

THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), June 1, 2013

Senate called to order at 12:31 p.m.

President Krolicki presiding.

Roll called.

All present except for Senator Woodhouse, who was excused.

Prayer by Senator Pat Spearman.

God of the Vast Universe, Giver of Life and Creator of All That is Good: we thank You for our lives, our liberty that is secured by the lives of those who fought and have fallen to protect it; we are thankful for the blessings of peace and prosperity. Yet, as we bask in Your goodness, let us not be remiss and forget those who toil in sickness, disease and dis-ease. We pray for those who stand by the bedsides of loved ones who need to experience the healing virtues provided to so many others, and we pray especially for those entering a time of transition from earthly labor into eternal rest.

As we conclude the people's business of Nevada's citizenry, let us be guided by these words ascribed to Mother Teresa of Calcutta:

"People are often unreasonable, irrational and self-centered; forgive them anyway.

If you are kind, people may accuse you of unselfish, ulterior motives; be kind anyway.

If you are successful, you will win some unfaithful friends and some genuine enemies; succeed anyway.

If you are honest and sincere, people may deceive you; be honest and sincere anyway.

What you spend years creating, others could destroy overnight; create anyway.

If you find serenity and happiness, some may be jealous; be happy anyway.

The good you do today will often be forgotten; do good anyway.

Give the best you have, and it will never be enough; give your best anyway.

In the final analysis, it is between you and God; it was never between you and them anyway."

AMEN.

SHALOM. SALLA ALLAHU TA'ALA 'ALAYHI WA SALLAM.

MR. PRESIDENT:

As we are still in prayer, let us give positive thoughts and our best wishes to the family of Senator Joyce Woodhouse. The most difficult circumstances are occurring in Senator Woodhouse's life at this moment. Let us spend a few moments reflecting on her and her family.

Pledge of Allegiance to the Flag led by Senator Spearman.

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 Finance, to which was referred Senate Bill No. 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 31, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 388, 413, 425, 488.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 10; Assembly Concurrent Resolution No. 9.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 179, Assembly Amendment No. 871, and requests a conference, and appointed Assemblymen Horne, Spiegel and Fiore as a Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 280, Assembly Amendment No. 777, and requests a conference, and appointed Assemblymen Frierson, Carlton and Duncan as a Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Bustamante Adams, Neal and Kirner as a Conference Committee concerning Assembly Bill No. 66.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Bobzien, Healey and Grady as a Conference Committee concerning Assembly Bill No. 181.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Elliot Anderson, Carlton and Stewart as a Conference Committee concerning Assembly Bill No. 205.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Daly, Benitez-Thompson and Hansen as a Conference Committee concerning Assembly Bill No. 283.

MATTHEW BAKER

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that, for this legislative day, all necessary rules be suspended, and that all bills and resolutions reported out of Committee be immediately placed on the appropriate reading files, time permitting.

Motion carried.

Senator Smith moved that Senate Concurrent Resolution No. 9 be taken from the Resolution File and placed on the Secretary's Desk.

Motion carried.

Senator Smith moved that Assembly Concurrent Resolution No. 9 be taken from the Resolution File and placed on the Resolution File for the next legislative day.

Motion carried.

Senator Smith moved that Senate Standing Rule No. 50 be suspended, and that Assembly Bills Nos. 224, 260, be withdrawn from the Committee on Education and re-referred to the Committee on Finance.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 388.

Senator Smith moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 413.

Senator Smith moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

Assembly Bill No. 425.

Senator Smith moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 488.

Senator Smith moved that the bill be referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 486.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 941.

"SUMMARY—Makes [an appropriation to the Department of Education for data system projects identified by the P-16 Advisory Council.] appropriations relating to education. (BDR S-1178)"

"AN ACT making ~~[an appropriation to the Department of Education for data system projects identified by the P-16 Advisory Council.]~~ appropriations for a pilot program for the assessment of school readiness and for programs and projects for the coordination between early childhood education programs through college and workforce readiness; and providing other matters properly relating thereto."

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of ~~Education~~ Administration the sum of ~~[\$4,000,000]~~ \$1,500,000 for ~~[data system projects identified by the P-16 Advisory Council.]~~ the costs of implementing a pilot program for an assessment of the school readiness of children in prekindergarten and kindergarten, including, without limitation, costs related to training and technical assistance and the improvement of technology systems.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, by the Department of Administration or any entity to which money from the

appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the Department of Administration or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$1,000,000 for allocation to the Department of Administration for projects and programs identified by the needs assessment related to the statewide longitudinal data system for the coordination between early childhood education programs, local school districts, the Nevada System of Higher Education and the Department of Employment, Training and Rehabilitation for the support of the State's education and workforce development needs.

2. Any remaining balance of the appropriation made by ~~section~~ subsection 1 ~~of this act~~ must not be committed for expenditure after June 30, 2015, by the ~~Department of Education~~ Interim Finance Committee or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the ~~Department of Education~~ Interim Finance Committee or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.

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

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 941 to Senate Bill No. 486 reduces the total appropriation from \$4 million to \$1.5 million. It changes the appropriation from going to the Department of Education to the Department of Administration. It also offers some clarification about the scope of the technology project that will be funded.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 261.

Bill read third time.

Remarks by Senators Jones, Cegavske, Hutchison, Settlemeyer, Gustavson, Smith, Denis and Hardy.

SENATOR JONES:

Thank you, Mr. President. Senate Bill No. 261 defines commercial door-to-door solicitation and makes it unlawful for a business owner, agent or employee that engages in commercial door-to-door solicitation to have been convicted of a felony during the immediately preceding five years or to have been convicted of any violation deceptive advertising, deceptive trade practices or the unlawful employment of minors during the immediately preceding two years. The bill requires the owner of a business that engages in commercial door-to-door solicitation and the agents and employees of the business to: (1) engage and complete the solicitation during

the hours of 9 a.m. and 7 p.m., (2) refrain from soliciting to any public or private premise with prominently displayed signage indicating “No Solicitation” or “No Trespassing,” (3) refrain from providing false or deceptive representation to obtain an invitation to visit a private residence, and (4) provide a well-displayed and authorized identification badge at all times when engaging in solicitation. Additionally, the business owner must maintain: (1) a State business license issued by the Secretary of State; (2) any other business license required by a local government, incorporated city or unincorporated town, and (3) a list of all door-to-door solicitor agents, employees and current personal documents for each solicitor, which includes a photo, personal information, governmental photo identification and fingerprints.

Many of you have received emails in the last few days from some of the Direct Selling Association folks. I have asked them to respond and provide their specific concerns with the bill. To date, none of them have. They did say identification badges would be difficult for them. This morning, I made my own identification badge to make the point. It took me 90 seconds, and with the little clip I fastened to it, it cost about 8 cents. I appreciate the bipartisan support from the Senate Committee on Commerce, Labor and Energy and from the Senate Committee on Finance. I urge your support.

SENATOR CEGAVSKE:

Thank you, Mr. President. To my colleague from Senate District No. 9: when I am reading in Section 24, there is a passage that includes the phrase “becomes a deceptive trade practice.” If you are out and you do not have a badge, you are not in compliance with Senate Bill No. 261, and you go to a dozen or more doors and you get caught and charged, are you charged for each individual door you have visited? How do you calculate the first offense, second offense and then the third offense which is the felony? How does that work? I received a lot of correspondence from many different entities including the Avon Lady—I did not know they still go door to door—and the vacuum cleaner salesmen. Section 24: I would appreciate it if you could walk me through that.

SENATOR JONES:

Thank you, Mr. President. To my colleague from Senate District No. 8. I appreciate the question. I would read Section 24 as one violation if you went to 12 different doors. I would have to investigate further and get back to you to be certain. With regard to the concerns from the different entities to which you referred, I asked for clarification. I had Susan Erdman from Avon in my office twice this week. We addressed those concerns over and over. Nonetheless, the Direct Selling Association sees fit to send out their notices to everybody without the proper information, and as a result, people do not particularly understand the bill.

My mother-in-law is a direct seller for Arbonne. My wife is also an Arbonne salesperson. Neither of them has ever gone door-to-door. I am not sure anyone really does anymore. I do not think this is a burden on them. Senate Bill No. 261 is really addressing those who are dumping ex-felons into our neighborhoods and frightening people.

SENATOR CEGAVSKE:

Thank you, Mr. President. I have concerns, so I do need them addressed before I can vote on Senate Bill No. 261. I know we do not have a lot of time. I am concerned with not having a definite response to my question. However, I applaud my colleague for going after the solicitors who are harassing seniors.

SENATOR HUTCHISON:

Thank you, Mr. President. I rise in support of Senate Bill No. 261, and to also applaud my colleague from Senate District No. 9. He has worked hard on this bill. He worked with me to address some of my own concerns. This is a fine bill. For constituents in my district—including Sun City—there are many who stay home during the day, and who feel vulnerable when people come to their doors. They do not know who they are or where they are from, nor do they know if they are associated with the organization they claim to be. This legislation provides a way for identifying individuals who are now coming to your door, some of whom we heard in testimony are aggressive and persistent. Seniors at home feel vulnerable in these circumstances. They welcome this protection. I do not think this legislation is an overreach. It offers reasonable

protection in our neighborhoods, particularly with our senior populations and those who are home, requiring door-to-door salesmen to identify themselves, to make sure they are not dangerous. This is an effective way to help protect our constituents. I appreciate it because I have a large senior population in my district.

SENATOR SETTELMAYER:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 261. I appreciate my colleague from Senate District No. 9 and his concerns. I have been a representative for Region 9 for the Small Business Administration's small businesses. I am concerned because we have numerous concerns from individuals from Amway, Avon, encyclopedias, house cleaners and others who are just trying to survive in the economy. They are trying to earn a few dollars.

What bothers me most is the constitutionality of this bill. I have already expressed this to my colleague from Senate District No. 9. I still do not believe the issue has been addressed. The Supreme Court of the United States in *Central Hudson Gas and Electric Corporation vs. Public Service Commission* established a four-pronged test for a bill that has to do with door-to-door solicitation. At the outset of that test, it must be determined if the expression is covered by the First Amendment. For commercial speech under that provision, it must concern lawful activity and not be misleading. Individuals who are going to door-to-door selling products are not doing anything illegal. The second prong in the test is to ask whether the assertive governmental interest is substantial. The problem is the information we got during Committee did not include any proof that we currently have these problems. We have stories, but I saw no proof so I did not feel it is substantial. But, if you did, you would then go to the third prong: determine whether the regulation directly advances the governmental interest asserted. I do not believe this is this case. If you look at the bill, it now has so many loopholes for noncommercial solicitation, whether it is solicitation of a gift for a nonprofit, the sale or service of a good or a ware, the proceeds would go to a nonprofit. There are six loopholes. Therefore, I do not feel the regulation would directly advance that governmental interest. The last prong: whether or not it is more extensive than necessary to serve the interest. I say it is. You can put up a "no trespassing" sign and then call law enforcement to remove people from your property if they are not welcome. With the knowledge from a discussion that happened with one of my colleagues, this issue is vague. If you go out and you knock for a week, have you committed one crime that is a simple misdemeanor, or during those several days of knocking did you somehow progress from a misdemeanor to a gross misdemeanor and are now under deceptive trade practices a felon. For those reasons, I oppose the bill.

SENATOR GUSTAVSON:

Thank you, Mr. President. I have a question for my colleague from Senate District No. 9: on Section 9 of Senate Bill No. 261, it states that it is a requirement to have a color photograph taken not more than six months preceding the current date. How often does one have to have their photograph taken? Is it once every six months or once before the license is issued?

SENATOR JONES:

Thank you, Mr. President. To my colleague from Senate District No. 14: I read six months from the date of going around and soliciting. I do not think it is unreasonable to have a photo taken every six months. We all have photos taken of us on a regular, often daily, basis. It should not be a big deal.

SENATOR GUSTAVSON:

Thank you, Mr. President. I understand my colleague's badge may have been inexpensive to prepare, but I am concerned about badges produced by a company for their employees. It will probably cost them more than six or eight cents each to have them made. If they have to go to the expense and bother every six months or so, I think it is unnecessary.

Many different businesses were mentioned. A lot of those agents are wearing badges when they are going door-to-door. As you said, anyone can make a badge, there is no way to ensure the authenticity of the badge necessarily. The homeowner does not know who is at their door. For businesses like Schwan's, the trucks with a driver come to your door. I don't recall seeing them wearing badges. This is a blatant infringement on constitutional rights to engage in the

free-market system that has made our great Country what it is today. In my opinion, this is just another example of big government interfering with the right to earn a living. I urge you all to vote no on Senate Bill No. 261.

SENATOR SMITH:

Thank you, Mr. President. I rise in support of Senate Bill No. 261. The bill is much more than big government interfering. It is about protecting our citizens. It is also about protecting those who are vulnerable who end up going door-to-door. That is what first caught my attention about this legislation. In my neighborhood we have occasions where businesses come through and a van drops off a bunch of young people who have absolutely no idea what they are doing or what the rules and the laws are. They knock on doors after dark, and they are trying to convince folks they are selling things to raise money for some needy child in Africa when in fact they are going door-to-door making a lot of money for some business person. It scares me for the people who are vulnerable, people like my mother-in-law who may feel uncomfortable with someone knocking on her door at night. The employees of the big businesses that are concerned about this more than likely wear badges, or can afford one, to do their work. We want to protect our citizens and especially the young people who are being taken advantage of in our neighborhoods over the idea of whether they should have a badge or not. I urge your support of this.

SENATOR DENIS:

Thank you, Mr. President. I also rise in support of Senate Bill No. 261. Over the last few years, I have worked on consumer fraud in the minority communities. A lot of times, individuals will take advantage of minorities. This type of a bill helps to protect those individuals. There are trusting people in the community. I believe we need to have something in place that can help protect vulnerable populations. I urge your support.

SENATOR HARDY:

Thank you, Mr. President. I also rise in support of Senate Bill No. 261. We have a “graying” population who is vulnerable. We have made other laws in favor of our vulnerable populations. As we try to balance the entrepreneurial spirit and the protection of people, this is one of those bills that, in my opinion, gets to some of that. In reading the bill, I recognize there needs to be a business license, and if business licenses are appropriate, they have to have some way of identifying the license holder. The van scenario described by my colleagues happened at my house. We had persuasive people come into our neighborhood. If there was not some confidence that one could usher them out, I am certain one would feel uncomfortable. I am in support. It will get us to a place where we have an opportunity to see how well it works.

Roll call on Senate Bill No. 261:

YEAS—16.

NAYS—Cegavske, Gustavson, Settlemeyer—3.

EXCUSED—Brower, Woodhouse.

Senate Bill No. 261 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 500.

Bill read third time.

Remarks by Senators Smith, Ford, Denis, Jones and Cegavske.

SENATOR SMITH:

Thank you, Mr. President. I am here pinch hitting in support of Senate Bill No. 500 for my colleague from Senate District No. 5 today.

Senate Bill No. 500 creates the Task Force on K-12 Public Education Funding to recommend a plan for funding public schools based upon a weighted formula that takes into account the individual educational needs and demographic characteristic of pupils. Section 2 of the bill establishes the membership of the Task Force. It is broadly representative of the geography and

the various groups related to education in this State. In appointing members of the Task Force, the bill requires that the appointing authorities shall coordinate to the extent practicable, so that Task Force members represent the geographic and ethnic diversity of the State. They may have subcommittees appointed within the Task Force to have them carry out their work. As required by the bill, the Chair shall appoint a technical advisory committee of people who are specialists at school funding.

The legislation requires the Task Force to meet on or after July 1, 2013, upon the call of the Governor, and limits the number of meetings to no more than six times each year. The bill requires the Task Force to review the report published by the American Institutes for Research on September 25, 2012, entitled, "Study of a New Method of Funding for Public Schools in Nevada." Lastly, the bill requires the Task Force to prepare a written report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature. The bill becomes effective upon passage and approval for the purpose of appointing members to the Task Force on K-12 Public Education Funding and on July 1, 2013, for all other purposes.

To clarify for the Body, this is the group that will, hopefully, recommend a new formula for K-12 funding that will provide some suggestions for weighted funding and more appropriately distribute the educational funding in our State. I urge your support.

SENATOR FORD:

Thank you, Mr. President. It will probably come as no surprise to anyone that notwithstanding her current circumstances, our colleague from Senate District No. 5 remains engaged. She sent me an email at 12:31 p.m. and asked that I read a statement from her on Senate Bill No. 500. I would like to do that now. My remarks on Senate Bill No. 500 are exactly the same as my colleague's which are as follows, "I urge your support of Senate Bill No. 500. I had high hopes that during the current Legislative Session we would have a new K-12 funding formula. Unfortunately that was not to be. However, we do have Senate Bill No. 500 which will require a task force to research, develop and fine tune a recommendation for a K-12 funding formula that will come back to us in the 2015 Legislative Session. We must fund our schools and the education of our children in a fair and equitable manner. This measure will start us down that path."

SENATOR DENIS:

Thank you, Mr. President. I, too, had hopes, coming from the interim study we did that looked at weighted funding for our education system, we came up with some great data that said we need to do it. We are one of the few states in the Country that does not do weighted funding. It was my hope that during this Session we would actually find a way to do that. When I initially went to the Department of Education, they said it would take eight or nine months to do it. I did not believe them. I thought I could do it having worked in the past with the school districts. I thought we could come up with something. We did come up with something, but we realized that there were a lot of nuances that have to do with our funding that really need to have discussion. Senate Bill No. 500 will allow us to do that. In 120 days, we did not have the ability to bring all of that together. This now gives us the Interim. It will be similar to what we do with the Nevada System of Higher Education over the last Interim where we were able to get buy-in from all of the folks who will be affected by it. I urge support. It is something that is needed. It will help all of our kids as we move into the future. It will ensure we can get the help we need to the places that really need it.

SENATOR JONES:

Thank you, Mr. President. I rise in support of Senate Bill No. 500, albeit a bit reluctantly. I had hoped we would get this done this time so we can get the funding formula right. Everyone agrees the Nevada Plan is old, outdated and does not properly serve the needs of our State. If I am back here in two years and we do not get it done then, I would not support hold-harmless funding going forward. In my mind, this is hold-harmless funding for the next two years for those that might be affected next time.

SENATOR SMITH:

Thank you, Mr. President. I rise in support of Senate Bill No. 500. Having spent the last 25 years or so working on education funding, I know that this funding formula is complicated. The Legislative Session is not the time or place that you can revise something like it. We know this from the experience we had with the higher education funding formula that was developed last Session. It seems things move slowly here, but it is the reality when you have a compressed meeting time and one large, looming issue that takes an extraordinarily significant amount of time and energy to change.

I want to point out to my colleagues from Clark County that with much of the new funding that is being provided through this budget, that money will exponentially go to Clark County. In some ways, the intent of that is accomplished with the English Language Learner funding. If we are able to reduce class sizes in kindergarten as we have been working on, you will see the intent of that idea implemented in this new funding. There should be some reassurances there.

SENATOR CEGAVSKE:

Thank you, Mr. President. I have a question on Senate Bill No. 500. Subsection 8 indicates the Chair of the Task Force will appoint the Advisory Committee. I see Clark and Washoe, and then I see one representative of a district other than that. I am wondering what the thought process was for the rural areas, the other 15 counties. Is there a person or a representative for this entire area?

SENATOR SMITH:

Thank you, Mr. President. There are a couple of thoughts. One is there are numerous places in the membership of the Task Force that a rural representative can be appointed. On the technical aspects, the discussion was that the big districts are the ones who clearly have the expertise on the Distributive School Account. That is what was clearly needed here. People who know this so well they can help on the technical side of implementing a new formula.

SENATOR CEGAVSKE:

Thank you very much to my colleague from Senate District No. 13. I appreciate that. Our technology in the rural area is so much different. We are trying to go with wireless technology in these areas. I wanted to make sure we are talking about and looking at the rural area.

SENATOR SMITH:

Thank you, Mr. President. I want to clarify that this is about people who have expertise with the funding formula and who can help devise the new formula. I think the rural representation is considered.

Roll call on Senate Bill No. 500:

YEAS—19.

NAYS—None.

EXCUSED—Brower, Woodhouse.

Senate Bill No. 500 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 516.

Bill read third time.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Senate Bill No. 516 revises and expands the procedures and licensing requirements of wholesale dealers, nonparticipating manufacturers and the Office of the Attorney General, related to the statutory enforcement of the tobacco Master Settlement Agreement. Specifically, the bill requires the Department of Taxation to notify wholesale dealers when a manufacturer or brand of cigarettes is added to or removed from the directory of cigarette manufacturers and stipulates that a wholesale dealer shall not purchase cigarettes for resale from a manufacturer not listed in the directory. It expands the provisions governing the

importation of cigarettes and provides that an importer is jointly and severally liable for certain escrow deposits. It authorizes the State to enter into an agreement with an Indian tribe to enforce and administer provisions related to the licensing, taxing and manufacturing of tobacco products. The bill defines qualified tribal land and requires that each cigarette package sold on qualified tribal land bear a tribal stamp issued by the Department of Taxation. It authorizes the State to release to an Indian tribe, pursuant to a compact with that tribe, not more than 50 percent of the amounts deposited in a qualified escrow fund in accordance with the Master Settlement Agreement for cigarettes sold on or after January 1, 2015, from a retailer on the qualified tribal land for the purposes of public safety and social services. Finally, the bill authorizes the Department of Taxation to temporarily suspend or permanently revoke a license of a wholesale dealer if the dealer fails or inaccurately files its monthly report to the Department of Taxation, pay certain taxes, cure certain liabilities, sell unauthorized cigarettes or import or export any unauthorized cigarettes. Sections 17, 31, 33 and 34 of Senate Bill No. 516 become effective on January 1, 2014. The remaining sections become effective July 1, 2013.

Senate Bill No. 516 is an important piece of legislation to ensure we are diligently enforcing our requirements under the tobacco Master Settlement Agreement and protect our ongoing revenue streams from that settlement.

Roll call on Senate Bill No. 516:

YEAS—19.

NAYS—None.

EXCUSED—Brower, Woodhouse.

Senate Bill No. 516 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that all necessary rules be suspended and that Senate Bills Nos. 261, 500, 516, be immediately transmitted to the Assembly.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 252.

The following Assembly Amendments were read:

Amendment No. 648.

"SUMMARY—Revises provisions relating to the portfolio standard for providers of electric service. (BDR 58-775)"

"AN ACT relating to renewable energy; revising provisions which specify the renewable energy systems which qualify as portfolio energy systems; revising provisions relating to the implementation of energy efficiency measures by a provider of electric service for the purpose of complying with the renewable portfolio standard; revising provisions relating to the carrying forward to subsequent calendar years of the excess kilowatt-hours of electricity that a provider generates or acquires from portfolio energy systems; requiring the Public Utilities Commission of Nevada to open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill revises provisions relating to the portfolio standard for providers of electric service, which requires that each year each provider of electric service in this State must generate or acquire from renewable energy systems or save as a result of energy efficiency measures a certain percentage of the electricity sold by the provider to its retail customers in this State.

In 2005, the 22nd Special Session of the Legislature revised the portfolio standard to authorize a provider to meet a portion of the portfolio standard through savings achieved from energy efficiency measures. (Sections 26-29 of chapter 2, Statutes of Nevada 2005, 22nd Special Session, pp. 82-84) Section 6 of this bill revises the portfolio standard to limit the use of savings achieved from energy efficiency measures by a provider to satisfy the portfolio standard.

Section 4 of this bill revises the definition of "portfolio energy system or efficiency measure" to provide that a renewable energy system or energy efficiency measure qualifies as a portfolio energy system if: (1) the renewable energy system was placed into operation before July 1, 1997, and a provider used electricity generated or acquired from the system to satisfy the portfolio standard before July 1, 2009; (2) the renewable energy system was placed into operation on or after July 1, 1997; or (3) the energy efficiency measure was installed on or before December 31, 2019.

Existing law provides that, for the purpose of satisfying the portfolio standard, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from certain solar photovoltaic systems for each 1 kilowatt-hour actually generated or acquired. (NRS 704.7822) Section 9 of this bill revises the applicability of this provision to systems that were placed into operation on or before July 1, 2014. December 31, 2015.

Existing law requires the Public Utilities Commission of Nevada to authorize a provider to carry forward into future years any excess kilowatt-hours of electricity the provider generates or acquires from portfolio energy systems if the provider exceeds the portfolio standard for any calendar year. (NRS 704.7828) Section 11 of this bill authorizes a provider that carries forward excess kilowatt-hours of electricity in an amount that is more than 10 percent but less than 25 percent of the amount necessary to satisfy the provider's portfolio standard for the subsequent calendar year to sell the excess kilowatt-hours of electricity the provider generates or acquires from portfolio energy systems. Section 11 requires a provider to make reasonable efforts to sell any credits which are in excess of 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year.

Section 14 of this bill requires the Commission to open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits and to submit a written report on the results of the investigatory docket and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 704.7804 is hereby amended to read as follows:

704.7804 "Portfolio energy system or efficiency measure" means:

1. Any renewable energy system ~~[- or~~
~~2.—Any energy efficiency measure.] :~~

(a) *Placed into operation before July 1, 1997, if a provider of electric service used electricity generated or acquired from the renewable energy system to satisfy its portfolio standard before July 1, 2009; or*

(b) *Placed into operation on or after July 1, 1997; or*

2. Any energy efficiency measure installed on or before December 31, 2019.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 704.7821 is hereby amended to read as follows:

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

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

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

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

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

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

(f) For calendar years 2015 through 2019, inclusive, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(g) For calendar years 2020 through 2024, inclusive, not less than 22 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(h) For calendar year 2025 and for each calendar year thereafter, not less than 25 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than:

(1) For calendar years 2009 through 2015, inclusive, 5 percent of that amount must be generated or acquired from solar renewable energy systems.

(2) For calendar year 2016 and for each calendar year thereafter, 6 percent of that amount must be generated or acquired from solar renewable energy systems.

(b) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures ~~during~~ :

(1) *During calendar years 2013 and 2014, not more than 25 percent of that amount may be based on energy efficiency measures;*

(2) *During each calendar year ~~from~~ 2015 to 2019, inclusive, not more than ~~25~~ 20 percent of that amount may be based on energy efficiency measures ~~from~~;*

(3) *During each calendar year 2020 to 2024, inclusive, not more than 10 percent of that amount may be based on energy efficiency measures; and*

(4) *For calendar year 2025 and each calendar year thereafter, no portion of that amount may be based on energy efficiency measures.*

➔ If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential customers of the provider, unless a different percentage is approved by the Commission.

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

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

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

3. If, for the benefit of one or more retail customers in this State, the provider has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity,

the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

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

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

6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission.

7. The Commission shall adopt regulations that establish:

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

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

8. Except as otherwise provided in NRS 704.78213, the provisions of this section do not apply to a provider of new electric resources as defined in NRS 704B.130.

9. As used in this section:

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

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

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

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 704.78215 is hereby amended to read as follows:

704.78215 1. Except as otherwise provided in this section or by specific statute, a provider is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure.

2. The Commission may adopt regulations that give a provider more than one portfolio energy credit for each kilowatt-hour of electricity saved by the provider during its peak load period from energy efficiency measures.

3. ~~For~~ Except as otherwise provided in this subsection, for portfolio energy systems placed into operation on or after ~~July 1, 2015,~~ January 1, 2016, the amount of electricity generated or acquired from a portfolio energy system does not include the amount of any electricity used by the portfolio energy system for its basic operations that reduce the amount of renewable energy delivered to the transmission grid for distribution and sale to customers of the provider. The provisions of this subsection do not apply to a portfolio energy system placed into operation on or after January 1, 2016, if a provider entered into a contract for the purchase of electricity generated by the portfolio energy system on or before December 31, 2012.

Sec. 9. NRS 704.7822 is hereby amended to read as follows:

704.7822 For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system, if:

1. The system is installed on the premises of a retail customer; ~~and~~

2. The system was placed into operation on or before ~~July 1, 2014;~~ December 31, 2015; and

3. On an annual basis, at least 50 percent of the electricity generated by the system is utilized by the retail customer on that premises.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 704.7828 is hereby amended to read as follows:

704.7828 1. The Commission shall adopt regulations to carry out and enforce the provisions of NRS 704.7801 to 704.7828, inclusive. The regulations adopted by the Commission may include any enforcement mechanisms which are necessary and reasonable to ensure that each provider of electric service complies with its portfolio standard. Such enforcement mechanisms may include, without limitation, the imposition of administrative fines.

2. If a provider exceeds the portfolio standard for any calendar year ~~, the~~ :

(a) The Commission shall authorize the provider to carry forward to subsequent calendar years for the purpose of complying with the portfolio standard for those subsequent calendar years any excess kilowatt-hours of electricity that the provider generates, acquires or saves from portfolio energy systems or efficiency measures ~~{-}~~;

(b) By more than 10 percent but less than 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year, the provider may sell any portfolio energy credits which are in excess of 10 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year; and

(c) By 25 percent or more of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year, the provider shall use reasonable efforts to sell any portfolio energy credits which are in excess of 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year.

↪ Any money received by a provider from the sale of portfolio energy credits pursuant to paragraphs (b) and (c) must be credited against the provider's costs for purchased fuel and purchased power pursuant to NRS 704.187 in the same calendar year in which the money is received, less any verified administrative costs incurred by the provider to make the sale, including any costs incurred to qualify the portfolio energy credits for potential sale regardless of whether such sales are made.

3. If a provider does not comply with its portfolio standard for any calendar year and the Commission has not exempted the provider from the requirements of its portfolio standard pursuant to NRS 704.7821 or 704.78213, the Commission:

(a) Shall require the provider to carry forward to subsequent calendar years the amount of the deficiency in kilowatt-hours of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; and

(b) May impose an administrative fine against the provider or take other administrative action against the provider, or do both.

4. ~~{The}~~ Except as otherwise provided in subsection 5, the Commission may impose an administrative fine against a provider based upon:

(a) Each kilowatt-hour of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; or

(b) Any other reasonable formula adopted by the Commission.

5. If a provider sells any portfolio energy credits pursuant to paragraph (b) or (c) of subsection 2 in any calendar year in which the Commission determines that the provider did not comply with its portfolio standard, the Commission shall not make any adjustment to the provider's

expenses or revenues and shall not impose on the provider any administrative fine authorized by this section for that calendar year if:

(a) In the calendar year immediately preceding the calendar year in which the portfolio energy credits were sold, the amount of portfolio energy credits held by the provider and attributable to electricity generated, acquired or saved from portfolio energy systems or efficiency measures by the provider exceeded the amount of portfolio energy credits necessary to comply with the provider's portfolio standard by more than 10 percent;

(b) The price received for any portfolio energy credits sold by the provider was not lower than the most recent value of portfolio energy credits, net of any energy value if the price was for bundled energy and credits, as determined by reference to the last long-term renewable purchased power agreements approved by the Commission in the most recent proceeding that included such agreements; and

(c) The provider would have complied with the portfolio standard in the relevant year even after the sale of portfolio energy credits based on the load forecast of the provider at the time of the sale.

6. In the aggregate, the administrative fines imposed against a provider for all violations of its portfolio standard for a single calendar year must not exceed the amount which is necessary and reasonable to ensure that the provider complies with its portfolio standard, as determined by the Commission.

~~{6-}~~ 7. If the Commission imposes an administrative fine against a utility provider:

(a) The administrative fine is not a cost of service of the utility provider;

(b) The utility provider shall not include any portion of the administrative fine in any application for a rate adjustment or rate increase; and

(c) The Commission shall not allow the utility provider to recover any portion of the administrative fine from its retail customers.

~~{7-}~~ 8. All administrative fines imposed and collected pursuant to this section must be deposited in the State General Fund.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. 1. As soon as practicable after October 1, 2013, the Public Utilities Commission of Nevada shall open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits, as defined in NRS 704.7803, to determine whether the process can be improved to:

(a) Better enable providers of electric service, as defined in NRS 704.7808, to engage in the sale of portfolio energy credits; and

(b) Provide the greatest economic benefit to customers of providers of electric service in this State.

2. The following parties may participate in the investigatory docket:

(a) Each provider of electric service operating in this State;

(b) The Regulatory Operations Staff of the Commission;

(c) The Consumer's Advocate and the Bureau of Consumer Protection in the Office of the Attorney General; and

(d) Any other interested parties.

3. The Commission shall, on or before January 31, 2015, submit a written report on the results of the investigatory docket and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

Amendment No. 797.

"SUMMARY—Revises provisions relating to the portfolio standard for providers of electric service. (BDR 58-775)"

"AN ACT relating to renewable energy; revising provisions which specify the renewable energy systems which qualify as portfolio energy systems; revising provisions relating to the implementation of energy efficiency measures by a provider of electric service for the purpose of complying with the renewable portfolio standard; revising provisions relating to the carrying forward to subsequent calendar years of the excess kilowatt-hours of electricity that a provider generates or acquires from portfolio energy systems; requiring the Public Utilities Commission of Nevada to open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill revises provisions relating to the portfolio standard for providers of electric service, which requires that each year each provider of electric service in this State must generate or acquire from renewable energy systems or save as a result of energy efficiency measures a certain percentage of the electricity sold by the provider to its retail customers in this State.

In 2005, the 22nd Special Session of the Legislature revised the portfolio standard to authorize a provider to meet a portion of the portfolio standard through savings achieved from energy efficiency measures. (Sections 26-29 of chapter 2, Statutes of Nevada 2005, 22nd Special Session, pp. 82-84) Section 6 of this bill revises the portfolio standard to limit the use of savings achieved from energy efficiency measures by a provider to satisfy the portfolio standard.

Section 4 of this bill revises the definition of "portfolio energy system or efficiency measure" to provide that a renewable energy system or energy efficiency measure qualifies as a portfolio energy system if: (1) the renewable energy system was placed into operation before July 1, 1997, and a provider used electricity generated or acquired from the system to satisfy the portfolio standard before July 1, 2009; (2) the renewable energy system was placed into operation on or after July 1, 1997; or (3) the energy efficiency measure was installed on or before December 31, 2019.

Existing law provides that a provider is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure.

(NRS 704.78215) Section 8 of this bill excludes from the calculation of portfolio energy credit certain electricity used by a portfolio energy system for its basic operations if the portfolio energy system is placed into operation on or after January 1, 2016.

Existing law provides that, for the purpose of satisfying the portfolio standard, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from certain solar photovoltaic systems for each 1 kilowatt-hour actually generated or acquired. (NRS 704.7822) Section 9 of this bill revises the applicability of this provision to systems that were placed into operation on or before December 31, 2015.

Existing law requires the Public Utilities Commission of Nevada to authorize a provider to carry forward into future years any excess kilowatt-hours of electricity the provider generates or acquires from portfolio energy systems if the provider exceeds the portfolio standard for any calendar year. (NRS 704.7828) Section 11 of this bill authorizes a provider that carries forward excess kilowatt-hours of electricity in an amount that is more than 10 percent but less than 25 percent of the amount necessary to satisfy the provider's portfolio standard for the subsequent calendar year to sell the excess kilowatt-hours of electricity the provider generates or acquires from portfolio energy systems. Section 11 requires a provider to make reasonable efforts to sell any credits which are in excess of 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year.

Section 14 of this bill requires the Commission to open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits and to submit a written report on the results of the investigatory docket and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 704.7804 is hereby amended to read as follows:

704.7804 "Portfolio energy system or efficiency measure" means:

1. Any renewable energy system ~~[- or~~

~~2. Any energy efficiency measure.] :~~

(a) Placed into operation before July 1, 1997, if a provider of electric service used electricity generated or acquired from the renewable energy system to satisfy its portfolio standard before July 1, 2009; or

(b) Placed into operation on or after July 1, 1997; or

2. Any energy efficiency measure installed on or before December 31, 2019.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 704.7821 is hereby amended to read as follows:

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

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

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

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

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

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

(f) For calendar years 2015 through 2019, inclusive, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(g) For calendar years 2020 through 2024, inclusive, not less than 22 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(h) For calendar year 2025 and for each calendar year thereafter, not less than 25 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than:

(1) For calendar years 2009 through 2015, inclusive, 5 percent of that amount must be generated or acquired from solar renewable energy systems.

(2) For calendar year 2016 and for each calendar year thereafter, 6 percent of that amount must be generated or acquired from solar renewable energy systems.

(b) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures ~~during~~:

(1) *During calendar years 2013 and 2014, not more than 25 percent of that amount may be based on energy efficiency measures;*

(2) During each calendar year ~~from~~ 2015 to 2019, inclusive, not more than ~~25~~ 20 percent of that amount may be based on energy efficiency measures ~~that~~;

(3) During each calendar year 2020 to 2024, inclusive, not more than 10 percent of that amount may be based on energy efficiency measures; and

(4) For calendar year 2025 and each calendar year thereafter, no portion of that amount may be based on energy efficiency measures.

➔ If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential customers of the provider, unless a different percentage is approved by the Commission.

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

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

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

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

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

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

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

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

7. The Commission shall adopt regulations that establish:

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

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

8. Except as otherwise provided in NRS 704.78213, the provisions of this section do not apply to a provider of new electric resources as defined in NRS 704B.130.

9. As used in this section:

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

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

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

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 704.78215 is hereby amended to read as follows:

704.78215 1. Except as otherwise provided in this section or by specific statute, a provider is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure.

2. The Commission may adopt regulations that give a provider more than one portfolio energy credit for each kilowatt-hour of electricity saved by the provider during its peak load period from energy efficiency measures.

3. *Except as otherwise provided in this subsection, for portfolio energy systems placed into operation on or after January 1, 2016, the amount of electricity generated or acquired from a portfolio energy system does not include the amount of any electricity used by the portfolio energy system for*

its basic operations that reduce the amount of renewable energy delivered to the transmission grid for distribution and sale to customers of the provider. The provisions of this subsection do not apply to a portfolio energy system placed into operation on or after January 1, 2016, if a provider entered into a contract for the purchase of electricity generated by the portfolio energy system on or before December 31, 2012. For the purposes of this section, the amount of any electricity used by a portfolio energy system for its basic operations does not include the electricity used by a portfolio energy system that generates electricity from geothermal energy for the extraction and transportation of geothermal brine.

Sec. 9. NRS 704.7822 is hereby amended to read as follows:

704.7822 For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system, if:

1. The system is installed on the premises of a retail customer; ~~and~~
2. *The system was placed into operation on or before December 31, 2015; and*
3. On an annual basis, at least 50 percent of the electricity generated by the system is utilized by the retail customer on that premises.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 704.7828 is hereby amended to read as follows:

704.7828 1. The Commission shall adopt regulations to carry out and enforce the provisions of NRS 704.7801 to 704.7828, inclusive. The regulations adopted by the Commission may include any enforcement mechanisms which are necessary and reasonable to ensure that each provider of electric service complies with its portfolio standard. Such enforcement mechanisms may include, without limitation, the imposition of administrative fines.

2. If a provider exceeds the portfolio standard for any calendar year ~~[- the]~~:

(a) *The Commission shall authorize the provider to carry forward to subsequent calendar years for the purpose of complying with the portfolio standard for those subsequent calendar years any excess kilowatt-hours of electricity that the provider generates, acquires or saves from portfolio energy systems or efficiency measures [-];*

(b) *By more than 10 percent but less than 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year, the provider may sell any portfolio energy credits which are in excess of 10 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year; and*

(c) *By 25 percent or more of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar*

year, the provider shall use reasonable efforts to sell any portfolio energy credits which are in excess of 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year.

↪ Any money received by a provider from the sale of portfolio energy credits pursuant to paragraphs (b) and (c) must be credited against the provider's costs for purchased fuel and purchased power pursuant to NRS 704.187 in the same calendar year in which the money is received, less any verified administrative costs incurred by the provider to make the sale, including any costs incurred to qualify the portfolio energy credits for potential sale regardless of whether such sales are made.

3. If a provider does not comply with its portfolio standard for any calendar year and the Commission has not exempted the provider from the requirements of its portfolio standard pursuant to NRS 704.7821 or 704.78213, the Commission:

(a) Shall require the provider to carry forward to subsequent calendar years the amount of the deficiency in kilowatt-hours of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; and

(b) May impose an administrative fine against the provider or take other administrative action against the provider, or do both.

4. ~~The~~ Except as otherwise provided in subsection 5, the Commission may impose an administrative fine against a provider based upon:

(a) Each kilowatt-hour of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; or

(b) Any other reasonable formula adopted by the Commission.

5. If a provider sells any portfolio energy credits pursuant to paragraph (b) or (c) of subsection 2 in any calendar year in which the Commission determines that the provider did not comply with its portfolio standard, the Commission shall not make any adjustment to the provider's expenses or revenues and shall not impose on the provider any administrative fine authorized by this section for that calendar year if:

(a) In the calendar year immediately preceding the calendar year in which the portfolio energy credits were sold, the amount of portfolio energy credits held by the provider and attributable to electricity generated, acquired or saved from portfolio energy systems or efficiency measures by the provider exceeded the amount of portfolio energy credits necessary to comply with the provider's portfolio standard by more than 10 percent;

(b) The price received for any portfolio energy credits sold by the provider was not lower than the most recent value of portfolio energy credits, net of any energy value if the price was for bundled energy and credits, as determined by reference to the last long-term renewable purchased power

agreements approved by the Commission in the most recent proceeding that included such agreements; and

(c) The provider would have complied with the portfolio standard in the relevant year even after the sale of portfolio energy credits based on the load forecast of the provider at the time of the sale.

6. In the aggregate, the administrative fines imposed against a provider for all violations of its portfolio standard for a single calendar year must not exceed the amount which is necessary and reasonable to ensure that the provider complies with its portfolio standard, as determined by the Commission.

~~{6.}~~ 7. If the Commission imposes an administrative fine against a utility provider:

- (a) The administrative fine is not a cost of service of the utility provider;
- (b) The utility provider shall not include any portion of the administrative fine in any application for a rate adjustment or rate increase; and
- (c) The Commission shall not allow the utility provider to recover any portion of the administrative fine from its retail customers.

~~{7.}~~ 8. All administrative fines imposed and collected pursuant to this section must be deposited in the State General Fund.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. 1. As soon as practicable after October 1, 2013, the Public Utilities Commission of Nevada shall open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits, as defined in NRS 704.7803, to determine whether the process can be improved to:

- (a) Better enable providers of electric service, as defined in NRS 704.7808, to engage in the sale of portfolio energy credits; and
- (b) Provide the greatest economic benefit to customers of providers of electric service in this State.

2. The following parties may participate in the investigatory docket:

- (a) Each provider of electric service operating in this State;
- (b) The Regulatory Operations Staff of the Commission;
- (c) The Consumer's Advocate and the Bureau of Consumer Protection in the Office of the Attorney General; and
- (d) Any other interested parties.

3. The Commission shall, on or before January 31, 2015, submit a written report on the results of the investigatory docket and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

Senator Atkinson moved that the Senate concur in the Assembly amendments Nos. 648, 797, to Senate Bill No. 252.

Motion carried by a constitutional majority.

Bill ordered enrolled.

RECEDE FROM SENATE AMENDMENTS

Senator Segerblom moved that the Senate do not recede from its action on Assembly Bill No. 202, that a conference be requested, and that Mr. President appoint a Conference Committee consisting of three members to meet with a like committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Segerblom, Ford and Brower as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 202.

RECEDE FROM SENATE AMENDMENTS

Senator Segerblom moved that the Senate do not recede from its action on Assembly Bill No. 262, that a conference be requested, and that Mr. President appoint a Conference Committee consisting of three members to meet with a like committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Ford, Jones and Hutchison as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 262.

RECEDE FROM SENATE AMENDMENTS

Senator Segerblom moved that the Senate do not recede from its action on Assembly Bill No. 313, that a conference be requested, and that Mr. President appoint a Conference Committee consisting of three members to meet with a like committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Segerblom, Kihuen and Brower as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 313.

RECEDE FROM SENATE AMENDMENTS

Senator Segerblom moved that the Senate do not recede from its action on Assembly Bill No. 378, that a conference be requested, and that Mr. President appoint a Conference Committee consisting of three members to meet with a like committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Segerblom, Kihuen and Hutchison as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 378.

RECEDE FROM SENATE AMENDMENTS

Senator Segerblom moved that the Senate do not recede from its action on Assembly Bill No. 415, that a conference be requested, and that Mr. President appoint a Conference Committee consisting of three members to meet with a like committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Ford, Jones and Hammond as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 415.

President Krolicki appointed Senators Jones, Ford and Hutchison as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 38.

President Krolicki appointed Senators Atkinson, Jones and Hardy as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 49.

President Krolicki appointed Senators Jones, Smith and Kieckhefer as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 176.

President Krolicki appointed Senators Smith, Parks and Kieckhefer as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 185.

President Krolicki appointed Senators Segerblom, Kihuen and Hammond as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 389.

President Krolicki appointed Senators Segerblom, Ford and Brower as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 425.

President Krolicki appointed Senators Jones, Segerblom and Hardy as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 450.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 1:32 p.m.

SENATE IN SESSION

At 3:55 p.m.
President Krolicki presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Transportation, to which was referred Assembly Bill No. 145, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK A. MANENDO, *Chair*

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

May 31, 2013

THE HONORABLE ROSS MILLER, *Secretary of State*, Capitol Building, Carson City, Nevada 89710

RE: Senate Bill No. 198 of the 77th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill No. 198, which is entitled:

"AN ACT relating to the practice of chiropractic; revising provisions relating to the practice of chiropractic; providing that a chiropractor's assistant may perform certain ancillary services under indirect supervision in certain circumstances; providing that chiropractor's assistant is subject to disciplinary action under certain circumstances; providing administrative penalties; and providing others matters properly relating thereto."

This bill allows chiropractic assistants to provide certain ancillary services to patients under the indirect supervision of a licensed chiropractic physician. The bill requires such services to be performed on established patients in the primary practice of an insured, chiropractic physician or a hospital. It does not, however, require the physician to be on site. Instead, the physician must be "reasonably accessible" by telephone, facsimile or other electronic means.

Senate Bill No. 198 is well intentioned. However, many medical professional, licensing boards and even some chiropractic assistants have indicated that the current qualifications do not warrant allowing assistants to provide care to patients without the direct supervision of a physician. Currently, to qualify as a chiropractic assistant, a person must be at least 18 years of age, have a high school diploma or equivalent, complete six months of "on the job" training and must pass a written test. These qualifications are not sufficient to allow the indirect supervision of chiropractic assistants who treat patients. Because of these concerns, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor of Nevada

May 31, 2013

THE HONORABLE ROSS MILLER, *Secretary of State*, Capitol Building, Carson City, Nevada 89710

RE: Senate Bill No. 421 of the 77th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill No. 421, which is entitled:

"AN ACT relating to juries; requiring a court to excuse a juror for cause under certain circumstances; and providing other matters properly relating thereto."

The bill modifies the grounds on which challenges for cause may be taken in civil actions. The bill establishes grounds for such challenges if a juror has any interest, financial or otherwise, in the action and if a juror's state of mind is biased for or against any party to the proceeding.

Senate Bill No. 421 requires a court to excuse a challenged juror, who the court determines is "more likely than not" to be biased for or against a party. It is not clear how this new standard will affect a trial court's ability to rehabilitate a potential juror who has been challenged under these new grounds. However, it is clear that this bill will unnecessarily restrict the discretionary power of the court and burden the jury selection process. Based on these concerns, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor of Nevada

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 1, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 502; Senate Bill No. 430.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 423, 428.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 44, Amendment No. 915; Senate Bill No. 164, Amendments Nos. 899, 910, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendments Nos. 762, 884, to Assembly Bill No. 50; Senate Amendment No. 912 to Assembly Bill No. 67; Senate Amendment No. 918 to Assembly Bill No. 414; Senate Amendment No. 907 to Assembly Bill No. 444.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Aizley, Elliot Anderson and Fiore as a Conference Committee concerning Assembly Bill No. 98.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Bustamante Adams, Healey and Ellison as a Conference Committee concerning Assembly Bill No. 349.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 423.

Senator Smith moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 428.

Senator Smith moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 502.

Senator Smith moved that the bill be referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 145.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 932.

"SUMMARY—Provides for retrofitting of roads and streets in consideration of different types of users. (BDR 43-662)"

"AN ACT relating to transportation; authorizing certain officials in each county responsible for the maintenance and repair of certain roads to establish a Complete Streets program for retrofitting certain roads to improve access to those roads by all users; allowing a person who is registering or renewing the registration of a vehicle at a kiosk or via the Internet to make a voluntary contribution at that time to the Complete Streets program in his or her county; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the board of county highway commissioners is authorized to construct, repair and maintain public highways and roads within the county. (NRS 403.090) Existing law also provides that a county may, by ordinance, create a regional transportation commission if a streets and highways plan has been adopted by the county or regional planning commission. (NRS 277A.170) Section 5 of this bill allows a regional transportation commission to adopt a policy for a Complete Streets program, which means a program for the retrofitting of streets or highways under the jurisdiction of the commission for the primary purpose of adding or significantly repairing facilities that provide street or highway access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. Section 4.8 of this bill allows the board of county commissioners, in a county whose population is 100,000 or more (currently Clark and Washoe Counties) and in which a regional transportation commission does not exist, to adopt a Complete Streets program. Section 9 of this bill allows the board of county highway commissioners, in a county whose population is less than 100,000 and in which a regional transportation commission does not exist, to adopt a Complete Streets program.

Sections 2 and 3 of this bill require the Department of Motor Vehicles to include on each application for vehicle registration or renewal of registration that is completed at a kiosk or via the Internet notice of a nonrefundable and voluntary \$2 contribution to be made to the Complete Streets program in the

county where the vehicle is to be registered ~~[unless]~~ if the person registering the vehicle or renewing the registration indicates on that application that he or she wishes to opt ~~[out of]~~ in to making the contribution. Section 1 of this bill requires the Department of Motor Vehicles to distribute monthly the money collected from the voluntary contributions to the transportation officials in the respective counties. Section 1 also authorizes the Department to retain 1 percent of the money collected as reimbursement for the costs of collecting and distributing the money.

Sections 4.8, 5 and 9 require that a board of county commissioners, regional transportation commission or a board of county highway commissioners which receives money from the Department of Motor Vehicles for a Complete Streets program use that money only for projects that are a part of such a program.

Section 16.5 of this bill requires the Director of the Department of Motor Vehicles to determine when sufficient resources are available for the Department to carry out the provisions of this bill, and to provide notice of that fact. Section 17 of this bill provides that this bill becomes effective: (1) upon passage and approval, for the purpose of adopting regulations and performing other preparatory administrative tasks; and (2) for all other purposes, upon the earlier of October 1, 2015, or the date on which the Director provides notice that sufficient resources are available for the Department to carry out the provisions of this bill.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Any~~ Except as otherwise provided in subsection 3, any voluntary contributions collected pursuant to subsection 11 of NRS 482.480 must be distributed to each county based on the county of registration of the vehicle for which the contribution was made, to be used as provided in section 4.8, 5 or 9 of this act, as applicable. The Department shall remit monthly the contributions directly:

(a) *In a county in which a regional transportation commission exists, to the regional transportation commission.*

(b) *In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, to the board of county commissioners.*

(c) *In a county whose population is less than 100,000 and in which a regional transportation commission does not exist, to the board of county highway commissioners created pursuant to NRS 403.010.*

2. *The Department shall certify monthly to the State Board of Examiners the amount of the voluntary contributions collected pursuant to subsection 11 of NRS 482.480 for each county by the Department and its agents during the preceding month, and that the money has been distributed as provided in this section.*

3. The Department shall deduct and withhold 1 percent of the contributions collected pursuant to subsection 1 to reimburse the Department for its expenses in collecting and distributing the contributions.

4. As used in this section, "regional transportation commission" means a regional transportation commission created and organized in accordance with chapter 277A of NRS.

Sec. 2. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) The owner's residential address.

(c) The owner's declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185; and

(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this subparagraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle; or

(3) In another form satisfactory to the Department.

➔ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

(h) If the application for registration is submitted via the Internet, a statement which informs the applicant that he or she may make a nonrefundable monetary contribution of \$2 for each vehicle registered for the Complete Streets program, if any, created pursuant to section 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c). The application form must state in a clear and conspicuous manner that a contribution for a Complete Streets program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant ~~fees~~ must indicate his or her intention to opt in or opt out of making such a contribution.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.

Sec. 3. NRS 482.280 is hereby amended to read as follows:

482.280 1. The registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of

registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. The Department shall mail to each holder of a certificate of registration a notification for renewal of registration for the following period of registration. The notifications must be mailed by the Department in sufficient time to allow all applicants to mail the notifications to the Department or to renew the certificate of registration at a kiosk or authorized inspection station or via the Internet or an interactive response system and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present or submit the notification to any agent or office of the Department.

2. A notification:

(a) Mailed or presented to the Department or to a county assessor pursuant to the provisions of this section;

(b) Submitted to the Department pursuant to NRS 482.294; or

(c) Presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281,

↪ must include, if required, evidence of compliance with standards for the control of emissions.

3. The Department shall include with each notification mailed pursuant to subsection 1:

(a) The amount of the governmental services tax to be collected pursuant to the provisions of NRS 482.260.

(b) The amount set forth in a notice of nonpayment filed with the Department by a local authority pursuant to NRS 484B.527.

(c) A statement which informs the applicant:

(1) That, pursuant to NRS 485.185, the applicant is legally required to maintain insurance during the period in which the motor vehicle is registered which must be provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State; and

(2) Of any other applicable requirements set forth in chapter 485 of NRS and any regulations adopted pursuant thereto.

(d) *A statement which informs the applicant that, if the applicant renews a certificate of registration at a kiosk or via the Internet, he or she may make a nonrefundable monetary contribution of \$2 for each vehicle registration renewed for the Complete Streets program, if any, created pursuant to section 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The notification must state in a clear and conspicuous manner that a contribution for a Complete Streets program is nonrefundable and voluntary and is in addition to any fees required for registration.*

4. *An application for renewal of a certificate of registration submitted at a kiosk or via the Internet must include a statement which informs the applicant that he or she may make a nonrefundable monetary contribution of*

\$2, for each vehicle registration which is renewed at a kiosk or via the Internet, for the Complete Streets program, if any, created pursuant to subsection 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The application must state in a clear and conspicuous manner that a contribution for a Complete Streets program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant ~~fees~~ must indicate his or her intention to opt in or opt out of making such a contribution.

~~[4.]~~ 5. An owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the Department as it may find necessary for the issuance of the new plate or plates or card of registration.

Sec. 4. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of \$33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of \$16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of \$12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of \$8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of \$33 and for each motorcycle other than a trimobile, an additional fee of \$6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for credit to the Account for the Program for the Education of Motorcycle Riders.

5. For each transfer of registration, a fee of \$6 in addition to any other fees.

6. Except as otherwise provided in subsection 7 of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:

(a) A fee as specified in NRS 482.557 for a registered owner who failed to have insurance on the date specified by the Department, which fee is in addition to any fine or penalty imposed pursuant to NRS 482.557; or

(b) A fee of \$50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

↳ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of \$27.

8. For every permit for the operation of a golf cart, an annual fee of \$10.

9. For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of \$33.

10. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of \$33.

11. *For each vehicle for which the registered owner has ~~not~~ indicated his or her intention to opt ~~out of~~ in to making a contribution pursuant to paragraph (h) of subsection 3 of NRS 482.215 or subsection 4 of NRS 482.280, a contribution of \$2. The contribution must be distributed to the appropriate county pursuant to section 1 of this act.*

Sec. 4.2. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 4.4, 4.6 and 4.8 of this act.

Sec. 4.4. *As used in this section and sections 4.6 and 4.8 of this act, "regional transportation commission" has the meaning ascribed to it in section 1 of this act.*

Sec. 4.6. 1. *In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners shall create in the county treasury a fund to be known as the Complete Streets fund, for the purpose of:*

(a) *Executing projects as a part of a Complete Streets program pursuant to section 4.8 of this act; and*

(b) *Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 4.8 of this act.*

2. *The county treasurer shall deposit money that is collected pursuant to paragraph (b) of subsection 1 of section 1 of this act in the Complete Streets fund.*

3. *The board of county commissioners shall administer the Complete Streets fund.*

4. The board of county commissioners may accept gifts and donations for deposit in the Complete Streets fund.

Sec. 4.8. 1. *In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.*

2. *Any money received by a board of county commissioners pursuant to paragraph (b) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.*

3. *A board of county commissioners must not cause or allow any portion of the Complete Streets fund created pursuant to section 4.6 of this act to be used for a purpose other than those set forth in this section.*

4. *As used in this section, "Complete Streets program" means a program for the retrofitting of roads that are under the jurisdiction of the board of county commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.*

Sec. 5. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A commission may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.*

2. *Any money received by a commission pursuant to paragraph (a) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.*

3. *A commission must not cause or allow any portion of the Complete Streets fund created pursuant to NRS 277A.240 to be used for a purpose other than those set forth in this section.*

4. *As used in this section, "Complete Streets program" means a program for the retrofitting of streets or highways that are under the jurisdiction of the commission for the primary purpose of adding or significantly repairing facilities which provide street or highway access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.*

Sec. 6. NRS 277A.240 is hereby amended to read as follows:

277A.240 The commission :

1. *Except as otherwise provided in subsection 2, may establish a fund consisting of contributions from private sources, the State or the county and*

cities and towns within the jurisdiction of the commission for the purpose of matching federal money from any federal source.

2. *Shall establish a fund consisting of distributions from the Department of Motor Vehicles pursuant to paragraph (a) of subsection 1 of section 1 of this act, to be known as the Complete Streets fund, for the purpose of:*

(a) Executing projects as a part of a Complete Streets program pursuant to section 5 of this act; and

(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 5 of this act.

3. *May accept gifts and donations for deposit in the Complete Streets fund.*

Sec. 7. Chapter 403 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.5, 8 and 9 of this act.

Sec. 7.5. *As used in this section and sections 8 and 9 of this act, "regional transportation commission" has the meaning ascribed to it in section 1 of this act.*

Sec. 8. 1. *The board of county commissioners shall create in the county treasury a fund to be known as the Complete Streets fund, for the purpose of:*

(a) Executing projects as a part of a Complete Streets program pursuant to section 9 of this act; and

(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 9 of this act.

2. *The county treasurer shall deposit money that is collected pursuant to paragraph (c) of subsection 1 of section 1 of this act in the Complete Streets fund.*

3. *The board of county highway commissioners shall administer the Complete Streets fund.*

4. *The board of county highway commissioners may accept gifts and donations for deposit in the Complete Streets fund.*

Sec. 9. 1. *A board of county highway commissioners may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.*

2. *Any money received by a board of county highway commissioners pursuant to paragraph (c) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.*

3. *As used in this section, "Complete Streets program" means a program for the retrofitting of roads that are under the jurisdiction of the board of county highway commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term*

includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 10. NRS 403.160 is hereby amended to read as follows:

403.160 1. If the board of county highway commissioners shall decide not to appoint a county road supervisor for the county, the board may, at its option, create a board of road commissioners for each district. The board of road commissioners shall consist of one to three members.

2. The boundaries of the districts may be fixed by the board of county highway commissioners, and road commissioners may be elected in the same manner as in the case of township officers.

3. Road commissioners shall hold office until their successors are duly elected or appointed, and qualified, and shall take and subscribe to the constitutional oath of office before entering upon their duties.

4. A board of road commissioners shall:

(a) Exercise the duties of the county road supervisor.

(b) Have supervision over all road work within its district, and may appoint whomever the board may choose to do the work.

5. All vouchers shall be signed by at least a majority of the road commissioners and allowed as in the usual course of claims against the county, but, *except as otherwise provided in section 9 of this act*, no board of road commissioners shall contract for any amount of work in excess of the funds set aside for such district by the board of county commissioners unless in case of an emergency when, by order of the board of county commissioners, a larger amount may be expended.

6. The board of county commissioners shall set aside for each road district the sums of money apportioned for each road district at the first meeting of the board in January, or as soon thereafter as possible.

Sec. 11. NRS 403.180 is hereby amended to read as follows:

403.180 1. When any roads shall have been rebuilt or constructed and made to meet with such specifications as may be outlined by the board of county highway commissioners, which shall include grading, draining, macadamizing, ~~or~~ graveling ~~or~~ *retrofitting pursuant to section 9 of this act*, and shall have been declared by the board of county highway commissioners to be standard county roads, then they shall be termed and designated as standard county roads.

2. When the board of county highway commissioners shall have declared and designated any road to be a standard county road, then, *except as otherwise provided in section 9 of this act*, the cost of maintaining such road shall be paid out of the county general fund in the same manner as provided in NRS 403.460.

Sec. 12. NRS 403.435 is hereby amended to read as follows:

403.435 The board of county commissioners of any county is hereby authorized to enter into agreements with the appropriate federal agency for the use of federal funds to construct, improve or maintain roads, other than

state highways. The share of any county in the cost of such cooperative road project shall be paid :

1. *For a project that is a part of a Complete Streets program pursuant to section 9 of this act, from the Complete Streets fund created pursuant to section 8 of this act; or*

2. *For any other project, from county road funds; but donations may be accepted in lieu of appropriations from county road funds.*

Sec. 13. NRS 403.460 is hereby amended to read as follows:

403.460 1. If, at a primary, general or special election, a majority of the voters of the county vote against the issuance of the bonds for roads and bridges, and no special county road and bridge fund is thereby created, or if for any other reason the fund is not created, *except as otherwise provided in section 9 of this act*, the cost of all county road and bridge work performed must be paid out of the county general fund by order of the board, if that work was performed by the order of and under the direction of the board of county highway commissioners or the county road supervisor, and according to the provisions of this chapter.

2. All claims presented to the board of county highway commissioners must be sworn and subscribed to and attested by the county road supervisor.

Sec. 14. NRS 403.470 is hereby amended to read as follows:

403.470 All money appropriated or expended by the board of county highway commissioners, whether it be appropriated or expended out of the county road and bridge fund which may be created by this chapter, *the Complete Streets fund created pursuant to section 8 of this act*, or out of the county general fund as provided in NRS 403.460, must be expended by the board of county highway commissioners for the purposes hereinafter named and for no other purposes:

1. For laying out, grading, draining, graveling or macadamizing, maintaining, and, when deemed necessary, sprinkling or oiling roads.

2. The purchase of road machinery necessary for the construction of such roads, and the maintenance of the same.

3. The purchase of property necessary in road construction.

4. The purchase of material and machinery for the construction of all superstructures necessary to the perfect drainage of a highway, and for all work performed by order of and under the direction of the board of county highway commissioners.

5. *The execution of a project that is a part of a Complete Streets program pursuant to section 9 of this act.*

Sec. 15. NRS 403.550 is hereby amended to read as follows:

403.550 1. All claims against the county in relation to the county roads and bridges shall be presented to the clerk of the board of county highway commissioners on a prepared form at least 1 day before the regular meeting of the board. There shall be printed on the form an oath that the amount claimed is just and correct, which must be subscribed to by the claimant. The claim shall also be certified by the county road supervisor.

2. Upon the approval of any claim by the board of county highway commissioners, the county auditor is authorized and required to draw a warrant for the amount named in the claim to the person or persons named therein as claimants, in the usual manner provided by law. Nothing in this subsection shall interfere with or prevent the county auditor from exercising his or her veto power provided by law.

3. The county treasurer shall keep the county road and bridge fund, provided for in this chapter, in a separate and distinct fund. ~~{The}~~ *Except as otherwise provided in section 8 of this act, the county treasurer shall pay out of this fund all warrants drawn on him or her by the county auditor for road purposes, but under no condition shall the county treasurer pay out of this fund for other purposes.*

Sec. 16. NRS 403.590 is hereby amended to read as follows:

403.590 *1.* Whenever it appears to the board of county commissioners that any road district is or would be unreasonably burdened by the expense of constructing or maintenance and repair of any bridge, the board may:

~~{1. Cause}~~

(a) Except as otherwise provided in subsection 2, cause all or a portion of the aggregate cost or expense to be paid out of the county general fund, or a portion out of that fund or out of any other county fund in which there is a surplus; or

~~{2.}~~ *(b) Levy a tax therefor, not to exceed one-fourth of 1 percent on the taxable property in the county, annually, until the amount appropriated is raised and paid.*

2. A board of county commissioners must not cause or allow any portion of the Complete Streets fund created pursuant to section 8 of this act to be used for a purpose other than those set forth in section 9 of this act.

Sec. 16.5. As soon as practicable after January 1, 2014, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.

Sec. 17. This act becomes effective:

1. Upon passage and approval for the purposes of the adoption of regulations and any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. For all other purposes, on:

(a) October 1, 2015; or

(b) The date on which the Director of the Department of Motor Vehicles, pursuant to section 16.5 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the amendatory provisions of this act,

↳ whichever occurs first.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 932 to Assembly Bill No. 145 authorizes the Department of Motor Vehicles to retain a one-percent commission to cover the cost of collecting and allocating donations to each county for the Complete Streets program. It also provides that the \$2 voluntary contributions are nonrefundable. The bill provides for the option to opt in or out of the voluntary donation.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Assembly Bill No. 58.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President. Assembly Bill No. 58 makes the Office of Veterans Services a State department and makes corresponding changes to facilitate that restructuring. The Interagency Council on Veterans Affairs is created, and it must meet at least once every three months. The Interagency Council on Veterans Affairs must identify and prioritize the needs of veterans, servicemen, servicewomen and their families in this State and study the coordination of efforts of various entities to meet those needs. The Interagency Council on Veterans Affairs shall submit a report of its findings and recommendations to the Governor and the Director of the Legislative Counsel Bureau on or before February 15 of each year.

The measure authorizes the Department of Veterans Services to purchase, construct, lease, renovate or acquire by lease-purchase a veterans home in Northern Nevada. Accordingly, the Gift Account for Veterans Homes becomes the Gift Account for the Veterans Home in Southern Nevada, and a second account, the Gift Account for the Veterans Home in Northern Nevada, is created. The Division of State Parks, State Department of Conservation and Natural Resources, must upon application, issue an annual permit for the free use of certain recreational areas to a veteran who is a State resident and has a permanent service connected disability of 10 percent or more and has been honorably discharged from the Armed Forces of the United States. This measure is effective on October 1, 2013.

Roll call on Assembly Bill No. 58:

YEAS—20.

NAYS—None.

EXCUSED—Woodhouse.

Assembly Bill No. 58 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 Bill No. 125 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 4:07 p.m.

SENATE IN SESSION

At 4:11 p.m.
President Krolicki presiding.
Quorum present.

UNFINISHED BUSINESS
RECEDE FROM SENATE AMENDMENTS

Senator Atkinson moved that the Senate recede from its action on Assembly Bill No. 95.

Motion carried by constitutional majority.
Bill ordered transmitted to the Assembly.

Senator Parks moved that the Senate do not recede from its action on Assembly Bill No. 223, that a conference be requested, and that Mr. President appoint a Conference Committee consisting of three members to meet with a like committee of the Assembly.

Motion carried.
Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Parks, Spearman and Hammond as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 223.

President Krolicki appointed Senators Manendo, Jones and Hardy as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 179.

President Krolicki appointed Senators Spearman, Parks and Hammond as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 364.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 4:15 p.m.

SENATE IN SESSION

At 6:03 p.m.
President Krolicki presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 139.

Bill read third time.

Remarks by Senator Parks.

Thank you, Mr. President. Assembly Bill No. 139 makes changes to the State business portal. The measure requires the Secretary of State to: (1) establish common business registration information that must be collected from businesses by State and local agencies and health

districts to conduct necessary transactions with businesses in this State; and (2) cause the State business portal to provide common business registration information to those same entities. State and local agencies and health districts are required to use the State business portal to integrate their electronic application processes and use the State business portal to accept and disseminate common business registration information needed for certain authorizations. Certain information regarding industrial insurance must be provided through the State business portal. A person who is not required to obtain a State business license must obtain a certificate of exemption from the Secretary of State each year. A person who is required to obtain a certificate of exemption or a State business license must post the certificate or license in a conspicuous location at his or her place of business and is subject to a penalty of up to \$50 to be imposed by the Secretary of State for failure to comply. The Secretary of State must assign a unique business identification number to each business entity organized in this State and to each person issued a State business license or a certificate of exemption, and must cause the State business portal to interface with the system used to assign the business identification numbers. This is a good bill. It received wide support from local governments.

Roll call on Assembly Bill No. 139:

YEAS—20.

NAYS—None.

EXCUSED—Woodhouse.

Assembly Bill No. 139 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 151.

Bill read third time.

Remarks by Senators Hardy and Hutchison.

SENATOR HARDY:

Thank you, Mr. President. Assembly Bill No. 151 requires that the Nevada Department of Transportation establish goals for the participation of disadvantaged business enterprises and local-emerging small businesses in certain contracts for transportation projects. Included are contracts for the construction, reconstruction, improvement or maintenance of highways estimated to cost \$250,000 or more that do not receive federal funding and contracts for architectural, engineering and planning services. The participation goals must be consistent with the goals required for similar projects that receive federal funding and they must be based on information about the market for which the goals are set. Finally, the bill requires the Nevada Department of Transportation to prepare a biennial report for the Governor and the Legislature explaining the establishment and achievement level of these goals.

SENATOR HUTCHISON:

Thank you, Mr. President. I rise in support of Assembly Bill No. 151. This is a practical and smart bill that will help small businesses. I support extending the federal requirements to the State-funded programs to help disadvantaged business enterprises and local-merchant small businesses to have an opportunity to secure Nevada Department of Transportation contracts for construction, professional and technical services. The bill does not set any quotas or set-asides or preferential treatment, but it does seek to create a level playing field in which disadvantaged business enterprises can compete fairly for Nevada Department of Transportation contracts. I urge your support.

Roll call on Assembly Bill No. 151:

YEAS—20.

NAYS—None.

EXCUSED—Woodhouse.

Assembly Bill No. 151 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 153.

Bill read third time.

Remarks by Senator Settelmeyer.

Thank you, Mr. President. Assembly Bill No. 153 authorizes the operation of craft distilleries in Nevada. The bill sets forth the scope of operation for craft distilleries, creates a new license category for craft distilleries and imposes a new licensing fee. The measure also prohibits the sharing or leasing of facilities among manufacturers, wholesalers, distributors and retailers, unless they are engaged in the same business, and makes changes to exceptions for terminating a franchise with a wholesaler. The bill provides that an operator of one or more brew pubs in any county may manufacture not more than 15,000 barrels of malt beverages in a calendar year. Additionally, a retailer of intoxicating liquors is required to provide advance notice to certain wholesalers of a bulk sale or transfer of liquor that is not in the ordinary course of the retailer's business. This bill is effective on July 1, 2013. I urge your passage of this bill.

Roll call on Assembly Bill No. 153:

YEAS—20.

NAYS—None.

EXCUSED—Woodhouse.

Assembly Bill No. 153 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 213.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Assembly Bill No. 213 allows a service-contract provider to qualify for the issuance of a certificate of registration by maintaining a reserve account that meets minimum requirements and by depositing security with the Commissioner of Insurance.

Roll call on Assembly Bill No. 213:

YEAS—20.

NAYS—None.

EXCUSED—Woodhouse.

Assembly Bill No. 213 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 226.

Bill read third time.

Remarks by Senator Denis.

Thank you, Mr. President. Assembly Bill No. 226 requires an issuer of policies of life insurance, annuities, benefit contracts and retained asset accounts to perform a comparison, on at least a semiannual basis, of the names on the Death Master File of the Social Security Administration with the names of its insureds to identify potential matches. If a match is identified, the insurer is required to make a reasonable effort to confirm the death of the insured, annuity holder or retained asset account holder and determine whether death benefits are due under the terms of the policy or contract. The bill requires an insurer to make a reasonable effort

to locate each beneficiary and provide that individual with the appropriate claim forms and instructions for making a claim.

Roll call on Assembly Bill No. 226:

YEAS—20.

NAYS—None.

EXCUSED—Woodhouse.

Assembly Bill No. 226 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 294.

Bill read third time.

Remarks by Senators Manendo and Spearman.

SENATOR MANENDO:

Thank you, Mr. President. Assembly Bill No. 294 provides for the certification of local-emerging small businesses by the Office of Economic Development and sets forth certain criteria for that certification. The measure further requires the Office of Economic Development to post a list of the certified local-emerging small businesses on its website and to adopt certain regulations relevant to the certification procedure. The Office of Economic Development must establish: (1) an outreach program for local-emerging small businesses and State agencies seeking State purchasing contracts and contracts for public works of this State; and (2) goals concerning the participation of local-emerging small businesses in those contracts. The Office of Economic Development, in cooperation with the Office of the Governor, shall establish an annual recognition program for the State agencies that meet certain goals related to local-emerging small businesses.

SENATOR SPEARMAN:

Thank you, Mr. President. I rise in strong support of Assembly Bill No. 294. As our State is recovering from the economic abyss of the last few years, it is imperative that we empower our small and emerging businesses because they are an intricate engine and an important part of our economic recovery. I urge your support.

Roll call on Assembly Bill No. 294:

YEAS—20.

NAYS—None.

EXCUSED—Woodhouse.

Assembly Bill No. 294 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 309.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President. Assembly Bill No. 309 requires the Department of Motor Vehicles to enter into contracts with one or more suppliers interested in furnishing electronic-lien services. They must establish conditions and requirements for any contracts, ensure that contracts include provisions that specifically prohibit the contractors from using information concerning vehicle titles for marketing or solicitation purposes and ensure that a service provider not be required to provide confidential or proprietary information to any other service provider. Finally, the Department of Motor Vehicles must submit to the 78th Session of the Nevada Legislature a report concerning the implementation of the electronic-lien system. This bill is

effective upon passage and approval. When preparing for another piece of legislation, I discovered that in 13 months' time we used more than \$700,000 in paper. Anytime we can cut down on waste like that, I am for it. I urge your support.

Roll call on Assembly Bill No. 309:

YEAS—20.

NAYS—None.

EXCUSED—Woodhouse.

Assembly Bill No. 309 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 336.

Bill read third time.

Remarks by Senator Manendo.

Thank you, Mr. President. Assembly Bill No. 336 provides for an extended term of vehicle registration for certain trailers. The bill allows for an optional three-year registration period for certain trailers, other than commercial trailers and semitrailers. The person who registers the trailer for a three-year period must pay upon registration all applicable fees and taxes that would have been due if the trailer was registered for one year and then renewed for two consecutive years.

Roll call on Assembly Bill No. 336:

YEAS—20.

NAYS—None.

EXCUSED—Woodhouse.

Assembly Bill No. 336 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 412.

Bill read third time.

The following amendment was proposed by Senator Smith:

Amendment No. 942.

"SUMMARY—Makes various changes relating to the Legislature. (BDR 17-528)"

"AN ACT relating to the Legislature; revising provisions relating to the training required for newly elected Legislators; changing certain deadlines applicable to the submission and drafting of legislative measures; revising the number of legislative measures that certain persons and entities may request for drafting; restricting Legislators from requesting the drafting of legislative measures under certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires newly elected Legislators to attend certain training before the beginning of their first legislative session. (NRS 218A.285) Section 1 of this bill requires such training to include discussion of major policy issues that are likely to be considered during the ensuing regular

session of the Legislature. Section 1 also requires the Director of the Legislative Counsel Bureau to communicate in writing the dates for training to candidates for election to the Assembly and the Senate for the ensuing regular session of the Legislature.

Existing law requires the Director to provide an electronic copy of a training session to any Legislator who was unable to attend the training session. (NRS 218A.285) Section 1 authorizes the Director to provide an alternate means of recording the information provided during certain training sessions and requires a Legislator who was unable to attend a training session to complete that session in the manner prescribed by the Director.

Existing law contains provisions governing requests for the drafting of legislative measures for a regular session. (NRS 218D.100-218D.215) This bill revises the number of legislative measures that various persons and entities may request for drafting and also revises the deadlines for making such requests.

Section 6 of this bill changes the number of legislative measures that Legislators and the chair of each standing committee may request by certain deadlines. Section 6 also changes the deadlines for providing sufficient detail to allow complete drafting of a legislative measure. Section 6 further: (1) prohibits a Legislator who has filed a declaration or an acceptance of candidacy for election to the House in which he or she is not currently sitting from requesting the drafting of legislative measures; and (2) provides that, if the Legislator is elected to the other House, any request that he or she submits before filing a declaration or an acceptance of candidacy for election counts against the applicable limitation for the House to which the Legislator was elected to serve. (NRS 218D.150)

Existing law allows each statutory legislative committee and interim study committee to request a certain number of legislative measures preceding a regular session. (NRS 218D.160) Section 7 of this bill reduces the number of legislative measures that may be requested by the Chair of the Legislative Commission and moves up the deadline for statutory legislative committees and interim study committees to provide sufficient detail to allow complete drafting of their legislative measures.

Section 8 of this bill revises the deadlines by which the Governor or the Governor's designated representative must submit requests for the drafting of legislative measures and increases the number of legislative measures that the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller and Attorney General may request for drafting. (NRS 218D.175)

Section 9 of this bill reduces the number of legislative measures that may be requested by the city council of a city whose population is 150,000 or more but less than 500,000 (currently the cities of Henderson, North Las Vegas and Reno). (NRS 218D.205)

Existing law authorizes the following entities to submit their own requests for the drafting of legislative measures for each regular session: (1) a mental health consortium established to develop strategic plans for the provision of

mental health services to children with emotional disturbance and their families (NRS 218D.215, 433B.333); and (2) an interagency committee created by the Director of the Department of Health and Human Services to evaluate the child welfare system in this State. (NRS 432B.178) Sections 11 and 12 of this bill eliminate the authority of these entities to submit their own requests, but such entities still would be authorized by existing law to ask Legislators or legislative committees to submit and sponsor requests on behalf of the entities. (NRS 218D.150, 218D.155, 218D.160)

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

Section 1. NRS 218A.285 is hereby amended to read as follows:

218A.285 1. A Legislator who is elected to the Assembly or the Senate and who has not previously served in either House shall attend the training required pursuant to this section unless his or her attendance is excused pursuant to subsection 6.

2. A member of the Assembly who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Speaker of the Assembly. A member of the Senate who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Majority Leader of the Senate.

3. The training required pursuant to this section must ~~be recorded electronically and~~ include:

- (a) Legislative procedure and protocol;
- (b) Overviews of the state budget and the budgetary process;
- (c) ~~Briefings on~~ Discussion of major policy issues ~~relevant to the State;~~ that are likely to be considered during the ensuing regular session; and
- (d) Such other matters as are deemed appropriate by the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly and the Minority Leader of the Senate for their respective Houses.

4. The Director shall provide staff support for the training required pursuant to this section.

5. The training required pursuant to this section must not exceed a total of 10 days and must be conducted between the day next after the general election and the commencement of the ensuing regular session. The dates for the training must be ~~determined~~ :

(a) *Determined* by the Speaker of the Assembly and the Majority Leader of the Senate ~~and posted~~ ;

(b) *Posted* on the public website of the Legislature on ~~an~~ the Internet ~~website~~ ; and

(c) *Communicated in writing by the Director to the candidates for election to the Assembly and the Senate for the ensuing regular session,*

➔ not later than 90 days before the first day on which training will be conducted.

6. The Speaker of the Assembly or the Majority Leader of the Senate may excuse a Legislator from attending a training session otherwise required

pursuant to this section in case of illness, injury, emergency, employment or other good cause as determined by the Speaker or Majority Leader.

7. ~~The~~ *Except as otherwise provided in this subsection, the Director shall provide an electronic copy of a training session and a form for attesting completion of the training session to any Legislator who was unable to attend the training session. If any training session is conducted in a manner that the Director determines cannot reasonably be recorded in an electronic format, the Director may provide for an alternate means of recording the information provided during that training session.* To successfully complete the training required pursuant to this section, ~~such~~ a Legislator ~~must view the~~ *who was unable to attend a training session* ~~electronically~~ *shall complete that session in the manner prescribed by the Director* and submit the attestation to the Director.

8. The Director shall issue a "Certificate of Graduation from the Legislative Training Academy" to each Legislator who successfully completes the training required pursuant to this section.

Sec. 2. NRS 218D.050 is hereby amended to read as follows:

218D.050 1. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a regular session unless:

(a) Authorized by NRS 218D.100 to ~~218D.215,~~ 218D.210, inclusive, another specific statute, a joint rule or a concurrent resolution; or

(b) Directed by the Legislature or the Legislative Commission.

2. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a special session unless:

(a) Authorized by a joint rule or concurrent resolution; or

(b) Directed by the Legislature or the Legislative Commission.

3. During a regular or special session, the Legislative Counsel and the Legal Division shall provide the Legislature with legal, technical and other appropriate services concerning any legislative measure properly before the Legislature or any committee of the Legislature for consideration.

Sec. 3. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to ~~218D.215,~~ 218D.210, inclusive, apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to ~~218D.215,~~ 218D.210, inclusive, for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to ~~218D.215,~~ 218D.210, inclusive, but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Except as otherwise provided in NRS 218D.150, 218D.155 and 218D.160, assign a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(c) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 4. NRS 218D.105 is hereby amended to read as follows:

218D.105 1. Upon a finding that exceptional circumstances so warrant, the Legislative Commission when the Legislature is not in a regular session, or a standing committee which has jurisdiction of the subject matter when the Legislature is in a regular session, may grant a waiver to an authorized nonlegislative requester to submit a request for the drafting of a legislative measure after the time limits in NRS 218D.175 to ~~[218D.215,]~~ 218D.210, inclusive.

2. The request for the waiver must be submitted in writing to the Legislative Commission or standing committee, as appropriate, explaining the exceptional circumstances.

Sec. 5. NRS 218D.115 is hereby amended to read as follows:

218D.115 1. The Legislative Counsel shall assist authorized nonlegislative requesters in the drafting of the legislative measures which they are authorized to request pursuant to NRS 218D.175 to ~~[218D.215,]~~ 218D.210, inclusive.

2. To ensure the greatest possible equity in the handling of such requests, drafting must proceed as follows:

(a) Requests from each agency or officer of the Executive Department or from a county, school district or city must, insofar as is possible, be acted upon in the order in which they are received, unless a different priority is designated by the requester.

(b) As soon as an agency or officer of the Executive Department has requested 10 legislative measures for a regular session, the Legislative Counsel may request the agency or officer to designate the priority for each succeeding request.

3. The priority designated pursuant to this section must guide the Legislative Counsel in acting upon the requests of the respective agencies and officers of the Executive Department and the counties, school districts and cities to ensure each agency and officer, and each county, school district and city, as nearly as is possible, an equal rank.

Sec. 6. NRS 218D.150 is hereby amended to read as follows:

218D.150 1. Except as otherwise provided in ~~[subsection 2,]~~ this section, each:

(a) Incumbent member of the Assembly may request the drafting of ~~[not]~~ :

(1) *Not* more than ~~{6}~~ 4 legislative measures submitted to the Legislative Counsel on or before ~~{September}~~ August 1 preceding a regular session ~~{and not}~~;

(2) *Not* more than 5 legislative measures submitted to the Legislative Counsel after ~~{September}~~ August 1 but on or before December 10 preceding a regular session ~~{}~~; *and*

(3) *Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.*

(b) Incumbent member of the Senate may request the drafting of ~~{not}~~ :

(1) *Not* more than ~~{12}~~ 8 legislative measures submitted to the Legislative Counsel on or before ~~{September}~~ August 1 preceding a regular session ~~{and not}~~;

(2) *Not* more than 10 legislative measures submitted to the Legislative Counsel after ~~{September}~~ August 1 but on or before December 10 preceding a regular session ~~{}~~; *and*

(3) *Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.*

(c) Newly elected member of the Assembly may request the drafting of ~~{not}~~ :

(1) *Not* more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session ~~{}~~; *and*

(2) *Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.*

(d) Newly elected member of the Senate may request the drafting of ~~{not}~~ :

(1) *Not* more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session ~~{}~~; *and*

(2) *Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.*

2. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

3. *A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.*

4. If a request made pursuant to subsection 1 is submitted:

(a) On or before ~~September~~ August 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before ~~December~~ November 1 preceding the regular session.

(b) After ~~September~~ August 1 but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January ~~15~~ 1 preceding the regular session.

~~4~~ (c) *After a regular session has convened but on or before the 8th day of the regular session at 5 p.m., sufficient detail to allow complete drafting of the legislative measure must be submitted on or before the 15th day of the regular session.*

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every ~~15~~ 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

~~5~~ 6. If a request made pursuant to subsection ~~4~~ 5 is submitted:

(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.

(b) After the date of the general election but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January ~~{15}~~ 1 preceding the regular session.

~~{6.}~~ 7. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 7. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than ~~{15}~~ 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. If a request made pursuant to subsection 1 or 2 is submitted before the first day of a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before March 1 of the regular session.

4. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) Any legislative committee created by a statute, other than an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

(b) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

(c) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

↪ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

5. If a request made pursuant to subsection 4 is submitted on or before September 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before ~~{December}~~ November 1 preceding the regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 8. NRS 218D.175 is hereby amended to read as follows:

218D.175 1. For a regular session, the Governor or the Governor’s designated representative may request the drafting of not ~~more than 100~~ ~~50~~ 110 legislative measures ~~submitted to the Legislative Counsel on or before July 1 preceding the regular session; and~~

~~(a) Not more than 50 legislative measures submitted to the Legislative Counsel after July 1 but on or before September 1 preceding the regular session;~~

~~which have been approved by the Governor or the Governor’s designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before ~~September~~ August 1 preceding the regular session.~~

2. The Department of Administration may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor’s legislative agenda.

3. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor’s designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor	[1] 3
Secretary of State	[5] 6
State Treasurer	[2] 5
State Controller	[2] 5
Attorney General.....	[15] 20

4. *In addition to the requests authorized by subsection 3, the Secretary of State may request, without the approval of the Governor or the Governor’s designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 1 preceding the regular session. Sufficient detail to allow complete drafting of the legislative measures requested pursuant to this subsection must be submitted on or before December 31 preceding the regular session.*

5. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 3 must be prefiled on or before December 20

preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

Sec. 9. NRS 218D.205 is hereby amended to read as follows:

218D.205 1. For a regular session, each board of county commissioners, board of trustees of a school district and city council may request the drafting of not more than the numbers of legislative measures set forth in this section if the requests are:

(a) Approved by the governing body of the county, school district or city at a public hearing before their submission to the Legislative Counsel; and

(b) Submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 4 legislative measures for a regular session.

(b) Is 100,000 or more but less than 700,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 100,000 may request the drafting of not more than 1 legislative measure for a regular session.

4. The board of trustees of a school district in a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 2 legislative measures for a regular session.

(b) Is less than 700,000 may request the drafting of not more than 1 legislative measure for a regular session.

5. The city council of a city whose population:

(a) Is ~~150,000~~ 500,000 or more may request the drafting of not more than 3 legislative measures for a regular session.

(b) *Is 150,000 or more but less than 500,000 may request the drafting of not more than 2 legislative measures for a regular session.*

(c) Is less than 150,000 may request the drafting of not more than 1 legislative measure for a regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

7. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 10. NRS 218D.575 is hereby amended to read as follows:

218D.575 1. A Legislator who will be a member of the next regular session may request the Legislative Counsel to prefile any bill or joint resolution that was requested by that Legislator for introduction in the next regular session.

2. A Legislator designated as a chair of a standing committee for the next regular session may request the Legislative Counsel to prefile on behalf of the committee any bill or joint resolution within the jurisdiction of the committee for introduction in the next regular session.

3. ~~The~~ All bills and joint resolutions *requested by authorized nonlegislative requesters and* submitted for prefiling pursuant to NRS 218D.175 to ~~218D.215,~~ 218D.210, inclusive, must be ~~to~~

~~(a) Randomly~~ randomly divided in equal amounts between the Senate and the Assembly and prefiled on behalf of the appropriate standing committee.

~~(b) Prepared~~

4. *The Legislative Counsel shall prepare all bills and joint resolutions submitted for prefiling* in final and correct form for introduction in the Legislature as required by the Nevada Constitution and this chapter.

~~4.~~ 5. The Legislative Counsel shall not prefile a bill or joint resolution requested by:

(a) A Legislator who is not a candidate for reelection until after the general election immediately preceding the regular session.

(b) A Legislator who is elected or reelected to legislative office at the general election immediately preceding the regular session until the Legislator is determined to have received the highest number of votes pursuant to the canvass of votes required by NRS 293.395.

Sec. 11. NRS 432B.178 is hereby amended to read as follows:

432B.178 1. The Director of the Department of Health and Human Services may create an interagency committee to evaluate the child welfare system in this State. Any such evaluation must include, without limitation, a review of state laws to ensure that the state laws comply with federal law and to ensure that the state laws reflect the current practices of each agency which provides child welfare services and others involved in the child welfare system.

2. The Director may appoint as many members to the interagency committee as the Director deems appropriate except that the members of such a committee must include, without limitation, at least one person to represent:

- (a) Each agency which provides child welfare services;
- (b) The Department of Education;
- (c) The juvenile justice system;
- (d) Law enforcement; and
- (e) Providers of treatment or services for persons in the child welfare system.

3. ~~[The interagency committee created pursuant to subsection 1 may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare one legislative measure for a regular legislative session if it determines that changes in legislation are necessary. Any such request must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature. Upon completion of the proposed legislation, the Legislative Counsel shall transmit any legislative measure prepared pursuant to this subsection to the appropriate standing committee of the Assembly or Senate within the first week of the next regular legislative session for introduction.~~

4.] The interagency committee created pursuant to subsection 1 shall, on or before January 1 of each odd-numbered year after it is created, submit to the Director of the Legislative Counsel Bureau a written report for transmittal to the Chairs of the Assembly and Senate Standing Committees on Judiciary, the Chair of the Assembly Committee on Health and Human Services and the Chair of the Senate Committee on Health and Education.

Sec. 12. NRS 218D.215 is hereby repealed.

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

TEXT OF REPEALED SECTION

218D.215 Requests from mental health consortium.

1. For a regular session, each mental health consortium established pursuant to NRS 433B.333 may request the drafting of not more than 1 legislative measure. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

Senator Smith moved the adoption of the amendment.

Remarks by Senator Smith.

Thank you, Mr. President. Amendment No. 942 to Assembly Bill No. 412 changes, in Section 8, the number of bill drafts the Governor may have. It increases that number. It also changes the request date to August. The Governor's Office has agreed to this. It helps the agencies out, and it helps the Legal Division of the Legislative Counsel Bureau with drafting.

Amendment adopted.

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

Assembly Bill No. 435.

Bill read third time.

Remarks by Senator Hutchison.

Thank you, Mr. President. Assembly Bill No. 435 makes changes to the assessment to fund the Special Investigative Account and revises requirements related to assuming reinsurance. The bill allows the Commissioner of Insurance to exempt certain domestic insurers and prepaid limited health-service organizations from risk-based capital reports. It also makes changes to the Nevada Life and Health Insurance Guaranty Association by specifying that the Association is not required to cover certain policies and contracts related to Medicare or to revise the amounts

of certain benefits. The bill removes the State's prospective opt-out from uniform standards related to the regulation of long-term care insurance products. The measure also enacts provisions related to the corporate governance and investments of domestic insurers and makes changes to how insurers can be acquired. It modifies the information required to be submitted to the Commissioner related to an insurer's financial condition and corporate governance. The measure authorizes the Commissioner to approve a person who is not an insurer, a reinsurer or a captive insurer as a sponsor of a captive insurer. Finally, the bill authorizes the Commissioner to convene a forum for communication and cooperation among regulators.

Roll call on Assembly Bill No. 435:

YEAS—20.

NAYS—None.

EXCUSED—Woodhouse.

Assembly Bill No. 435 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 454.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President. Assembly Bill No. 454 requires that a report of sale or a report of lease required to be submitted to the Department of Motor Vehicles by a seller of new vehicles, a long-term lessor of new vehicles, a seller of used or rebuilt vehicles, or a long-term lessor of used or rebuilt vehicles be submitted by way of electronic transmission. This bill also provides that failure of a seller or lessor to submit the original of those documents to the Department of Motor Vehicles within a certain time period is no longer a crime. This bill is effective on July 1, 2014. I urge your support.

Roll call on Assembly Bill No. 454:

YEAS—20.

NAYS—None.

EXCUSED—Woodhouse.

Assembly Bill No. 454 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 464.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Assembly Bill No. 464 authorizes the Department of Motor Vehicles to establish by regulation, a fee for the issuance of an identifying device required by the International Fuel Tax Agreement for special fuel users in a motor vehicle that is operated or intended to operate interstate, in an amount not to exceed the estimated administrative costs of issuing the device. The new fee will offset Highway Fund Appropriations in the Department's Motor Carrier account in the amount of \$44,556 for fiscal year 2014 and \$45,312 for fiscal year 2015. The new fee of \$6 per International Fuel Tax Agreement decal set is included in the Executive Budget and was approved by the money committees. The bill removes the specific percentage charged for interest on delinquent filing of tax returns for the International Fuel Tax Agreement program and changes the amount of interest charged on delinquent tax return filings to be established in accordance to the provisions in the International Fuel Tax Agreement. The bill is effective on July 1, 2013.

Roll call on Assembly Bill No. 464:

YEAS—20.

NAYS—None.

EXCUSED—Woodhouse.

Assembly Bill No. 464 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 164.

The following Assembly Amendments were read:

Amendment No. 899.

"SUMMARY—Revises provisions governing safe and respectful learning environments in public schools. (BDR 34-454)"

"AN ACT relating to education; ~~requiring~~ revising provisions relating to the reporting of incidents of bullying, cyber-bullying, harassment and intimidation by the State Board of Education and the board of trustees of each school district, ~~in their respective annual reports of accountability;~~ ~~to provide information about the number of reported instances of bullying, cyber-bullying, harassment or intimidation;~~ requiring each public school to disseminate information annually on bullying; revising the definition of "bullying"; revising provisions governing training in the prevention, identification and reporting of bullying and similar conduct; requiring training for administrators in preventing and responding to violence and suicide associated with bullying; requiring notice to the parent or guardian of any pupil allegedly involved in a reported incident of bullying or similar conduct; ~~requiring that certain annual reports submitted to the Attorney General also be provided to the Governor and the Legislature;~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for a safe and respectful learning environment in public schools and prohibits bullying, cyber-bullying, harassment or intimidation. (NRS 388.121-388.139) ~~Existing law requires that any instance of bullying, cyber-bullying, harassment or intimidation involving a school employee or pupil be reported to and investigated by the school's principal or his or her designee. (NRS 388.1351) If such an investigation confirms that a violation has occurred, existing law provides for the imposition of discipline and requires that statistical information about incidents resulting in the suspension or expulsion of a pupil be included in the annual reports of accountability prepared by the State Board of Education and the board of trustees of each school district. (NRS 385.3469, 385.347, 388.1351) Sections 1 and 2 of this bill require that the annual reports of accountability include information about all reported instances of bullying, cyber-bullying, harassment or intimidation, regardless of whether they result in the suspension or expulsion of a pupil.~~ Existing law also requires the

board of trustees of each school district to review and compile reports for submission to the Department of Education relating to the number of reported violations of provisions relating to bullying, cyber-bullying, harassment and intimidation occurring at the public schools within the school district and any actions taken by the public schools to reduce the number of those violations. (NRS 388.1353) In addition, existing law requires the Superintendent of Public Instruction to compile each report submitted by each school district and submit the written compilation to the Attorney General. (NRS 388.1355) Section 11.5 of this bill eliminates these reporting requirements, and sections 1 and 2 of this bill require the contents of those reports to be included within the annual reports of accountability prepared by the State Board of Education and the board of trustees of each school district. (NRS 385.3469, 385.347)

Section 3 of this bill requires each public school to disseminate information on bullying and the facilitation of positive relations among pupils during the annual "Week of Respect" proclaimed by the Governor.

Section 4.5 of this bill revises the definition of bullying to include: (1) only repeated acts or conduct; and (2) acts or conduct that exploit an imbalance in power.

Sections 5-7 of this bill revise various provisions governing the training of all administrators, principals, teachers and other school employees on the subject of bullying, cyber-bullying, harassment and intimidation. Existing law requires the Department of Education to prescribe a policy for such training. (NRS 388.133) Section 5 requires the policy to encompass members of the boards of trustees of school districts and provide for training in methods to prevent, identify and report incidents of bullying and similar conduct. Existing law also requires the board of trustees of each school district to adopt the training policy prescribed by the Department and provide the appropriate training to employees of the district. (NRS 388.134) Section 6 requires the members of the board of trustees to receive this training and requires that newly elected trustees and new employees of the school district receive the training within 180 days after the beginning of their term of office or their employment, as applicable. Existing law requires the Department to recommend certain programs of training in this area for members of the boards of trustees of school districts and school employees. (NRS 388.1342) Section 7 requires the Department to establish these programs and a program to train administrators in the prevention of and response to violence and suicide associated with bullying and similar conduct. Section 7 also requires each administrator to complete this training: (1) within 90 days after becoming an administrator; (2) at least once during any school year in which the training is revised or updated; and (3) at least once every 3 years otherwise.

Section 8 of this bill provides that a principal, or his or her designee, who receives a report of bullying, cyber-bullying, harassment or intimidation must

give notice of the report to the parent or legal guardian of each pupil involved in the incident that is the subject of the report.

~~f Existing law requires the principal of each public school to report to the board of trustees of the school district concerning the number of reports of bullying and similar conduct received during the preceding semester. The reports of each principal are compiled by the board of trustees and submitted to the Department. The Superintendent of Public Instruction, in turn, compiles the reports received from the various school districts and annually submits the compilation to the Attorney General. (NRS 388.1353, 388.1355) Section 9 of this bill clarifies that a reported violation must be included in the principal's report to the board of trustees, regardless of the outcome of the investigation into the incident. Section 10 of this bill requires that the Superintendent's compilation also be submitted to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or to the Legislative Committee on Education if the Legislature is not in regular session.]~~

Existing law provides immunity from liability for a pupil, school employee or volunteer who reports an incident of bullying, cyber-bullying, harassment or intimidation unless he or she acts with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law. (NRS 388.137) Where such a malicious, intentional or grossly negligent report is made, section 11 of this bill authorizes disciplinary action against the pupil or other person making the report.

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

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

- (1) Pupils who are economically disadvantaged, as defined by the State Board;
- (2) Pupils from major racial and ethnic groups, as defined by the State Board;
- (3) Pupils with disabilities;
- (4) Pupils who are limited English proficient; and
- (5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both,

and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(1) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

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

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

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(dd) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(ee) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ff) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(gg) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

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

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

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

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

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

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

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

(ii) For each school district, including, without limitation, each charter school in the district, and for this State as a whole:

(1) The number of reported violations of NRS 388.135 ~~reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.~~

~~(ii)~~ occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation ~~reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.~~; and

(3) Any actions taken to reduce the number of incidents of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

- (1) Governor;
- (2) Committee;
- (3) Bureau;
- (4) Board of Regents of the University of Nevada;
- (5) Board of trustees of each school district; and
- (6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

- (a) "Bullying" has the meaning ascribed to it in NRS 388.122.
- (b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.
- (c) "Harassment" has the meaning ascribed to it in NRS 388.125.
- (d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).
- (e) "Intimidation" has the meaning ascribed to it in NRS 388.129.
- (f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

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

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

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

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

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

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

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➔ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall

prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the

report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is

designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

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

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

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

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

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

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

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

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

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

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school,

information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(ee) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

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

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

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

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

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

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

(gg) *For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:*

~~(1) The number of reported violations of NRS 388.135 for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.~~

~~(hh) occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;~~

~~(2) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.; and~~

~~(3) Any actions taken to reduce the number of incidents of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.~~

~~(hh) ~~(ii)~~~~ Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to ~~(hh)~~, ~~(ii)~~, inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

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

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

↪ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in

20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of trustees of each school district and the governing body of each charter school shall determine the most effective manner for the delivery of information to the pupils of each public school during the "Week of Respect" proclaimed by the Governor each year pursuant to NRS 236.073. The information delivered during the "Week of Respect" must focus on:

1. Methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation;

2. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

3. Methods to facilitate positive human relations among pupils by eliminating the use of bullying, cyber-bullying, harassment and intimidation.

Sec. 4. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.139, inclusive, *and section 3 of this act*, unless the context otherwise requires, the words and terms defined in

NRS 388.122 to 388.129, inclusive, have the meanings ascribed to them in those sections.

Sec. 4.5. NRS 388.122 is hereby amended to read as follows:

388.122 "Bullying" means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not authorized by law and which exposes a person ~~[one time or]~~ repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

1. Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

2. *Exploits an imbalance in power between the person engaging in the act or conduct and the person who is the subject of the act or conduct;*

3. Places the person in reasonable fear of harm or serious emotional distress; or

~~{3-}~~ 4. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Sec. 5. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State, and individual parents and legal guardians whose children are enrolled in public schools throughout this State, prescribe by regulation a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of bullying, cyber-bullying, harassment and intimidation.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135; and

(b) A policy for use by school districts to train *members of the board of trustees and all* administrators, principals, teachers and all other personnel employed by the board of trustees of a school district. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils ~~[without]~~ *by eliminating* the use of bullying, cyber-bullying, harassment and intimidation so that pupils may realize their full academic and personal potential;

(2) *Training in methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation in public schools;*

(3) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

~~{3-}~~ (4) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 6. NRS 388.134 is hereby amended to read as follows:

388.134 The board of trustees of each school district shall:

1. Adopt the policy prescribed pursuant to NRS 388.133 and the policy prescribed pursuant to subsection 2 of NRS 389.520. The board of trustees may adopt an expanded policy for one or both of the policies if each expanded policy complies with the policy prescribed pursuant to NRS 388.133 or pursuant to subsection 2 of NRS 389.520, as applicable.

2. Provide for the appropriate training of *members of the board of trustees and* all administrators, principals, teachers and all other personnel employed by the board of trustees in accordance with the policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520. *For members of the board of trustees who have not previously been elected or appointed to the board of trustees or for employees of the school district who have not previously been employed by the district, the training required by this subsection must be provided within 180 days after the member begins his or her term of office or after the employee begins his or her employment, as applicable.*

3. Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district.

4. Ensure that the parents and legal guardians of pupils enrolled in the school district have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district. Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the policies.

5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the board of trustees of a school district updates the policies, the board of trustees must submit a copy of the updated policies to the Department within 30 days after the update.

Sec. 7. NRS 388.1342 is hereby amended to read as follows:

388.1342 1. The Department, in consultation with persons who possess knowledge and expertise in bullying, cyber-bullying, harassment and intimidation in public schools, shall:

(a) Establish a program of training on methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation in public schools for members of the State Board.

(b) ~~Recommend~~ *Establish* a program of training on methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation in public schools for members of the boards of trustees of school districts.

(c) ~~Recommend~~ *Establish* a program of training for school district *and charter school* personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.139, inclusive ~~[-]~~, *and section 3 of this act.*

(d) *Establish a program of training for administrators in the prevention of violence and suicide associated with bullying, cyber-bullying, harassment*

and intimidation in public schools and appropriate methods to respond to incidents of violence or suicide.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. ~~Each~~ *Except as otherwise provided in NRS 388.134, each* member of a board of trustees of a school district ~~may~~ *shall, within 1 year after the member is elected or appointed to the board of trustees,* complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools ~~recommended~~ *established* pursuant to paragraph (b) of subsection 1 and ~~may~~ *undergo* the training at least one additional time while the person is a member of the board of trustees.

4. Each *administrator of a public school shall complete the program of training established pursuant to paragraph (d) of subsection 1:*

(a) Within 90 days after becoming an administrator;

(b) Except as otherwise provided in paragraph (c), at least once every 3 years thereafter; and

(c) At least once during any school year within which the program of training is revised or updated.

5. Each program of training established ~~and recommended~~ pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

~~5.~~ 6. The board of trustees of a school district may allow school district personnel to attend the program ~~recommended~~ *established* pursuant to paragraph (c) or (d) of subsection 1 during regular school hours.

~~6.~~ 7. The Department shall review each program of training established ~~and recommended~~ pursuant to subsection 1 on an annual basis to ensure that the program contains current information. ~~concerning the prevention of bullying, cyber-bullying, harassment and intimidation.~~

Sec. 8. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. *The principal or the designee shall provide written notice of a reported violation of NRS 388.135 to the parent or legal guardian of each pupil involved in the reported violation. The notice must include, without limitation, a statement that the principal or the designee will be conducting*

an investigation into the reported violation and that the parent or legal guardian may discuss with the principal or the designee any counseling and intervention services that are available to the pupil. The investigation must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

3. The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

Sec. 9. ~~NRS 388.1353 is hereby amended to read as follows:~~

~~388.1353 1. On or before January 1 and June 30 of each year, the principal of each public school shall submit to the board of trustees of the school district a report on the number of violations of NRS 388.135 [which are] reported during the previous school semester [.] , regardless of the outcome of the investigation conducted pursuant to NRS 388.1351. The report must include, without limitation:~~

~~(a) The number of violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school which are reported during that period; and~~

~~(b) Any actions taken at the school to reduce the number of incidents of bullying, cyber bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.~~

~~2. The board of trustees of each school district shall review and compile the reports submitted pursuant to subsection 1 and, on or before August 1, submit a compilation of the reports to the Department.] (Deleted by amendment.)~~

Sec. 10. ~~NRS 388.1355 is hereby amended to read as follows:~~

~~388.1355 The Superintendent of Public Instruction shall:~~

~~1. Compile the reports submitted pursuant to NRS 388.1353 and prepare a written report of the compilation.~~

~~2. On or before October 1 of each year, submit the written compilation to the:~~

~~(a) Governor;~~

~~(b) Attorney General [.] , and~~

~~(c) Director of the Legislative Counsel Bureau for transmittal to the Legislature, or to the Legislative Committee on Education created pursuant to NRS 218E.605 when the Legislature is not in regular session.] (Deleted by amendment.)~~

Sec. 11. NRS 388.137 is hereby amended to read as follows:

388.137 1. No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

2. *If a principal determines that a report of a violation of NRS 388.135 is false and that the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law, the principal may recommend the imposition of disciplinary action or other measures against the person in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.*

Sec. 11.5. NRS 388.1353 and 388.1355 are hereby repealed.

Sec. 12. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

388.1353 Principal required to submit report of violations for each semester to school district; review and compilation of reports by school district; submission of compilation to Department.

1. On or before January 1 and June 30 of each year, the principal of each public school shall submit to the board of trustees of the school district a report on the violations of NRS 388.135 which are reported during the previous school semester. The report must include, without limitation:

(a) The number of violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school which are reported during that period; and

(b) Any actions taken at the school to reduce the number of incidents of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

2. The board of trustees of each school district shall review and compile the reports submitted pursuant to subsection 1 and, on or before August 1, submit a compilation of the reports to the Department.

388.1355 Compilation of reports by Superintendent of Public Instruction; submission of written compilation to Attorney General. The Superintendent of Public Instruction shall:

1. Compile the reports submitted pursuant to NRS 388.1353 and prepare a written report of the compilation.

2. On or before October 1 of each year, submit the written compilation to the Attorney General.

Amendment No. 910.

"SUMMARY—Revises provisions governing safe and respectful learning environments in public schools. (BDR 34-454)"

"AN ACT relating to education; revising provisions relating to the reporting of incidents of bullying, cyber-bullying, harassment and intimidation by the State Board of Education and the board of trustees of each school district in their respective annual reports of accountability; requiring each public school to disseminate information annually on bullying; revising

the definition of "bullying"; revising provisions governing training in the prevention, identification and reporting of bullying and similar conduct; requiring training for administrators in preventing and responding to violence and suicide associated with bullying; requiring notice to the parent or guardian of any pupil allegedly involved in a reported incident of bullying or similar conduct; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for a safe and respectful learning environment in public schools and prohibits bullying, cyber-bullying, harassment or intimidation. (NRS 388.121-388.139) Existing law also requires the board of trustees of each school district to review and compile reports for submission to the Department of Education relating to the number of reported violations of provisions relating to bullying, cyber-bullying, harassment and intimidation occurring at the public schools within the school district and any actions taken by the public schools to reduce the number of those violations. (NRS 388.1353) In addition, existing law requires the Superintendent of Public Instruction to compile each report submitted by each school district and submit the written compilation to the Attorney General. (NRS 388.1355) Section 11.5 of this bill eliminates these reporting requirements, and sections 1 and 2 of this bill require the contents of those reports to be included within the annual reports of accountability prepared by the State Board of Education and the board of trustees of each school district. (NRS 385.3469, 385.347)

Section 3 of this bill requires each public school to disseminate information on bullying and the facilitation of positive relations among pupils during the annual "Week of Respect" proclaimed by the Governor.

Section 4.5 of this bill revises the definition of bullying to include: (1) only repeated acts or conduct; and (2) acts or conduct that exploit an imbalance in power.

Sections 5-7 of this bill revise various provisions governing the training of all administrators, principals, teachers and other school employees on the subject of bullying, cyber-bullying, harassment and intimidation. Existing law requires the Department of Education to prescribe a policy for such training. (NRS 388.133) Section 5 requires the policy to encompass members of the boards of trustees of school districts and provide for training in methods to prevent, identify and report incidents of bullying and similar conduct. Existing law also requires the board of trustees of each school district to adopt the training policy prescribed by the Department and provide the appropriate training to employees of the district. (NRS 388.134) Section 6 requires the members of the board of trustees to receive this training and requires that newly elected trustees and new employees of the school district receive the training within 180 days after the beginning of their term of office or their employment, as applicable. Existing law requires the Department to recommend certain programs of training in this area for members of the boards of trustees of school districts and school employees.

(NRS 388.1342) Section 7 requires the Department to establish these programs and a program to train administrators in the prevention of and response to violence and suicide associated with bullying and similar conduct. Section 7 also requires each administrator to complete this training: (1) within 90 days after becoming an administrator; (2) at least once during any school year in which the training is revised or updated; and (3) at least once every 3 years otherwise.

Section 8 of this bill provides that a principal, or his or her designee, who receives a report of bullying, cyber-bullying, harassment or intimidation must give notice of the report to the parent or legal guardian of each pupil involved in the incident that is the subject of the report.

Existing law provides immunity from liability for a pupil, school employee or volunteer who reports an incident of bullying, cyber-bullying, harassment or intimidation unless he or she acts with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law. (NRS 388.137) Where such a malicious, intentional or grossly negligent report is made, section 11 of this bill authorizes disciplinary action against the pupil or other person making the report.

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

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

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

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

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(1) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers,

including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

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

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

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(dd) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(ee) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ff) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(gg) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

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

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

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

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

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

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

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

(ii) *For each school district, including, without limitation, each charter school in the district, and for this State as a whole:*

(1) *The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;*

(2) *The number of incidents determined to be bullying, cyber-bullying, harassment or intimidation after an investigation is conducted pursuant to NRS 388.1351;*

~~(3) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation [reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.] ; and~~

~~(3)~~ (4) *Any actions taken to reduce the number of incidents of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.*

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

- (3) Bureau;
- (4) Board of Regents of the University of Nevada;
- (5) Board of trustees of each school district; ~~and~~
- (6) Governing body of each charter school ~~and~~; *and*
- (7) The Attorney General, with a specific reference to the information

that is reported pursuant to paragraph (ii) of subsection 1.

5. Upon the request of the Governor, the Attorney General, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

- (a) "Bullying" has the meaning ascribed to it in NRS 388.122.
- (b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.
- (c) "Harassment" has the meaning ascribed to it in NRS 388.125.
- (d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).
- (e) "Intimidation" has the meaning ascribed to it in NRS 388.129.
- (f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

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

- (1) The number of pupils who took the examinations.
- (2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number

of pupils who took the examinations and the number of pupils who are enrolled in the school.

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

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

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

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

↪ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the

school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying

with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

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

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

- (2) An adult diploma.
- (3) An adjusted diploma.
- (4) A certificate of attendance.

(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

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

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

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

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

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

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

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this

paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(ee) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

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

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

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

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

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

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

(gg) *For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:*

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying, cyber-bullying, harassment or intimidation after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation [~~for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.~~]; and

~~[(3)]~~ *(4) Any actions taken to reduce the number of incidents of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.*

(hh) Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an

annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (hh), inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

- (a) Acquisition of knowledge or skills relating to the professional development of the teacher; or
- (b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

- (a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and
- (b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;

- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

↪ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; ~~and~~
- (5) Bureau ~~(+)~~; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (gg) of subsection 2.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet

website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, *the Attorney General*, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

- (a) "Bullying" has the meaning ascribed to it in NRS 388.122.
- (b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.
- (c) "Harassment" has the meaning ascribed to it in NRS 388.125.
- (d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).
- (e) "Intimidation" has the meaning ascribed to it in NRS 388.129.
- (f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of trustees of each school district and the governing body of each charter school shall determine the most effective manner for the delivery of information to the pupils of each public school during the "Week of Respect" proclaimed by the Governor each year pursuant to NRS 236.073.

The information delivered during the "Week of Respect" must focus on:

- 1. *Methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation;*
- 2. *Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and*
- 3. *Methods to facilitate positive human relations among pupils by eliminating the use of bullying, cyber-bullying, harassment and intimidation.*

Sec. 4. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.139, inclusive, *and section 3 of this act*, unless the context otherwise requires, the words and terms defined in

NRS 388.122 to 388.129, inclusive, have the meanings ascribed to them in those sections.

Sec. 4.5. NRS 388.122 is hereby amended to read as follows:

388.122 "Bullying" means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not authorized by law and which exposes a person ~~[one time or]~~ repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

1. Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

2. *Exploits an imbalance in power between the person engaging in the act or conduct and the person who is the subject of the act or conduct;*

3. Places the person in reasonable fear of harm or serious emotional distress; or

~~{3-}~~ 4. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Sec. 5. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State, and individual parents and legal guardians whose children are enrolled in public schools throughout this State, prescribe by regulation a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of bullying, cyber-bullying, harassment and intimidation.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135; and

(b) A policy for use by school districts to train *members of the board of trustees and all* administrators, principals, teachers and all other personnel employed by the board of trustees of a school district. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils ~~[without]~~ *by eliminating* the use of bullying, cyber-bullying, harassment and intimidation so that pupils may realize their full academic and personal potential;

(2) *Training in methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation in public schools;*

(3) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

~~{3-}~~ (4) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 6. NRS 388.134 is hereby amended to read as follows:

388.134 The board of trustees of each school district shall:

1. Adopt the policy prescribed pursuant to NRS 388.133 and the policy prescribed pursuant to subsection 2 of NRS 389.520. The board of trustees may adopt an expanded policy for one or both of the policies if each expanded policy complies with the policy prescribed pursuant to NRS 388.133 or pursuant to subsection 2 of NRS 389.520, as applicable.

2. Provide for the appropriate training of *members of the board of trustees and* all administrators, principals, teachers and all other personnel employed by the board of trustees in accordance with the policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520. *For members of the board of trustees who have not previously been elected or appointed to the board of trustees or for employees of the school district who have not previously been employed by the district, the training required by this subsection must be provided within 180 days after the member begins his or her term of office or after the employee begins his or her employment, as applicable.*

3. Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district.

4. Ensure that the parents and legal guardians of pupils enrolled in the school district have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district. Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the policies.

5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the board of trustees of a school district updates the policies, the board of trustees must submit a copy of the updated policies to the Department within 30 days after the update.

Sec. 7. NRS 388.1342 is hereby amended to read as follows:

388.1342 1. The Department, in consultation with persons who possess knowledge and expertise in bullying, cyber-bullying, harassment and intimidation in public schools, shall:

(a) Establish a program of training on methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation in public schools for members of the State Board.

(b) ~~Recommend~~ *Establish* a program of training on methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation in public schools for members of the boards of trustees of school districts.

(c) ~~Recommend~~ *Establish* a program of training for school district *and charter school* personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.139, inclusive ~~[-]~~, *and section 3 of this act.*

(d) *Establish a program of training for administrators in the prevention of violence and suicide associated with bullying, cyber-bullying, harassment*

and intimidation in public schools and appropriate methods to respond to incidents of violence or suicide.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. ~~Each~~ *Except as otherwise provided in NRS 388.134, each* member of a board of trustees of a school district ~~may~~ *shall, within 1 year after the member is elected or appointed to the board of trustees,* complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools ~~recommended~~ *established* pursuant to paragraph (b) of subsection 1 and ~~may~~ *undergo* the training at least one additional time while the person is a member of the board of trustees.

4. Each *administrator of a public school shall complete the program of training established pursuant to paragraph (d) of subsection 1:*

(a) Within 90 days after becoming an administrator;

(b) Except as otherwise provided in paragraph (c), at least once every 3 years thereafter; and

(c) At least once during any school year within which the program of training is revised or updated.

5. Each program of training established ~~and recommended~~ pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

~~5.~~ 6. The board of trustees of a school district may allow school district personnel to attend the program ~~recommended~~ *established* pursuant to paragraph (c) *or (d)* of subsection 1 during regular school hours.

~~6.~~ 7. The Department shall review each program of training established ~~and recommended~~ pursuant to subsection 1 on an annual basis to ensure that the program contains current information. ~~concerning the prevention of bullying, cyber-bullying, harassment and intimidation.~~

Sec. 8. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. *The principal or the designee shall provide written notice of a reported violation of NRS 388.135 to the parent or legal guardian of each pupil involved in the reported violation. The notice must include, without limitation, a statement that the principal or the designee will be conducting*

an investigation into the reported violation and that the parent or legal guardian may discuss with the principal or the designee any counseling and intervention services that are available to the pupil. The investigation must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

3. The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 388.137 is hereby amended to read as follows:

388.137 1. No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

2. *If a principal determines that a report of a violation of NRS 388.135 is false and that the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law, the principal may recommend the imposition of disciplinary action or other measures against the person in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.*

Sec. 11.5. NRS 388.1353 and 388.1355 are hereby repealed.

Sec. 12. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

388.1353 Principal required to submit report of violations for each semester to school district; review and compilation of reports by school district; submission of compilation to Department.

1. On or before January 1 and June 30 of each year, the principal of each public school shall submit to the board of trustees of the school district a report on the violations of NRS 388.135 which are reported during the previous school semester. The report must include, without limitation:

(a) The number of violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school which are reported during that period; and

(b) Any actions taken at the school to reduce the number of incidents of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

2. The board of trustees of each school district shall review and compile the reports submitted pursuant to subsection 1 and, on or before August 1, submit a compilation of the reports to the Department.

388.1355 Compilation of reports by Superintendent of Public Instruction; submission of written compilation to Attorney General. The Superintendent of Public Instruction shall:

1. Compile the reports submitted pursuant to NRS 388.1353 and prepare a written report of the compilation.

2. On or before October 1 of each year, submit the written compilation to the Attorney General.

Senator Ford moved that the Senate concur in the Assembly Amendments Nos. 899, 910, to Senate Bill No. 164.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 262.

The following Assembly Amendments were read:

Amendment No. 629.

"SUMMARY—Makes various changes relating to vehicles used for advertising. (BDR 43-887)"

"AN ACT relating to motor vehicles; requiring that certain devices be installed in vehicles that are designed to display certain advertisements ~~for other content~~ while moving over the highways of this State; limiting the display of such advertisements to taxicabs; providing certain requirements concerning the equipment used to display such advertisements; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill prohibits a person from operating a motor vehicle to which is attached a dynamic display device, commonly known as a mobile billboard, on which the images or other content change periodically, upon the highways of this State, unless the motor vehicle is a taxicab and is also equipped with a display management system that is programmed to allow the image or content that is displayed to be changed only when the motor vehicle is: (1) not moving; or (2) in a location where the image or content may be changed without causing undue distraction to the operators of other vehicles. This bill also provides that such a dynamic display device may not: (1) consist of more than three monitors, screens or viewers; (2) project or otherwise show moving images, moving information or other moving content; and (3) include a monitor, screen or viewer that exceeds 7 1/2 square feet in total area. A violation of this prohibition is punishable as a misdemeanor. (NRS 484A.900). This bill does not require a display management system if a dynamic display device is operated for purposes other than advertisement.

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

Section 1. Chapter 484D of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, a person shall not operate upon the highways of this State any motor vehicle that is equipped with a dynamic display unless ~~the~~:*

(a) ~~The motor vehicle is ~~false equipped~~:~~

(1) A taxicab for which a currently valid certificate of public convenience and necessity has been issued pursuant to chapter 706 of NRS; and

(2) Equipped with a display management system which is configured to ~~follow~~ prevent the image or content displayed on the dynamic display ~~to be changed only~~ from changing when the motor vehicle is:

~~f~~ (a) ~~Not moving; or~~

~~(b)~~

(I) Moving;

(II) In a turnout; or

(III) In ~~at~~ any other location ~~f, including, without limitation, an alley, parking lot or turnout,~~ where changing the image or content displayed on the dynamic display may ~~be changed without causing~~ cause undue distraction to the operators of other vehicles ~~f,f~~; and

(b) The dynamic display does not:

(1) Consist of more than three monitors, screens or viewers;

(2) Project or otherwise show moving images, moving information or other moving content; or

(3) Include a monitor, screen or viewer that exceeds 7 1/2 square feet in total area.

2. *This section does not prohibit the use of a dynamic display that is operated without a display management system if the dynamic display is being used exclusively for purposes other than advertisement, including, without limitation:*

(a) For purposes that are personal and noncommercial in nature;

(b) For purposes of traffic control;

~~(b)~~ (c) For purposes of law enforcement or emergency response;

~~(c)~~ (d) As a warning device for a utility or utility vehicle, as described in NRS 484D.465; or

~~(d)~~ (e) To display the name, route number or destination of a bus or other vehicle of mass transit.

3. *As used in this section:*

(a) *"Display management system" means equipment or software that is designed to operate a dynamic display, including, without limitation, periodically changing the image, information or content being shown on the dynamic display.*

(b) *"Dynamic display" means equipment which is attached to a motor vehicle and which consists of at least one monitor, screen or viewer that, without limitation:*

(1) *Is designed to display various images, information or other content, including, without limitation, advertisements, which change periodically;*

(2) *Is intended to be visible to the drivers of other vehicles on the highway and to persons who are near the highway; and*

(3) *May be visible to the operator of the motor vehicle.*

Amendment No. 784.

"SUMMARY—Makes various changes relating to vehicles used for advertising. (BDR 43-887)"

"AN ACT relating to motor vehicles; requiring that certain devices be installed in vehicles that are designed to display certain advertisements while moving over the highways of this State; ~~limiting the display of such advertisements to taxicabs;~~ providing certain requirements concerning the equipment used to display such advertisements; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill prohibits a person from operating a motor vehicle to which is attached a dynamic display device, commonly known as a mobile billboard, on which the images or other content change periodically, upon the highways of this State, unless the motor vehicle is ~~a taxicab and is also~~ equipped with a display management system that is programmed to allow the image or content that is displayed to be changed only when the motor vehicle is: (1) not moving; or (2) in a location where the image or content may be changed without causing undue distraction to the operators of other vehicles. This bill also provides that such a dynamic display device may not ~~be (1) consist of more than three monitors, screens or viewers; (2)~~ project or otherwise show moving images, moving information or other moving content ~~. be and (3) include a monitor, screen or viewer that exceeds 7 1/2 square feet in total area.~~ A violation of this prohibition is punishable as a misdemeanor. (NRS 484A.900) This bill does not require a display management system if a dynamic display device is operated for purposes other than advertisement.

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

Section 1. Chapter 484D of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, a person shall not operate upon the highways of this State any motor vehicle that is equipped with a dynamic display unless:*

(a) *The motor vehicle is ~~is~~*

~~(1) A taxicab for which a currently valid certificate of public convenience and necessity has been issued pursuant to chapter 706 of NRS; and~~

~~(2) Equipped~~ *equipped with a display management system which is configured to prevent the image or content displayed on the dynamic display from changing when the motor vehicle is:*

~~+(4)~~ *(1) Moving;*

~~[(1)]~~ (2) *In a turnout; or*

~~[(1)]~~ (3) *In any other location where changing the image or content displayed on the dynamic display may cause undue distraction to the operators of other vehicles; and*

(b) *The dynamic display does not ~~f=~~*

~~(1) Consist of more than three monitors, screens or viewers;~~

~~(2) Project project or otherwise show moving images, moving information or other moving content. ~~f=~~~~

~~(3) Include a monitor, screen or viewer that exceeds 7 1/2 square feet in total area.]~~

2. *This section does not prohibit the use of a dynamic display that is operated without a display management system if the dynamic display is being used exclusively for purposes other than advertisement, including, without limitation:*

(a) *For purposes that are personal and noncommercial in nature;*

(b) *For purposes of traffic control;*

(c) *For purposes of law enforcement or emergency response;*

(d) *As a warning device for a utility or utility vehicle, as described in NRS 484D.465; or*

(e) *To display the name, route number or destination of a bus or other vehicle of mass transit.*

3. *As used in this section:*

(a) *"Display management system" means equipment or software that is designed to operate a dynamic display, including, without limitation, periodically changing the image, information or content being shown on the dynamic display.*

(b) *"Dynamic display" means equipment which is attached to a motor vehicle and which consists of at least one monitor, screen or viewer that, without limitation:*

(1) *Is designed to display various images, information or other content, including, without limitation, advertisements, which change periodically;*

(2) *Is intended to be visible to the drivers of other vehicles on the highway and to persons who are near the highway; and*

(3) *May be visible to the operator of the motor vehicle.*

Senator Manendo moved that the Senate concur in the Assembly Amendments Nos. 629, 784, to Senate Bill No. 262.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 428.

The following Assembly Amendment was read:

Amendment No. 703.

"SUMMARY—Revises provisions relating to tow cars. (BDR 58-1074)"

"AN ACT relating to tow cars; requiring operators of tow cars to accept certain forms of payment; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law governs the authority of the Nevada Transportation Authority to set the rate for services provided by operators of tow cars. (NRS 706.445-706.451) Section 2 of this bill provides that operators of tow cars are required to accept cash, money ~~order,~~ orders, credit ~~card or~~ cards, debit ~~card or~~ cards and any ~~other~~ electronic transfer of money as payment for towing services. Section 3 of this bill authorizes an operator of a tow car to enter into ~~a contract~~ contracts with ~~an issuer~~ issuers of credit cards ~~for~~ and debit cards to provide for the acceptance of such cards by the operator of a tow car for the payment of rates, taxes and charges. Section 3 also authorizes ~~the Authority to prescribe by regulation or order the maximum fee that~~ an operator of a tow car ~~may charge~~ to offer a customer a discount for ~~using a credit card or debit card to make~~ making payment ~~in~~ in cash.

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

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *An operator of a tow car shall accept cash, money ~~order,~~ orders, credit ~~card or~~ cards, debit ~~card or~~ cards and any ~~other~~ electronic transfer of money as payment for towing services. As used in this section, "electronic transfer of money" has the meaning ascribed to it in NRS 463.01473.*

Sec. 3. 1. *An operator of a tow car may enter into ~~a contract~~ contracts with ~~an issuer~~ issuers of credit cards ~~for~~ and debit cards to provide for the acceptance of credit cards ~~for~~ and debit cards by the operator of a tow car for the payment of rates, fares and charges owed to the operator of a tow car.*

2. *The Authority may ~~prescribe by regulation or order the maximum fee that an operator of a tow car may charge a customer for the convenience of using a credit card or debit card to make payment to the operator of a tow car. In prescribing such fees, the Authority may~~, as part of its investigation or review of any rates, fares or charges of a tow car operator that are subject to the approval of the Authority, consider the expenses incurred by the operator of a tow car in accepting payment by a credit card or debit card, including, without limitation:*

(a) *Costs of required equipment and its installation;*

(b) *Administrative costs of processing credit card or debit card transactions; and*

(c) *Fees paid to issuers of credit cards or debit cards.*

3. *An ~~issuer shall not, by contract or otherwise:~~*

(a) *Prohibit an operator of a tow car ~~from charging and collecting a fee authorized pursuant to subsection 2; or~~*

~~(b) Require an operator of a tow car to waive the right to charge and collect a fee authorized pursuant to subsection 2.] may offer a discount to a customer for payment in cash of any rate, fare or charge.~~

4. As used in this section, "issuer" means a business organization, financial institution or a duly authorized agency of a business organization or financial institution which:

(a) Issues a credit card or debit card; or

(b) Enters into a contract with an operator of a tow car or other person to enable or facilitate the acceptance of a credit card or debit card.

Sec. 4. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, and sections 2 and 3 of this act, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 706.286 is hereby amended to read as follows:

706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person, that:

(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;

(b) Any of the provisions of NRS 706.445 to 706.453, inclusive, and sections 2 and 3 of this act have been violated;

(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or

(d) Any service is inadequate,

↳ the Authority shall investigate the complaint. After receiving the complaint, the Authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the Authority with its written response to the complaint according to the regulations of the Authority.

2. If the Authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[]~~, and sections 2 and 3 of this act.

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must file an application with the Authority.

3. The Authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

(b) Complies with the requirements of the regulations adopted by the Authority pursuant to the provisions of this chapter;

(c) Has provided evidence that the applicant has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the applicant has filed with the Authority schedules and tariffs pursuant to subsection 2 of NRS 706.321.

4. An applicant for a certificate has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 3.

5. The Authority may hold a hearing to determine whether an applicant is entitled to a certificate only if:

(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or

(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.

Sec. 7.5. NRS 706.4479 is hereby amended to read as follows:

706.4479 1. If a motor vehicle is towed at the request of someone other than the owner, or authorized agent of the owner, of the motor vehicle, the operator of the tow car shall, in addition to the requirements set forth in the provisions of chapter 108 of NRS:

(a) Notify the registered and legal owner of the motor vehicle by certified mail not later than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer

following an accident involving the motor vehicle or not later than 15 days after placing any other vehicle in storage:

- (1) Of the location where the motor vehicle is being stored;
- (2) Whether the storage is inside a locked building, in a secured, fenced area or in an unsecured, open area;
- (3) Of the charge for towing and storage;
- (4) Of the date and time the vehicle was placed in storage;
- (5) Of the actions that the registered and legal owner of the vehicle may take to recover the vehicle while incurring the lowest possible liability in accrued assessments, fees, penalties or other charges; and
- (6) Of the opportunity to rebut the presumptions set forth in NRS 487.220 and 706.4477.

(b) If the identity of the registered and legal owner is not known or readily available, make every reasonable attempt and use all resources reasonably necessary, as evidenced by written documentation, to obtain the identity of the owner and any other necessary information from the agency charged with the registration of the motor vehicle in this State or any other state within:

(1) Twenty-one days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle; or

(2) Fifteen days after placing any other motor vehicle in storage.

↪ The operator shall attempt to notify the owner of the vehicle by certified mail as soon as possible, but in no case later than 15 days after identification of the owner is obtained for any motor vehicle.

2. If an operator includes in the operator's tariff a fee to be charged to the registered and legal owner of a vehicle for the towing and storage of the vehicle, the fee may not be charged:

(a) For more than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle; or

(b) For more than 15 days after placing any other vehicle in storage,
↪ unless the operator complies with the requirements set forth in subsection 1.

3. If a motor vehicle that is placed in storage was towed at the request of a law enforcement officer following an accident involving the motor vehicle ~~[-]~~ or after having been stolen and subsequently recovered, the operator shall not:

(a) Satisfy any lien or impose any administrative fee or processing fee with respect to the motor vehicle for the period ending 4 business days after the date on which the motor vehicle was placed in storage; or

(b) Impose any fee relating to the auction of the motor vehicle until after the operator complies with the notice requirements set forth in NRS 108.265 to 108.367, inclusive.

Sec. 8. NRS 706.4483 is hereby amended to read as follows:

706.4483 1. The Authority shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[]~~, and sections 2 and 3 of this act.

2. In addition to any other remedies that may be available to the Authority to act upon complaints, the Authority may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the Authority determines to be appropriate.

Sec. 9. NRS 706.453 is hereby amended to read as follows:

706.453 The provisions of NRS 706.445 to 706.451, inclusive, and sections 2 and 3 of this act do not apply to automobile wreckers who are licensed pursuant to chapter 487 of NRS.

Sec. 10. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, and sections 2 and 3 of this act do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 11. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~and sections 2 and 3 of this act~~;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~and sections 2 and 3 of this act~~;

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~and sections 2 and 3 of this act~~;

(g) Advertises as providing:

- (1) The services of a fully regulated carrier; or
- (2) Towing services,

↪ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

↪ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than \$500 nor more than \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 12. NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act* for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act* and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.

Sec. 13. NRS 706.791 is hereby amended to read as follows:

706.791 1. If the Department is not satisfied with the records or statements of, or with the amount of fees paid by, any person pursuant to the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act*, it may make an additional or estimated assessment of fees due from that person based upon any information available to it.

2. Every additional or estimated assessment bears interest at the rate of 1 percent per month, or fraction thereof, from the date the fees were due until they are paid.

3. If an assessment is imposed, a penalty of 10 percent of the amount of the assessment must be added thereto. If any part of the deficiency is found to be caused by fraud or an intent to evade the provisions of this chapter or the regulations adopted pursuant to this chapter, a penalty of 25 percent of the amount of the assessment must be added thereto.

4. The Department shall give the person written notice of the assessment. The notice may be served personally or by mail in the manner prescribed by Rule 5 of the Nevada Rules of Civil Procedure addressed to the person at the person's address as it appears in the records of the Department. Every notice of assessment must be served within 36 months after the end of the registration year for which the additional assessment is imposed.

5. If any person refuses or fails to make available to the Department, upon request, such records, reports or other information as determined by the Department to be necessary to enable it to determine that the amount of taxes and fees paid by that person is correct, the assessment made pursuant to the provisions of this section is presumed to be correct and the burden is upon the person challenging the assessment to establish that it is erroneous.

6. Any person against whom an assessment has been made pursuant to the provisions of this section may petition the Department in writing for a redetermination within 30 days after service of the notice. If a petition is not filed with the Department within that period, the assessment becomes final.

7. If a petition for redetermination is filed within 30 days, the Department shall reconsider the assessment and send the petitioner, by certified mail, notice of its decision and the reasons therefor. A petitioner aggrieved by the Department's decision may appeal the decision by

submitting a written request to the Department for a hearing not later than 30 days after notice of the decision was mailed by the Department. The Department shall schedule an administrative hearing and provide the petitioner with 10 days' notice of the time and place of the hearing. The Department may continue the hearing as may be necessary.

8. The order of the Department upon a petition becomes final 30 days after service of notice thereof. If an assessment is not paid on or before the date it becomes final, there must be added thereto in addition to any other penalty provided for in this chapter a penalty of 10 percent of the amount of the assessment.

9. Every remittance in payment of an assessment is payable to the Department.

Senator Manendo moved that the Senate concur in the Assembly Amendment No. 703 to Senate Bill No. 428.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 429.

The following Assembly Amendment was read:

Amendment No. 702.

"SUMMARY—Revises certain provisions relating to taxicabs. (BDR 58-1103)"

"AN ACT relating to taxicabs; revising provisions relating to the authority of the Taxicab Authority to regulate the color scheme, insigne and design of the cruising lights of certain taxicabs; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, a person must be a holder of a certificate of public convenience and necessity to operate a taxicab business. (NRS 706.386, 706.473, 706.8827) In counties whose population is less than 700,000 (currently all counties other than Clark County), the certificates are issued by the Nevada Transportation Authority, and in counties whose population is 700,000 or more (currently Clark County), the certificates are issued by the Taxicab Authority. (NRS 706.386, 706.881, 706.8827) Existing law requires the Taxicab Authority to: (1) approve or disapprove the color scheme, insigne and design of the cruising lights of taxicabs of a certificate holder in any county; and (2) ensure that the color scheme, insigne and design of the cruising lights of one certificate holder are readily distinguishable from those of another certificate holder operating in the same county. (NRS 706.8833, NAC 706.486) Existing law also requires that certain information about a taxicab's fare schedule and the name of the certificate holder be displayed on each taxicab. (NRS 706.8835) ~~[This bill eliminates the requirement that the Taxicab Authority approve or disapprove the color scheme on the taxicabs of a particular certificate holder.]~~ This bill ~~[also]~~ requires the Taxicab Authority to allow a certificate holder in any county to place advertisements on the

exterior of the certificate holder's taxicabs, provided that the taxicabs bearing the advertisements are readily distinguishable from the taxicabs of other certificate holders operating in the same county through the display of the name of the certificate holder on each side of each taxicab, and that the taxicabs still display the fare schedule as required.

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

Section 1. NRS 706.8833 is hereby amended to read as follows:

706.8833 1. The color scheme, insigne and design of the cruising lights of each taxicab must conform to those approved for the certificate holder pursuant to regulations of the Authority.

2. ~~The~~ *Except as otherwise provided in subsection 3, the* Authority shall approve or disapprove the color scheme, insigne and design of the cruising lights of the taxicabs of a certificate holder in any county, and shall ensure that the color scheme and insigne of one certificate holder are ~~not~~ readily distinguishable from the color schemes and insignia of other certificate holders operating in the same county.

3. *The Authority shall allow a certificate holder in any county to place advertisements on the exterior of the vehicles used as taxicabs in the operations of the certificate holder, provided that the taxicabs of the certificate holder which bear such advertisements* ~~are~~

~~(a) Are~~ *are* readily distinguishable from the taxicabs of other certificate holders operating in the same county ~~and~~

~~(b) Meet~~ *by meeting* the requirements of *subsection 2 of NRS 706.8835.*

Senator Manendo moved that the Senate concur in the Assembly Amendment No. 702 to Senate Bill No. 429.

Motion carried by a constitutional majority.

Bill ordered enrolled.

RECEDE FROM SENATE AMENDMENTS

Senator Atkinson moved that the Senate do not recede from its action on Assembly Bill No. 339, that a conference be requested, and that Mr. President appoint a Conference Committee consisting of three members to meet with a like committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Atkinson, Jones and Hutchison as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 339.

President Krolicki appointed Senators Kihuen, Hammond and Jones as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 280.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 83, 92, 142, 362, 416, 493; Senate Resolution No. 9; Assembly Bill No. 465, Assembly Concurrent Resolution No. 7.

REMARKS FROM THE FLOOR

Senator Brower requested that the following remarks be entered in the Journal.

SENATOR BROWER:

Thank you, Mr. President. Before we adjourn, I want to mention to the Body the passing of United States District Court Judge Edward C. Reed Jr. Judge Reed was 88 years old and passed away this morning. He was an interesting and dedicated public servant. A brief floor statement is not going to do his career and his life justice, but I will mention a couple of highlights.

Judge Reed was a World War II veteran of the United States Army. He had been a prisoner of war in Germany during the War. He graduated from the University of Nevada in 1949 and Harvard Law School in 1952. He practiced law in Reno and dedicated his life to public service in many different ways including service on the Washoe County School Board. If you have heard of Reed High School in Sparks, it is named for Judge Reed. Judge Reed was appointed to the bench by former President Carter in 1979 and must have been one of the last remaining Carter-appointees on the bench when he passed away. He took senior status a few years ago but continued to work very hard. He will be missed by everyone who knew him. When we adjourn this evening, I ask that we please adjourn in the memory of the Honorable Edward C. Reed Jr.

MR. PRESIDENT:

First of all, our thoughts continue to be with the Woodhouse family. Hopefully, we will see Senator Woodhouse back here swiftly because her husband's health will be fine.

I would like to confirm what it is that we learned today. To clarify, it is the opinion of legal counsel that the Senate's presiding officer, the Lieutenant Governor, does have the ability to vote, not just on procedural matters, but on actions of final cause on bills. I think the only appeal to that is through the courts. That is the interpretation that we have. I am delighted, today, that all of our votes were 20 to 0, preventing the issue from coming into play. For those who are watching or who may be confused by media accounts, that is how I understand our guidance to be. I wanted to be clear.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Mike Koon, Aden Medley, Aren Medley, Kathleen Medley and Richard Medley.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Silvia Lopez.

Senator Denis moved that the Senate adjourn until Sunday, June 2, 2013, at 12:00 noon and that it do so in the memory of the Honorable Edward C. Reed Jr. as requested by Senator Brower and with thoughts for the Woodhouse family.

Motion carried.

Senate adjourned at 6:40 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate