress to ensure that such lands remain open and accessible to multiple uses.

Roll call on Assembly Joint Resolution No. 5:

YEAS—18.

NAYS—Jones.

EXCUSED—Brower, Ford.

Assembly Joint Resolution No. 5 having received a constitutional majority, Mr. President declared it passed.

Senator Kieckhefer moved that the action whereby Assembly Joint Resolution No. 5 was passed be reconsidered.

Motion carried.

Roll call on Assembly Joint Resolution No. 5:

YEAS—19.

NAYS—None.

EXCUSED—Brower, Ford.

Assembly Joint Resolution No. 5 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 7.

Resolution read third time.

Remarks by Senators Settelmeyer and Kieckhefer.

SENATOR SETTELMEYER:

Thank you, Mr. President. Assembly Joint Resolution No. 7 urges the National Park Service to recognize the importance of mid-20th century architecture in Nevada and to provide assistance in listing significant examples of such architecture in the National Register of Historic Places.

SENATOR KIECKHEFER:

Thank you, Mr. President. The resolution urges the Governor to proclaim May 20, 2014, as a special day of acknowledgement. So everyone knows, May 20 is the birthday of Betty Willis, the designer of the "Welcome to Fabulous Las Vegas, Nevada" sign. That sign is a perfect example of this type of architecture.

Roll call on Assembly Joint Resolution No. 7:

YEAS—19.

NAYS—None.

EXCUSED—Brower, Ford.

Assembly Joint Resolution No. 7 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 303.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 714.

"SUMMARY—Provides for the issuance of driver authorization cards. (BDR 43-596)"

"AN ACT relating to motor vehicles; providing for the issuance of a driver authorization card; establishing the contents of an application for a driver authorization card and certain instruction permits; establishing the information that must be contained on a driver authorization card and similarly obtained instruction permits; providing for the expiration and renewal of a driver authorization card; providing that certain provisions of state law which apply to drivers' licenses also apply to a driver authorization card and similarly obtained instruction permits; making an appropriation; providing penalties; and providing other matters properly relating thereto." Legislative Counsel's Digest:

Under existing law, the Department of Motor Vehicles issues multiple licenses that confer to a person the privilege of operating a vehicle, including a driver's license, instruction permit, commercial driver's license and certain limited or restricted driver's licenses or instruction permits. (NRS 483.2521, 483.267, 483.270, 483.280, 483.340, 483.360, 483.908) The federal Real ID Act of 2005 requires any driver's license or identification card issued by a state to meet certain standards to be used for federal identification or other official purposes and allows for a state to issue driver's licenses or identification cards that do not meet such standards if such licenses or cards are of a unique design and clearly state that they may not be used for federal

identification or other official purposes. (Real ID Act of 2005 § 202, Pub. Law No. 109-13, 119 Stat. 302, 312-15, 49 U.S.C. 30301 note)

Section 5 of this bill sets forth requirements for applications for driver authorization cards and alternative requirements for applications for instruction permits. Section 5 establishes the information that must be included in such applications, including, without limitation, documents that must be submitted to prove the applicant's name, age and residence in this State. Section 5 allows an applicant to present various documents, including, without limitation, a birth certificate or passport issued by a foreign government, as proof of his or her name and age. Section 5 provides that a driver authorization card expires 1 year after issuance or renewal. Section 5 requires that a driver authorization card and an instruction permit obtained in accordance with section 5 ~~contain, in addition to the information contained on a driver's license, a clear statement that it may not be accepted for certain purposes and contain a unique design element to alert federal personnel to this information.~~ be of the same design as a driver's license with only the minimum number of changes necessary to comply with the federal Real ID Act of 2005. Section 5 provides that any provision of title 43 of NRS that applies to a driver's license is deemed also to apply to a driver authorization card and an instruction permit obtained in accordance with section 5.

Section 1 of this bill prohibits the Director of the Department from releasing any information from the files and records of the Department relating to legal presence to any person or federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws.

Section 12 of this bill makes an appropriation from the State Highway Fund to the Department of Motor Vehicles to pay the costs of developing and issuing driver authorization cards and similarly obtained instruction permits.

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

Section 1. 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 6, 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 subsections 2 and 4, 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 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. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2, 4 and 6 and NRS 483.294, 483.855 and 483.937, 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.

6. Except as otherwise provided in paragraph (a) and subsection 7, 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 patrol officer 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 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.

7. Except as otherwise provided in paragraph (j) of subsection 6, a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. 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.

8. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

9. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

10. *The Director shall not release any information relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws.*

11. The Director shall adopt such regulations as the Director 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 the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) 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) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and

(d) Understands that a violation of the provisions of this section is a criminal offense.

~~11.1~~ 12. 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.

~~12.1~~ 13. As used in this section:

(a) "*Information relating to legal presence*" means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver's license that a person possesses is a driver authorization card, whether the person applied for a driver's license pursuant to NRS 483.290 or section 5 of this act and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver's license.

(b) "Personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, *individual taxpayer identification 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 or her full address, information regarding vehicular accidents or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

~~(b)~~ (c) "Vehicle" includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

Sec. 2. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. "*Driver authorization card*" means a card obtained in accordance with section 5 of this act.

Sec. 4. 1. A person who wishes to obtain an instruction permit or a driver's license may apply using the provisions of NRS 483.290 or section 5 of this act.

2. A person who wishes to apply for any restricted or limited license issued pursuant to this chapter may do so by:

(a) Submitting an application using the provisions of NRS 483.290 or section 5 of this act; and

(b) Fulfilling the requirements for the issuance of the restricted or limited license.

Sec. 5. 1. An application for an instruction permit or for a driver authorization card must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the name, date of birth, sex and residence address of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her name and age by displaying an original or certified copy of:

(a) Any one of the following documents:

(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;

(2) A driver's license issued by another state, the District of Columbia or any territory of the United States which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17;

(3) A passport issued by the United States Government;

(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;

(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;

(6) A Certificate of Degree of Indian Blood issued by the United States Government;

(7) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;

(8) A Consular Report of Birth Abroad issued by the Department of State; or

(9) Such other documentation as specified by the Department by regulation; or

(b) Any two of the following documents:

(1) A driver's license issued by another state, the District of Columbia or any territory of the United States other than such a driver's license described in subparagraph (2) of paragraph (a);

(2) A passport issued by a foreign government;

(3) A birth certificate issued by a foreign government;

(4) A consular identification card issued by the Government of Mexico or a document issued by another government that the Department determines is substantially similar; or

(5) Any other proof acceptable to the Department.

↪ No document which is written in a language other than English may be accepted by the Department pursuant to this subsection unless it is accompanied by a verified translation of the document in the English language.

3. Every applicant must prove his or her residence in this State by displaying an original or certified copy of any two of the following documents:

(a) A receipt from the rent or lease of a residence located in this State;

(b) A record from a public utility for a service address located in this State which is dated within the previous 60 days;

(c) A bank or credit card statement indicating a residential address located in this State which is dated within the previous 60 days;

(d) A stub from an employment check indicating a residential address located in this State;

(e) A document issued by an insurance company or its agent, including, without limitation, an insurance card, binder or bill, indicating a residential address located in this State;

(f) A record, receipt of bill from a medical provider indicating a residential address located in this State; or

(g) Any other document as prescribed by the Department by regulation.

4. Except as otherwise provided in subsection 5, a driver authorization card or instruction permit obtained in accordance with this section must:

(a) Contain the same information as prescribed for a driver's license pursuant to NRS 483.340 and any regulations adopted pursuant thereto;

(b) Be of the same design as a driver's license ~~and~~ and contain only the minimum number of changes from that design that are necessary to comply with subsection 5; and

(c) Be numbered from the same sequence of numbers as a driver's license.

5. ~~Pursuant to~~ A driver authorization card or instruction permit obtained in accordance with this section must comply with the requirements of section 202(d)(11) of the Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 302, 312-15, 49 U.S.C. § 30301 note . ~~A driver authorization card or instruction permit obtained in accordance with this section.~~

~~(a) In addition to the information required pursuant to subsection 4, must include the statement "Not for Federal or State ID Purposes. Only Authorizes the Holder to Drive." on its face; and~~

~~(b) Must be imprinted with a symbol resembling a globe that is no larger than the symbol or other indicator used pursuant to NRS 483.340 to indicate that a person wishes to be a donor of all or part of his or her body.]~~

6. Notwithstanding the provisions of NRS 483.380, every driver authorization card expires on the anniversary of its issuance or renewal. Every driver authorization card is renewable at any time before its expiration upon application and payment of the required fee. The Department may, by regulation, defer the expiration of the driver authorization card of a person who is on active duty in the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the driver authorization card of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.

7. A driver authorization card shall not be used to determine eligibility for any benefits, licenses or services issued or provided by this State or its political subdivisions.

8. Except as otherwise provided in this section or by specific statute, any provision of this title that applies to drivers' licenses shall be deemed to apply to a driver authorization card and an instruction permit obtained in accordance with this section.

Sec. 6. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, and sections 3, 4 and 5 of this act apply only with respect to noncommercial drivers' licenses.

Sec. 7. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, and sections 3, 4 and 5 of this act, unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, and section 3 of this act have the meanings ascribed to them in those sections.

Sec. 8. NRS 483.083 is hereby amended to read as follows:

483.083 "License" means any driver's license or permit to operate a vehicle issued under or granted by the laws of this State, including:

1. Any temporary license ~~[or]~~ ;
2. Any instruction permit ~~[; and~~
~~2.]~~ obtained in accordance with NRS 483.290; and
3. The future privilege to drive a vehicle by a person who does not hold a driver's license.

Sec. 9. NRS 483.290 is hereby amended to read as follows:

483.290 1. ~~[Every]~~ An application for an instruction permit or for a driver's license must:

- (a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying an original or certified copy of the required documents as prescribed by regulation.

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department.

4. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 10. NRS 483.292 is hereby amended to read as follows:

483.292 1. When a person applies to the Department for an instruction permit or driver's license pursuant to NRS 483.290 ~~or~~ *or section 5 of this act*, the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States.

3. If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.

4. The Department shall, at least once each quarter:

(a) Compile the aggregate number of persons who have, during the immediately preceding quarter, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that number to the Office of Veterans Services to be used for statistical purposes.

Sec. 11. NRS 483.620 is hereby amended to read as follows:

483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, *and sections 3, 4 and 5 of this act*, unless such violation is, by NRS 483.010 to 483.630, inclusive, *and sections 3, 4 and 5 of this act*, or other law of this State, declared to be a felony.

Sec. 12. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the following sums to pay the costs of developing and issuing driver authorization cards and instruction permits pursuant to the provisions of this act:

<u>For the Fiscal Year 2013-2014.....</u>	<u>\$739,110</u>
<u>For the Fiscal Year 2014-2015.....</u>	<u>\$893,852</u>

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2014, and September 18, 2015, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 19, 2014, and September 18, 2015, respectively.

~~{Sec. 12.}~~ Sec. 13. 1. This section becomes effective upon passage and approval.

2. Section 12 of this act becomes effective on July 1, 2013.

3. Sections 1 to 11, inclusive, of this act ~~{becomes}~~ become effective:

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

~~{2.}~~ (b) On January 1, 2014, for all other purposes.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 714 to Senate Bill No. 303 ensures we comply with federal standards on disclosures with driver authorization cards, and it also appropriates some money from the Highway Fund to pay for the start-up costs of the program. The costs and revenue generated by driver authorization cards will more than make up for that appropriation.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary of the Senate signed Senate Bills Nos. 11, 12, 13, 14, 17, 19, 23, 24, 28; Senate Concurrent Resolution No. 4.

Senator Denis moved that the Senate adjourn until Monday, May 20, 2013, at 12:00 p.m.

Motion carried.

Senate adjourned at 2:52 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate