

THE ONE HUNDRED FIRST DAY

CARSON CITY (Wednesday) May 13, 2015

Senate called to order at 1:04 p.m.

President Hutchison presiding.

Roll called.

All present except Senators Segerblom and Smith, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

"Dear Lord and Father of mankind,
 Forgive our feverish ways;
 Re-clothe us in our rightful mind,
 In purer lives Thy service find,
 In deeper reverence, praise.
 Take from our souls the strain and stress,
 And, let our ordered lives confess
 The beauty of Thy peace."

Deliver us, O Lord, from the foolishness of impatience. Let us not be in such a hurry as to run on without You. We know that it takes a lifetime to make a tree. We know that fruit does not ripen in an afternoon, and You, Yourself, took a week to make the universe.

Slow us down, O Lord, that we may take time to think, time to pray and time to find out Your will. Then, give us the sense and the courage to do it for the good of our Country and the glory of Your name.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Assembly Bills Nos. 6, 227, 231, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES A. SETTELMAYER, *Chair*

Mr. President:

Your Committee on Education, to which were referred Assembly Bills Nos. 278, 285, 351, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BECKY HARRIS, *Chair*

Mr. President:

Your Committee on Finance, to which was re-referred Senate Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 432, 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BEN KIECKHEFER, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 65, 236, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PETE GOICOECHEA, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 11, 47, 108, 183, 192, 193, 195, 212, 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GREG BROWER, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 434; Assembly Bills Nos. 94, 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PATRICIA FARLEY, *Chair*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

May 13, 2015

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsection 1 of Joint Standing rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Assembly Bills Nos. 198, 242.

RICHARD S. COMBS
Director

MOTIONS, RESOLUTIONS AND NOTICES

Senator Segerblom has approved the addition of Senator Farley as a primary sponsor of Senate Bill No. 276.

Senator Roberson moved that, for this legislative day, the Secretary of the Senate dispense with reading the titles of all bills and joint resolutions on the Second Reading File.

Motion carried

SECOND READING AND AMENDMENT

Senate Bill No. 420.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 697.

SUMMARY—Revises provisions governing the executive staff of the Public Employees' Retirement System. (BDR 23-1176)

AN ACT relating to the Public Employees' Retirement System; creating the position of General Counsel as a member of the executive staff of the System; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Executive Officer of the Public Employees' Retirement System to select certain employees who serve as members of the executive staff of the System. (NRS 286.160) This bill creates the position of General Counsel as a member of the executive staff of the System and

requires the Executive Officer to select a General Counsel, who must be an attorney in good standing licensed and admitted to practice law in this State.

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

Section 1. NRS 286.160 is hereby amended to read as follows:

286.160 1. The Board shall employ an Executive Officer who serves at the pleasure of the Board. The Executive Officer shall select ~~an~~ a *General Counsel*, Operations Officer, Investment Officer, Assistant Investment Officer, Manager of Information Systems, Administrative Services Coordinator and Administrative Analyst whose appointments are effective upon confirmation by the Board. The *General Counsel*, Operations Officer, Investment Officer, Assistant Investment Officer, Manager of Information Systems, Administrative Services Coordinator and Administrative Analyst serve at the pleasure of the Executive Officer.

2. The Executive Officer, *General Counsel*, Operations Officer, Investment Officer, Assistant Investment Officer, Manager of Information Systems, Administrative Services Coordinator and Administrative Analyst are entitled to annual salaries fixed by the Board with the approval of the Interim Retirement and Benefits Committee of the Legislature created pursuant to NRS 218E.420. The salaries of these employees are exempt from the limitations of NRS 281.123.

3. The Executive Officer must:

(a) Be a graduate of a 4-year college or university with a degree in business administration or public administration or equivalent degree.

(b) Possess at least 5 years' experience in a high level administrative or executive capacity, including responsibility for a variety of administrative functions such as retirement, insurance, investment or fiscal operations.

4. *The General Counsel must be an attorney in good standing licensed and admitted to practice law in this State.*

5. The Operations Officer, Investment Officer, Assistant Investment Officer, Manager of Information Systems and Administrative Analyst must each be a graduate of a 4-year college or university with a degree in business administration or public administration or an equivalent degree.

~~{5-}~~ 6. Except as otherwise provided in NRS 284.143, the Executive Officer shall not pursue any other business or occupation or perform the duties of any other office of profit during normal office hours unless on leave approved in advance. The Executive Officer shall not participate in any business enterprise or investment in real or personal property if the System owns or has a direct financial interest in that enterprise or property.

Sec. 1.5. The Public Employees' Retirement Board may, without the approval required by subsection 2 of NRS 286.160, as amended by section 1 of this act, fix the initial annual salary of the General Counsel in an amount not to exceed the amount set forth for that position in the budget of the Public Employees' Retirement System that is approved by the Legislature for the 2015-2017 biennium.

Sec. 2. This act becomes effective upon passage and approval.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Amendment No. 697 to Senate Bill No. 420 makes clear that the PERS Board can set the initial salary of the new statutory General Counsel position. After which, on a rolling basis, the Legislative Board that oversees such will be authorized to approve it.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 8.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 671.

SUMMARY—Revises provisions relating to children. (BDR 11-191)

AN ACT relating to children; revising provisions concerning advertisements for the placement of children for adoption or permanent free care; prohibiting the use of restraints on children during court proceedings under certain circumstances unless ordered by the court; prohibiting certain transfers of children; prohibiting the trafficking of children; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any person or organization, other than an agency which provides child welfare services or a licensed child-placing agency, who advertises in any periodical or newspaper, or by radio or other public medium, that the person or organization will place children for adoption or accept, supply, provide or obtain children for adoption is guilty of a misdemeanor. (NRS 127.310) Section 1 of this bill specifically applies this prohibition to a person or organization who advertises through a computerized communication system, including, without limitation, electronic mail, an Internet website or an Internet account.

Section 3.5 of this bill prohibits the use of an instrument of restraint on a child during a court proceeding, unless ~~[(1)]~~ the restraint is necessary to prevent the child from inflicting harm on himself or herself or another person or to prevent the child from escaping the courtroom. ~~[(2)]~~ ~~there is not a less restrictive alternative to prevent such harm or escape.~~ Section 3.5 further requires the court to hold a hearing under certain circumstances to determine whether the use of an instrument of restraint on a child is necessary and to consider certain factors in making its determination. Under section 3.5, the court must make specific findings of fact and conclusions of law to support its determination.

Section 4 of this bill enacts provisions prohibiting the trafficking of children. Section 4 provides that a person shall not recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of a child or a person with custody of a child places the child in the physical

custody of another person who is not related to the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child. Section 4 further provides that certain placements of a child are not prohibited, including, without limitation, the placement of a child with a relative or stepparent, the placement of a child with or by a licensed child-placing agency or agency which provides child welfare services and the placement of a child with a person that is approved by a court of competent jurisdiction. A person who violates section 4 is guilty of a category C felony, and section 5 of this bill requires a court to order that a person convicted of a violation of section 4 pay restitution to the victim of the crime.

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

Section 1. NRS 127.310 is hereby amended to read as follows:

127.310 1. Except as otherwise provided in NRS 127.240, 127.283 and 127.285, any person or organization other than an agency which provides child welfare services who, without holding a valid unrevoked license to place children for adoption issued by the Division:

(a) Places, arranges the placement of, or assists in placing or in arranging the placement of, any child for adoption or permanent free care; or

(b) Advertises ~~[in any periodical or newspaper, or by radio or other public medium,]~~ that he or she will place children for adoption ~~[,]~~ or permanent free care, or accept, supply, provide or obtain children for adoption ~~[,]~~ or permanent free care, or causes any advertisement to be ~~[published in or by any public medium]~~ disseminated soliciting, requesting or asking for any child or children for adoption ~~[,]~~ or permanent free care,

↪ is guilty of a misdemeanor.

2. Any person who places, accepts placement of, or aids, abets or counsels the placement of any child in violation of NRS 127.280, 127.2805 and 127.2815 is guilty of a misdemeanor.

3. A periodical, newspaper, radio station, *Internet website* or other public medium is not subject to any criminal penalty or civil liability for ~~[publishing or broadcasting]~~ disseminating an advertisement that violates the provisions of this section.

4. A child-placing agency shall include in any advertisement concerning its services ~~[published in any periodical or newspaper or by radio or other public medium]~~ a statement which:

(a) Confirms that the child-placing agency holds a valid, unrevoked license issued by the Division; and

(b) Indicates any license number issued to the child-placing agency by the Division.

5. *As used in this section:*

(a) "Advertise" or "advertisement" means a communication that originates within this State by any public medium, including, without limitation, a newspaper, periodical, telephone book listing, outdoor advertising, sign, radio, television or a computerized communication system,

including, without limitation, electronic mail, an Internet website or an Internet account.

(b) "Internet account" means an account created within a bounded system established by an Internet-based service that requires a user to input or store information in an electronic device in order to view, create, use or edit the account information, profile, display, communications or stored data of the user.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. Chapter 62D of NRS is hereby amended by adding thereto a new section to read as follows:

1. An instrument of restraint may be used on a child during a court proceeding only if ~~+~~

~~(a) The~~ the restraint is necessary to prevent the child from:

~~+(1)~~ (a) Inflicting physical harm on himself or herself or another person; or

~~+(2)~~ (b) Escaping from the courtroom. ~~+~~ and

~~(b) There is not a less restrictive alternative to prevent such physical harm or escape from the courtroom, including, without limitation, the presence of court personnel, law enforcement officers or bailiffs.~~

2. Whenever practical, the judge shall provide the:

(a) Child and his or her attorney an opportunity to be heard ~~and contest~~ regarding the use of an instrument of restraint before the judge orders the use of an instrument of restraint.

(b) Prosecuting attorney an opportunity to be heard ~~and argue that~~ regarding whether the use of an instrument of restraint is necessary pursuant to subsection 1.

3. In making a determination pursuant to subsection 2 as to whether an instrument of restraint is necessary pursuant to subsection 1, the court shall consider the following factors:

(a) Any previous escapes or attempted escapes by the child.

(b) Evidence of a present plan of escape by the child.

(c) A ~~substantiated~~ credible threat by the child to harm himself or herself or another person.

(d) A history of self-destructive tendencies by the child.

(e) Any ~~substantiated~~ credible threat of ~~to~~ an attempt to escape by a person not in custody.

(f) Whether the child is subject to a proceeding ~~for~~ :

(1) That is not in the jurisdiction of the juvenile court pursuant to subsection 3 of NRS 62B.330; or

(2) For transfer or certification for criminal proceedings as an adult pursuant to NRS 62B.335, 62B.390 ~~+~~ or 62B.400.

(g) Any other factor that is relevant in determining whether the use of an instrument of restraint on the child is necessary pursuant to subsection 1.

4. *The determination of the judge pursuant to subsection 2 must contain specific findings of fact and conclusions of law supporting the determination.*

5. *If an instrument of restraint is used on a child, the restraint must allow the child limited movement of his or her hands to hold any document or writing necessary to participate in the proceeding.*

6. *As used in this section, "instrument of restraint" includes, without limitation, handcuffs, chains, irons and straightjackets.*

Sec. 4. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, a person shall not:*

(a) *Recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of the child or a person with custody of the child places the child in the physical custody of another person who is not a relative of the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child.*

(b) *Sell, transfer or arrange for the sale or transfer of a child to another person for money or anything of value or receive a child in exchange for money or anything of value.*

2. *The provisions of subsection 1 do not apply to:*

(a) *A placement of a child with a relative, stepparent, child-placing agency or an agency which provides child welfare services;*

(b) *A placement of a child by a child-placing agency or an agency which provides child welfare services;*

(c) *A temporary placement of a child with another person by a parent of the child or a person with legal or physical custody of the child, with an intent to return for the child, including, without limitation, a temporary placement of a child while the parent of the child or the person with legal or physical custody of the child is on vacation, incarcerated, serving in the military, receiving medical treatment or incapacitated;*

(d) *A placement of a child in accordance with NRS 127.330, 159.205 or 159.215;*

(e) *A placement of a child that is approved by a court of competent jurisdiction; or*

(f) *Delivery of a child to a provider of emergency services pursuant to NRS 432B.630.*

3. *A person who violates the provisions of subsection 1 is guilty of trafficking in children and shall be punished for a category C felony as provided in NRS 193.130.*

4. *As used in this section:*

(a) *"Advertise" has the meaning ascribed to it in NRS 127.310.*

(b) *"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.*

(c) *"Child" means a person who is less than 18 years of age.*

(d) "Child-placing agency" has the meaning ascribed to it in NRS 127.220.

Sec. 5. NRS 200.469 is hereby amended to read as follows:

200.469 1. In addition to any other penalty, the court may order a person convicted of violation of any provision of NRS 200.467 or 200.468 *or section 4 of this act* to pay restitution to the victim as provided in subsection 2.

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;

(d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;

(e) The cost of repatriation of the victim to his or her home country, if applicable; and

(f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.467 or 200.468 ~~or~~ *or section 4 of this act*.

3. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

4. As used in this section, "victim" means any person:

(a) Against whom a violation of any provision of NRS 200.467 or 200.468 *or section 4 of this act* has been committed; or

(b) Who is the surviving child of such a person.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 671 to Assembly Bill No. 8 makes several minor technical corrections pertaining to a court's ability to decide the circumstances under which use of a restraint device on a juvenile is appropriate during a court proceeding.

Amendment adopted.

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

Assembly Bill No. 13.

Bill read second time and ordered to third reading.

Assembly Bill No. 15.

Bill read second time and ordered to third reading.

Assembly Bill No. 20.

Bill read second time and ordered to third reading.

Assembly Bill No. 40.
Bill read second time and ordered to third reading.

Assembly Bill No. 43.
Bill read second time and ordered to third reading.

Assembly Bill No. 45.
Bill read second time and ordered to third reading.

Assembly Bill No. 48.
Bill read second time and ordered to third reading.

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

Assembly Bill No. 59.
Bill read second time and ordered to third reading.

Assembly Bill No. 62.
Bill read second time and ordered to third reading.

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

Assembly Bill No. 88.
Bill read second time and ordered to third reading.

Assembly Bill No. 97.
Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 684.

SUMMARY—Revises provisions governing wills. (BDR 12-505)

AN ACT relating to wills; providing that a will which is delivered or presented to the clerk of a district court becomes part of the permanent record maintained by the clerk; providing that such wills become ~~public~~ court records open to inspection unless sealed pursuant to certain provisions of the Nevada Supreme Court Rules; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, under certain circumstances, certain persons in possession of a will to deliver or present the will to the clerk of the district court having jurisdiction over the case. (NRS 136.050) This bill provides that a will which is delivered or presented to the clerk of a court becomes part of the permanent record maintained by the clerk of the court, whether or not a petition for the probate of the will is filed. This bill also provides that a will which is part of the permanent record maintained by the clerk of a court becomes a ~~public~~ court record open to inspection unless the will is sealed pursuant to Part VII of the Nevada Supreme Court Rules.

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

Section 1. NRS 136.050 is hereby amended to read as follows:

136.050 1. Any person having possession of a will shall, within 30 days after knowledge of the death of the person who executed the will, deliver it to the clerk of the district court which has jurisdiction of the case or to the personal representative named in the will.

2. Any person named as personal representative in a will shall, within 30 days after the death of the testator, or within 30 days after knowledge of being named, present the will, if in possession of it, to the clerk of the court.

3. Every person who neglects to perform any of the duties required in subsections 1 and 2 without reasonable cause is liable to every person interested in the will for the damages the interested person may sustain by reason of the neglect.

4. *A will that is delivered or presented pursuant to subsection 1 or 2 becomes part of the permanent record maintained by the clerk of the court, whether or not a petition for the probate of the will is filed.*

5. *A will that is part of the permanent record maintained by the clerk of the court becomes a ~~public~~ court record open to inspection ~~in accordance with NRS 239.010~~ unless the will is sealed pursuant to Part VII of the Nevada Supreme Court Rules.*

Sec. 2. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,

360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

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

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 684 to Assembly Bill No. 97 changes the word "public" to "court" to clarify that wills subject to the provisions of the bill are not public records but are instead subject to court rules addressing these kinds of records.

Amendment adopted.

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

Assembly Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 709.

SUMMARY—Revises provisions governing the sealing of juvenile records. (BDR 5-444)

AN ACT relating to juvenile justice; revising provisions governing the sealing of juvenile records; setting forth factors that the juvenile court may consider in determining whether a child has been rehabilitated to the satisfaction of the juvenile court; providing that certain portions of juvenile records relating to certain civil judgments must not be sealed until the judgment is satisfied or expires; including the Chief of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services as a person entitled to notification of the filing of a petition for the sealing of juvenile records and authorized to testify at a hearing on the petition if the circumstances warrant; revising the circumstances in which the juvenile court may order the inspection of sealed juvenile records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a child is less than 21 years of age, the child or a probation officer on behalf of the child may petition the juvenile court for an order sealing all records relating to the child. (NRS 62H.130) Section 1 of this bill revises the requirements for such a petition to be filed. Existing law also provides that the juvenile court shall enter an order sealing all records relating to a child if the juvenile court finds that: (1) during the previous 3 years, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude; and (2) the child has been rehabilitated to the satisfaction of the juvenile court. (NRS 62H.130) Section 1 instead provides that if the juvenile court makes such findings, then the juvenile court: (1) may enter an order sealing all records relating to the child if the child is less than 18 years of age; and (2) shall enter an order sealing all records relating to the child if the child is 18 years of age or older. Section 1 also: (1) sets forth various factors that the juvenile court may consider in determining whether a child has been rehabilitated to the satisfaction of the juvenile court; and (2) provides that if the juvenile court retains jurisdiction over a civil judgment and a person against whom the civil judgment was entered, the case caption, case number and order entering the civil judgment must not be sealed until the civil judgment is satisfied or expires.

Existing law requires the juvenile court to notify the district attorney and, in certain circumstances, the chief probation officer, if a petition is filed to seal juvenile records. Additionally, the district attorney and the chief probation officer, any of their deputies or any other person who has evidence that is relevant to consideration of the petition is authorized to testify at the hearing on the petition. (NRS 62H.130, 62H.150) Sections 1 and 3 of this bill include the Chief of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services as a person who, if the circumstances warrant, is entitled to notification of the filing of a petition for the sealing of juvenile records and is authorized to testify at a hearing on the petition.

Existing law further provides that the juvenile court may order the inspection of juvenile records that are sealed in certain circumstances, including if the juvenile court determines that the inspection of the records is necessary to perform bona fide outcome and recidivism studies. (NRS 62H.170) Section 4 of this bill: (1) adds to these circumstances the situation in which the person who is the subject of the records has committed an act which subjects the person to the jurisdiction of the juvenile court and which may form the basis of a civil action and a person who, in good faith, intends to bring or has brought the civil action, or any other person who is a party to the civil action, petitions the juvenile court to permit inspection of the records to obtain information relating to the person who is the subject of the records; and (2) specifies that performing bona fide outcome and recidivism studies may include using personal identifying information from

sealed juvenile records to perform criminal background checks on persons who were adjudicated pursuant to title 5 of NRS.

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

Section 1. NRS 62H.130 is hereby amended to read as follows:

62H.130 1. If a child is less than 21 years of age, the child or a probation *or parole* officer on behalf of the child may petition the juvenile court for an order sealing all records relating to the child. The petition may be filed ~~not~~ :

(a) *Not* earlier than 3 years after the child ~~[-~~ ~~(a) Was~~ was last adjudicated in need of supervision, ~~[-or-]~~ adjudicated delinquent ~~[-]~~ or placed under the supervision of the juvenile court pursuant to NRS 62C.230; and

(b) ~~[-Was last referred to the juvenile court,~~
~~→ whichever is later.]~~ If, at the time the petition is filed, the child does not have any delinquent or criminal charges pending.

2. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and, if a probation *or parole* officer is not the petitioner, the chief probation officer ~~[-]~~ or the Chief of the Youth Parole Bureau.

3. The district attorney and the chief probation officer ~~[-]~~ or any of their deputies, the Chief of the Youth Parole Bureau or his or her designee, or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.

4. ~~[-After]~~ Except as otherwise provided in subsection 6, after the hearing on the petition, ~~[-the juvenile court shall enter an order sealing all records relating to the child]~~ if the juvenile court finds that ~~[-~~ ~~(a) During~~ during the applicable 3-year period, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude ~~[-]~~ and

~~[-(b) The]~~ the child has been rehabilitated to the satisfaction of the juvenile court ~~[-]~~, the juvenile court:

(a) May enter an order sealing all records relating to the child if the child is less than 18 years of age; and

(b) Shall enter an order sealing all records relating to the child if the child is 18 years of age or older.

5. In determining whether a child has been rehabilitated to the satisfaction of the juvenile court pursuant to subsection 4, the juvenile court may consider:

(a) The age of the child;

(b) The nature of the offense and the role of the child in the commission of the offense;

(c) The behavior of the child after the child was last adjudicated in need of supervision or adjudicated delinquent, placed under the informal supervision of a probation officer pursuant to NRS 62C.200 or placed under

~~the supervision of the juvenile court pursuant to NRS 62C.230; for placed with a suitable person or in an appropriate facility by a probation officer pursuant to subsection 5 of NRS 62C.300;~~

- (d) The response of the child to any treatment or rehabilitation program;
- (e) The education and employment history of the child;
- (f) The statement of the victim;
- (g) The nature of any criminal offense for which the child was convicted;
- (h) Whether the sealing of the record would be in the best interest of the child and the State; and
- (i) Any other circumstance that may relate to the rehabilitation of the child.

6. If the juvenile court retains jurisdiction over a civil judgment and a person against whom the civil judgment was entered pursuant to NRS 62B.420, the case caption, case number and order entering the civil judgment must not be sealed until the civil judgment is satisfied or expires. After the civil judgment is satisfied or expires, the child or a person named as a judgment debtor may file a petition to seal such information.

Sec. 2. NRS 62H.140 is hereby amended to read as follows:

62H.140 Except as otherwise provided in NRS 62H.130 and 62H.150, when a child reaches 21 years of age, all records relating to the child must be sealed automatically.

Sec. 3. NRS 62H.150 is hereby amended to read as follows:

62H.150 1. If a child is adjudicated delinquent for an unlawful act listed in subsection 6 and the records relating to that unlawful act have not been sealed by the juvenile court pursuant to NRS 62H.130 before the child reaches 21 years of age, *unless the records have not been sealed pursuant to subsection 6 of NRS 62H.130*, those records must not be sealed before the child reaches 30 years of age.

2. After the child reaches 30 years of age, the child may petition the juvenile court for an order sealing those records.

3. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and the chief probation officer ~~or~~ *or the Chief of the Youth Parole Bureau*.

4. The district attorney and the chief probation officer ~~or~~ or any of their deputies, *the Chief of the Youth Parole Bureau or his or her designee*, or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.

5. After the hearing on the petition, the juvenile court may enter an order sealing the records relating to the child if the juvenile court finds that, during the period since the child reached 21 years of age, the child has not been convicted of any offense, except for minor moving or standing traffic offenses.

6. The provisions of this section apply to any of the following unlawful acts:

(a) An unlawful act which, if committed by an adult, would have constituted:

- (1) Sexual assault pursuant to NRS 200.366;
- (2) Battery with intent to commit sexual assault pursuant to NRS 200.400; or
- (3) Lewdness with a child pursuant to NRS 201.230.

(b) An unlawful act which would have been a felony if committed by an adult and which involved the use or threatened use of force or violence.

Sec. 4. NRS 62H.170 is hereby amended to read as follows:

62H.170 1. Except as otherwise provided in this section, if the records of a person are sealed:

(a) All proceedings recounted in the records are deemed never to have occurred; and

(b) The person may reply accordingly to any inquiry concerning the proceedings and the acts which brought about the proceedings.

2. The juvenile court may order the inspection of records that are sealed if:

(a) The person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the persons named in the petition;

(b) An agency charged with the medical or psychiatric care of the person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the agency;

(c) A ~~district~~ prosecuting attorney or ~~an attorney representing~~ a defendant in a criminal action petitions the juvenile court to permit the inspection of the records to obtain information relating to the persons, including the defendant, who were involved in the acts detailed in the records; ~~or~~

(d) *The person who is the subject of the records has committed an act which subjects the person to the jurisdiction of the juvenile court and which may form the basis of a civil action and a person who, in good faith, intends to bring or has brought the civil action, or any other person who is a party to the civil action, petitions the juvenile court to permit the inspection of the records to obtain information relating to the person who is the subject of the records; or*

(e) The juvenile court determines that the inspection of the records is necessary to:

(1) Perform bona fide outcome and recidivism studies ~~and~~, which may include, without limitation, using personal identifying information from sealed juvenile records to perform criminal background checks on persons who were adjudicated pursuant to this title;

(2) Further bona fide research to determine the effectiveness of juvenile justice services;

(3) Improve the delivery of juvenile justice services; or

(4) Obtain additional resources for the delivery of juvenile justice services.

↪ Personal identifying information contained in records inspected *or obtained from criminal background checks* pursuant to this paragraph must remain confidential in a manner consistent with any applicable laws and regulations.

3. Upon its own order, any court of this State may inspect records that are sealed if the records relate to a person who is less than 21 years of age and who is to be sentenced by the court in a criminal proceeding.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 709 to Assembly Bill No. 113 corrects a statutory reference in section 1.5(c) of the bill concerning informal supervision of a juvenile by a probation officer.

Amendment adopted.

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

Assembly Bill No. 124.

Bill read second time and ordered third reading.

Assembly Bill No. 130.

Bill read second time and ordered third reading.

Assembly Bill No. 132.

Bill read second time and ordered third reading.

Assembly Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 700.

SUMMARY—Makes various changes relating to wildlife. (BDR 45-561)

AN ACT relating to wildlife; requiring the ~~Department~~ Board of Wildlife Commissioners to adopt regulations prescribing the circumstances under which a person may assist a licensed hunter with certain disabilities in the killing and retrieval of a big game mammal; requiring the Department of Wildlife to make reasonable accommodations for the completion of a course in the responsibilities of hunters by persons with disabilities; authorizing a person hunting ~~with~~ during a period of a hunting season in which hunting is restricted to the use of only archery equipment or a muzzle-loading firearm to carry certain ~~firearms;~~ handguns for self-defense; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~authorizes~~ requires the ~~Department~~ Board of Wildlife Commissioners to establish certain policies and adopt certain regulations to carry out and enforce the provisions of title 45 of NRS and chapter 488 of NRS. (NRS 501.181) Section 2.1 of this bill requires the Commission to

adopt regulations prescribing the circumstances under which a person may assist in the killing and retrieval of a wounded big game mammal by another person who: (1) is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and (2) has obtained a valid tag issued by the Department for hunting that animal.

Existing law authorizes the Department of Wildlife to provide a course of instruction in the responsibilities of hunters and requires a person to complete such a course before obtaining a hunting license. (NRS 502.330, 502.340) Section 2.5 of this bill requires the Department to make reasonable accommodations for the completion of the course in the responsibilities of hunters by a person with a disability.

Existing law provides for the manner of hunting game birds and game mammals. (NRS 503.090-503.245) Section 3 of this bill authorizes a person who is hunting ~~with~~ during any period of an open season during which hunting is restricted to the use of only archery equipment or a muzzle-loading firearm to carry for self-defense a ~~firearm~~ handgun that: (1) has a barrel length of less than 8 inches; and (2) does not have a telescopic sight.

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. 2.1. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The control of wildlife depredations.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale

does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the Department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. Adopt regulations prescribing the circumstances under which a person, regardless of whether the person has obtained a valid tag issued by the Department, may assist in the killing and retrieval of a wounded big game mammal by another person who:

(a) Is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and

(b) Has obtained a valid tag issued by the Department for hunting that animal.

Sec. 2.2. NRS 501.376 is hereby amended to read as follows:

501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear:

(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;

(b) Through the use of an aircraft or helicopter in violation of NRS 503.010;

(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;

(d) Knowingly during a time other than:

(1) The time of day set by the Commission for hunting that animal pursuant to NRS 503.140; or

(2) If the Commission has not set such a time, between sunrise and sunset as determined pursuant to that section; or

(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:

(1) ~~Other~~ Except as otherwise provided by the regulations adopted by the Commission pursuant to subsection 9 of NRS 501.181, other than the person specified on the tag;

(2) Outside of the management area or other area specified on the tag; or

(3) If the tag was obtained by a false or fraudulent representation.

2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:

(a) The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal; or

(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.

3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces

the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:

- (a) The nature of the offense;
- (b) The circumstances surrounding the offense;
- (c) The defendant's understanding and appreciation of the gravity of the offense;
- (d) The attitude of the defendant towards the offense; and
- (e) The general objectives of sentencing.

4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.

5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor.

Sec. 2.3. NRS 502.140 is hereby amended to read as follows:

502.140 1. Tags may be used as a method of enforcing a limit of the number of any species which may be taken by any one person in any one season or year, and may be issued in such a manner that only a certain number may be used in any one management area, or that one tag may be used in several management areas, as designated by the Commission.

2. The Commission shall designate the number of tags for any species which may be obtained by any one person, and it is unlawful for any person to obtain tags for the person's use in excess of this number. Except as otherwise provided in NRS 502.145 ~~and~~ *and the regulations adopted by the Commission pursuant to subsection 9 of NRS 501.181*, it is unlawful for any person to use or possess tags issued to any other person, or to transfer or give tags issued to him or her to any other person.

Sec. 2.5. NRS 502.340 is hereby amended to read as follows:

502.340 1. The Department shall certify instructors who will, with the cooperation of the Department, provide instruction in the responsibilities of hunters established by the Department to all eligible persons who, upon the successful completion of the course, must be issued a certificate. Persons who are disqualified from obtaining a hunting license, pursuant to NRS 502.330, are eligible for the course.

2. *The Department shall make reasonable accommodations for the completion of the course by a person with a disability.*

Sec. 3. NRS 503.150 is hereby amended to read as follows:

503.150 1. Unless otherwise specified by Commission regulation, it is unlawful to hunt:

(a) Any game bird or game mammal with any gun capable of firing more than one round with one continuous pull of the trigger, or with any full steel, full steel core, full metal jacket, tracer or incendiary bullet or shell, or any shotgun larger than number 10 gauge.

(b) Big game mammals in any manner other than with a rifle, held in the hand, that exerts at least 1,000 foot-pounds of energy at 100 yards, or with a

longbow and arrow which meet the specifications established by Commission regulation.

(c) Small game mammals in any manner other than with a handgun, shotgun, rifle, longbow and arrow or by means of falconry.

(d) Game birds with any rifle or handgun, or in any manner other than with a shotgun held in the hand, with a longbow and arrow or by means of falconry.

(e) Migratory game birds with any shotgun capable of holding more than three shells.

(f) Any game bird or game mammal with the aid of any artificial light.

(g) Any big game mammal, except mountain lions, with a dog of any breed.

2. *A person who is hunting ~~with~~ during any period of an open season during which hunting is restricted to the use of only archery equipment or a muzzle-loading firearm:*

(a) *May carry for self-defense a ~~firearm~~ handgun that:*

(1) *Has a barrel length of less than 8 inches; and*

(2) *Does not have a telescopic sight.*

(b) *May not use the ~~firearm~~ handgun carried pursuant to paragraph (a) to hunt any wildlife.*

3. Nothing in this section prohibits the use of dogs in the hunting of game birds or small game mammals.

Sec. 4. This act becomes effective on July 1, 2015.

Senator Gustavson moved the adoption of the amendment.

Remarks by Senator Gustavson.

Amendment No. 700 to Assembly Bill No. 136 adds language requiring that the Board of Wildlife Commissioners adopt regulations prescribing the circumstances under which a person may assist a licensed hunter with certain disabilities in killing and retrieving big game mammals, and contains changes to clarify the seasons during which a self-defense handgun may be carried while hunting with archery equipment or a muzzle-loaded firearm.

Amendment adopted.

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

Assembly Bill No. 138.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 670.

SUMMARY—Enacts a juvenile competency standard. (BDR 5-188)

AN ACT relating to juvenile justice; requiring the juvenile court to suspend a case if doubt arises as to whether a child is competent; requiring the juvenile court to appoint certain experts to evaluate a child and provide a written report on the competence of the child if the juvenile court suspends a case to determine whether the child is competent; requiring the juvenile court to hold an expedited hearing to determine whether a child is competent upon receipt of the written reports of all appointed experts; providing that a statement made by a child during an evaluation by an appointed expert is not

~~admissible as evidence in certain proceedings unless the child introduces the statement as evidence first; requiring the juvenile court to conduct a periodic review of a child determined to be incompetent; authorizing the juvenile court to terminate its jurisdiction in certain circumstances if a child has not attained competence and will be unable to attain competence in the foreseeable future; providing that a child determined to be incompetent may not be adjudicated a delinquent child or a child in need of supervision or placed under the supervision of the juvenile court during the period that the child remains incompetent; providing that evidence introduced to assist the juvenile court in determining whether a child is competent is not admissible in any criminal proceeding;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts a juvenile competency standard. Section 3 of this bill provides that any time after a petition is filed and before the final disposition of a case, if doubt arises as to whether a child is competent, the juvenile court is required to suspend the case until the question of competence is determined. Section 4 of this bill requires a person who makes a motion for the evaluation of a child for the purpose of determining whether the child is competent to: (1) certify that the motion is being made in good faith and is based on reasonable grounds to believe that the child is incompetent; and (2) specify facts that support the motion. Section 5 of this bill provides that if the juvenile court suspends a case to determine whether a child is competent, the juvenile court must appoint one or more able and qualified experts, at least one of whom is a psychologist or psychiatrist, to evaluate the child and provide a written report on the competence of the child. Section 6 of this bill sets forth certain considerations an expert must take into account as part of his or her evaluation, as well as certain other considerations an expert must take into account if appropriate, and section 7 of this bill sets forth certain requirements relating to the written report of an expert.

Section 8 of this bill requires the juvenile court to hold an expedited hearing to determine whether a child is competent upon receipt of the required written reports from all experts appointed by the juvenile court. Section 9 of this bill authorizes the juvenile court to consider information relevant to the determination of the competence of a child and information elicited from the child only for certain purposes. Section 9 also provides that any statement made by a child during the course of an evaluation by an expert appointed by the juvenile court is not admissible as evidence: (1) on the issue of guilt in a delinquency proceeding, unless the child introduces the statement as evidence on the issue of guilt first; or (2) in any criminal proceeding, unless the child introduces the statement as evidence first. Under section 10 of this bill, after the juvenile court considers the written reports of the appointed experts, any additional written reports, and testimony and other evidence presented at the hearing, the juvenile court must determine whether the child is competent. If the juvenile court determines that the child is

incompetent, the juvenile court is required to make certain additional determinations and issue all necessary and appropriate recommendations and orders.

Section 11 of this bill requires that if the juvenile court determines that a child is incompetent, the juvenile court must conduct a periodic review to determine whether the child has attained competence. After a periodic review is conducted, if the juvenile court determines that the child: (1) has attained competence, the juvenile court is required to proceed with the case; (2) has not attained competence, the juvenile court is required to order appropriate treatment; and (3) has not attained competence and will be unable to attain competence in the foreseeable future, the juvenile court is required to hold a hearing to consider the best interests of the child and the safety of the community and determine whether to dismiss any petitions pending before the juvenile court and terminate its jurisdiction.

Section 12 of this bill provides that if the juvenile court determines that a child is incompetent, the child may not, during the period that the child remains incompetent, be: (1) adjudicated a delinquent child or a child in need of supervision; or (2) placed under the supervision of the juvenile court.

~~[Section 13 of this bill provides that any evidence that is introduced for the purpose of assisting the juvenile court in making a determination as to whether a child is competent is not admissible in any criminal proceeding.]~~

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

Section 1. Chapter 62D of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, "incompetent" means a child does not have the present ability to:*

1. *Understand the nature of the allegations of delinquency or, if the child is a child in need of supervision, the allegations against the child;*
2. *Understand the nature and purpose of the court proceedings; or*
3. *Aid and assist the child's counsel in the defense at any time during the proceedings with a reasonable degree of rational understanding.*

Sec. 3. 1. *Any time after a petition is filed and before the final disposition of a case, if doubt arises as to the competence of a child, the juvenile court shall suspend the case until the question of competence is determined.*

2. *During the period when the competence of a child is being determined, the juvenile court shall consider the appropriate placement of the child and any services or other care to be provided to the child that are necessary for the well-being of the child or for public safety, and may issue any necessary orders.*

3. *The period in which the juvenile court is required to make its final disposition of a case, as set forth in NRS 62D.310, is tolled during the period when the competence of a child is being determined.*

Sec. 4. *A person who makes a motion for the evaluation of a child for the purpose of determining whether the child is incompetent shall:*

1. *Certify that the motion is being made in good faith and is based on reasonable grounds to believe that the child is incompetent and cannot proceed in the case; and*

2. *Specify facts that support the motion, including, without limitation, any nonprivileged observations of or statements made by the child.*

Sec. 5. 1. *If the juvenile court suspends a case pursuant to section 3 of this act, the juvenile court shall appoint one or more experts, at least one of whom is a psychologist or psychiatrist, to evaluate the child and report on the competence of the child.*

2. *Before appointing an expert to evaluate and report on the competence of the child, the juvenile court shall consider the following factors to determine the ability and qualification of the expert to provide such an evaluation and report:*

(a) *The training and experience of the expert in child psychology, child and adolescent psychiatry or child forensic psychiatry;*

(b) *The licensure or professional certification of the expert; and*

(c) *Any other factor the juvenile court deems appropriate in making the appointment.*

3. *An expert appointed by the juvenile court to evaluate and report on the competence of a child must:*

(a) *Be deemed by the juvenile court to be able and qualified to evaluate and report on the competence of the child pursuant to subsection 2; and*

(b) *Prepare and provide a written report to the juvenile court and the parties not later than 14 days after the juvenile court enters an order appointing the expert, unless the juvenile court provides an extension for good cause shown.*

4. *The appointment of an expert pursuant to this section does not preclude the district attorney or the child from calling any other expert witness to testify concerning the competence of the child at an adjudicatory hearing, a hearing on a violation of juvenile probation or parole or a hearing to determine whether the child is incompetent. Any such expert witness must be allowed to evaluate the child and examine all relevant records and documents.*

Sec. 6. 1. *An expert who is appointed by the juvenile court pursuant to section 5 of this act shall evaluate the child as specified in the court order appointing the expert.*

2. *An expert shall consider as part of his or her evaluation the child's ability to:*

(a) *Appreciate the allegations against the child;*

(b) *Appreciate the range and nature of possible penalties that may be imposed upon the child, if applicable;*

(c) *Understand the adversary nature of the legal process;*

(d) *Disclose to the child's counsel facts pertinent to the case;*

- (e) Display appropriate courtroom behavior; and*
- (f) Testify regarding relevant issues.*

3. An expert shall also consider as part of his or her evaluation, if appropriate, the following circumstances of a child:

- (a) The age and developmental maturity of the child;*
- (b) Whether the child has a mental illness or disability or a developmental disorder;*
- (c) Whether the child has any other disability that affects the competence of the child; and*
- (d) Any other factor that affects the competence of the child.*

Sec. 7. 1. A written report submitted by an expert pursuant to subsection 3 of section 5 of this act must:

- (a) Identify the specific matters referred to the expert by the juvenile court for evaluation;*
- (b) Describe the procedures, techniques and tests used in the evaluation of the child and the purposes of each;*
- (c) Describe the considerations taken into account by the expert pursuant to section 6 of this act;*
- (d) State any clinical observations, findings and opinions of the expert on each issue referred to the expert for evaluation by the juvenile court and specifically indicate any issues on which the expert was unable to give an opinion;*
- (e) Identify the sources of information used by the expert and present the factual basis for any clinical observations, findings and opinions of the expert; and*
- (f) State any recommended counseling, treatment, education or therapy to assist the child with behavioral, emotional, psychological or psychiatric issues, if ordered by the juvenile court to provide such recommendations.*

2. In addition to the requirements set forth in subsection 1, if an expert believes that a child is incompetent, the expert shall also include in the report:

- (a) Any recommended treatment or education for the child to attain competence;*
- (b) The likelihood that the child will attain competence under the recommended treatment or education;*
- (c) An assessment of the probable duration of the treatment or education required to attain competence;*
- (d) The probability that the child will attain competence in the foreseeable future; and*
- (e) If the expert recommends treatment for the child to attain competence, a recommendation as to whether services can best be provided to the child as an outpatient or inpatient, or by commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160.*

Sec. 8. 1. Upon receipt of the required written reports from all experts appointed by the juvenile court, the juvenile court shall hold an expedited hearing to determine whether the child is incompetent.

2. The parties may waive the presence of witnesses and submit the issue of competence to the juvenile court on the written reports of the experts who evaluated the child.

3. The party who made the motion to determine whether the child is competent has the burden of proof to rebut the presumption of competence by a preponderance of the evidence.

4. Unless the parties stipulate or the juvenile court orders otherwise, the parties shall disclose all witnesses, reports and documents at least 10 days before the scheduled day of the hearing.

5. During the hearing, the parties may:

(a) Introduce other evidence, including, without limitation, evidence related to treatment, competence and the possibility of ordering the involuntary administration of medicine; and

(b) Cross-examine witnesses.

Sec. 9. 1. Except as otherwise provided in ~~subsection 2,~~ this section, the juvenile court may consider any information that is relevant to the determination of the competence of the child and any information elicited from the child pursuant to sections 2 to 13, inclusive, of this act only for the purpose of:

(a) Determining whether the child is incompetent; and

(b) Making a disposition of the case in juvenile court.

2. The provisions of subsection 1 do not apply if a child whose competence is being determined presents any information to the juvenile court for a purpose other than those set forth in subsection 1.

3. Any statement made by a child during the course of an evaluation by an expert who is appointed by the juvenile court pursuant to section 5 of this act, regardless of whether the child consented to the evaluation, is not admissible as evidence:

(a) On the issue of guilt in a delinquency proceeding, unless the child introduces the statement as evidence on the issue of guilt first; or

(b) In any criminal proceeding, unless the child introduces the statement as evidence first.

Sec. 10. 1. After the juvenile court considers the written reports of all the experts appointed by the juvenile court, any additional written reports, and testimony and other evidence presented at the hearing, the juvenile court shall determine whether the child is incompetent.

2. If the juvenile court determines that the child is competent, the juvenile court shall proceed with the case.

3. If the juvenile court determines that the child is incompetent, the juvenile court shall determine whether:

(a) The child is a danger to himself or herself or society;

(b) Providing services to the child will assist the child in attaining competence and further the policy goals set forth in NRS 62A.360; and

(c) Any services provided to the child can best be provided to the child as an outpatient or inpatient, by commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.

4. After the juvenile court makes the determinations set forth in subsection 3, the juvenile court shall issue all necessary and appropriate recommendations and orders.

5. Any treatment ordered by the juvenile court must provide the level of care, guidance and control that will be conducive to the child's welfare and the best interests of this State.

Sec. 11. 1. If the juvenile court determines that a child is incompetent pursuant to section 10 of this act, the juvenile court shall conduct a periodic review to determine whether the child has attained competence. Unless the juvenile court terminates its jurisdiction pursuant to paragraph (c) of subsection 3, such a periodic review must be conducted:

(a) Not later than 6 months after the date of commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160 or the date treatment ordered by the court commenced, whichever is earlier;

(b) After any period of extended treatment;

(c) After the child completes any treatment ordered by the juvenile court;

(d) After a person ordered by the juvenile court to provide services to the child pursuant to section 10 of this act determines that the child has attained competence or will never attain competence; or

(e) At shorter intervals as ordered by the juvenile court.

2. Before a periodic review is conducted pursuant to subsection 1, any person ordered by the juvenile court to provide services to a child pursuant to section 10 of this act must provide a written report to the juvenile court, the parties, and the department of juvenile services or Youth Parole Bureau, as applicable.

3. After a periodic review is conducted pursuant to subsection 1, if the juvenile court determines that the child:

(a) Is competent, the juvenile court shall enter an order accordingly and proceed with the case.

(b) Has not attained competence, the juvenile court shall order appropriate treatment, including, without limitation, residential or nonresidential placement in accordance with sections 2 to 13, inclusive, of this act, commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.

(c) Has not attained competence and will be unable to attain competence in the foreseeable future, the juvenile court shall hold a hearing to consider the best interests of the child and the safety of the community and determine whether to dismiss any petitions pending before the juvenile court and

terminate the jurisdiction of the juvenile court. In determining whether to dismiss a petition and terminate its jurisdiction pursuant to this paragraph, the juvenile court shall consider:

(1) The nature and gravity of the act allegedly committed by the child, including, without limitation, whether the act involved violence, the infliction of serious bodily injury or the use of a weapon;

(2) The date the act was allegedly committed by the child;

(3) The number of times the child has allegedly committed the act;

(4) The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment;

(5) The extent to which the child has received education, services or treatment relating to remediating, restoring or attaining competence and the response of the child to any such education, services or treatment;

(6) Whether any psychological or psychiatric profiles of the child indicate a risk of recidivism;

(7) The behavior of the child while he or she is subject to the jurisdiction of the juvenile court, including, without limitation, during any period of confinement;

(8) The extent to which counseling, therapy or treatment will be available to the child in the absence of continued juvenile court jurisdiction;

(9) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness;

(10) The age, mental attitude, maturity level and emotional stability of the child;

(11) The extent of family support available to the child;

(12) Whether the child has had positive psychological and social evaluations; and

(13) Any other factor the juvenile court deems relevant to the determination of whether continued juvenile court jurisdiction will be conducive to the welfare of the child and the safety of the community.

Sec. 12. If the juvenile court determines that a child is incompetent pursuant to section 10 of this act, during the period that the child remains incompetent, the child may not be:

1. Adjudicated a delinquent child or a child in need of supervision; or

2. Placed under the supervision of the juvenile court pursuant to a supervision and consent decree pursuant to NRS 62C.230.

Sec. 13. ~~[Any evidence that is introduced for the purpose of assisting the juvenile court in making a determination as to whether a child is competent pursuant to sections 2 to 13, inclusive, of this act is not admissible in any criminal proceeding.] (Deleted by amendment.)~~

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 670 to Assembly Bill No. 138 deletes language providing that evidence introduced to assist a court in deciding whether a juvenile is competent is inadmissible in a criminal proceeding.

It also will add new language providing that a statement made by a child during a competency evaluation conducted by an expert is not admissible as evidence, unless the child introduces the statement as evidence first.

Amendment adopted.

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

Assembly Bill No. 151.

Bill read second time and ordered to third reading.

Assembly Bill No. 153.

Bill read second time and ordered to third reading.

Assembly Bill No. 160.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 669.

SUMMARY—Makes various changes relating to courts. (BDR 1-453)

AN ACT relating to courts; revising provisions concerning the locations in which justice courts and municipal courts must be held; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires justice courts to be held in their respective townships, precincts or cities, and municipal courts in their respective cities. (NRS 1.050) This bill provides that justice courts and municipal courts may also be held in various other locations under certain circumstances.

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

Section 1. NRS 1.050 is hereby amended to read as follows:

1.050 1. Except as otherwise provided in NRS 3.100, the District Court in and for Carson City shall sit at Carson City.

2. Except as provided in subsection ~~4~~ 5 or NRS 3.100, every other court of justice, except justice or municipal court, shall sit at the county seat of the county in which it is held.

3. Justice courts ~~shall~~ *must* be held in their respective townships, precincts or cities, ~~and municipal courts in their respective cities.~~ *except that a justice court may also be held:*

(a) In a court or other facility used by any other justice court located within the same county, with the consent of the justice of the peace who presides over that court or other facility.

(b) With the approval of the court, in any county or city jail or detention facility where a person whose offense or alleged offense which is subject to the jurisdiction of the court is customarily held in custody.

~~[(c) At any other place located within the same county, with the consent of the parties to an action or proceeding pending before the court and the approval of the court.]~~

4. Municipal courts must be held in their respective cities, except that a municipal court may also be held, with the approval of the court, in any county or city jail or detention facility where a person whose offense or alleged offense which is subject to the jurisdiction of the court is customarily held in custody.

5. The parties to an action in ~~in a district~~ any court may stipulate, with the approval of the court, that the action may be tried, or any proceeding related to the action may be had, before that court at any other place in this State where ~~in a district~~ court is regularly held.

Sec. 2. NRS 4.360 is hereby amended to read as follows:

4.360 The courts held by justices of the peace are denominated justice courts. ~~They shall~~ Justice courts have no terms ~~but shall~~ and must always be open. ~~Justice~~ Except as otherwise provided in ~~subsection~~ ~~subsections 3 and 5 of NRS 1.050~~, justice courts ~~shall~~ must be held in their respective townships.

Sec. 3. NRS 5.010 is hereby amended to read as follows:

5.010 There must be in each city a municipal court presided over by a municipal judge. The municipal court:

1. ~~Must~~ Except as otherwise provided in ~~subsection~~ ~~subsections 4 and 5 of NRS 1.050~~, must be held at such place in the city within which it is established as the governing body of that city may by ordinance direct.

2. May by ordinance be designated as a court of record.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 669 to Assembly Bill No. 160 makes minor technical corrections to the bill to delete duplicative language and revise internal statutory citations.

Amendment adopted.

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

Assembly Bill No. 223.

Bill read second time and ordered to third reading.

Assembly Bill No. 224.

Bill read second time and ordered to third reading.

Assembly Bill No. 428.

Bill read second time and ordered to third reading.

Assembly Bill No. 435.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 391.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 705.

SUMMARY—Revises provisions governing educational instruction in the subject of reading. (BDR 34-644)

AN ACT relating to education; requiring the board of trustees of each school district and the governing body of each charter school to prepare a plan to improve the literacy of pupils enrolled in certain grades; requiring the principal of each public elementary school to designate a learning strategist to train and assist teachers in providing intensive instruction to pupils who have been identified as deficient in the subject area of reading; requiring certain teachers at public schools to complete professional development concerning the subject area of reading; requiring certain interventions for pupils enrolled in kindergarten or grade 1, 2 or 3 who do not achieve adequate proficiency in reading; prohibiting a public school from promoting a pupil to grade 4 if the pupil does not achieve proficiency in reading; ~~making an appropriation;~~ providing for a competitive grants program to assist schools in paying for certain literacy programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill requires the board of trustees of each school district or the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 and submit the plan to the Department of Education for its approval.

Section 6 of this bill requires the principal of a public elementary school, including, without limitation, a charter school, to designate a licensed teacher employed by the school who has demonstrated leadership abilities to serve as a learning strategist to train and assist teachers in providing intensive instruction to pupils who have been identified as deficient in the subject area of reading. Section 6 also: (1) authorizes a school district or charter school to provide additional compensation to learning strategists and teachers whose overall performance is determined to be "highly effective" under the statewide performance evaluation system; and (2) requires each teacher employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 to complete professional development prescribed by the State Board of Education concerning the subject area of reading.

Section 8 of this bill requires the principal of a school to provide notice that a pupil exhibits a deficiency in the subject area of reading to the parent or guardian of a pupil enrolled in kindergarten or grade 1, 2 or 3. Section 9 of this bill requires a public elementary school to: (1) establish a plan to monitor the progress of a pupil enrolled in kindergarten or grade 1, 2 or 3 who has a deficiency in the subject area of reading; and (2) assess the proficiency in reading of a pupil for whom such a plan is established at the beginning of the next school year.

Existing law authorizes a pupil enrolled in a public school, other than a charter school, to be retained in the same grade upon joint agreement by the

pupil's teacher and principal. (NRS 392.125) Existing law also requires the governing body of a charter school to adopt rules for the academic retention of pupils who are enrolled in the charter school. (NRS 386.583) Section 10 of this bill provides that, unless a pupil receives an exemption by the superintendent of schools of the school district or the governing body of the charter school, as recommended by the principal, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain the score prescribed by the State Board on the criterion-referenced examination in reading. Section 10 also: (1) provides certain good-cause exemptions for certain pupils to allow them to be promoted to grade 4 even if they did not obtain that score; and (2) requires the State Board to prescribe an alternate examination for pupils who do not obtain that score. Section 14 of this bill makes conforming changes. Section 3 of this bill similarly provides that a pupil enrolled in grade 3 at a charter school must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain the score presented by the State Board on the criterion-referenced examination unless the pupil receives a good-cause exemption.

Section 11 of this bill requires the principal of a school to: (1) provide notice to the parent or legal guardian of a pupil who will be retained in grade 3; (2) develop a plan to monitor the progress of the pupil in achieving proficiency in reading; and (3) ensure that the pupil receives intensive instructional services in the subject area of reading. Section 11 requires the board of trustees of each school district or the governing body of a charter school to prescribe the intensive instructional services that the principal of a school is required to implement for a pupil who is retained in grade 3. Section 11 requires such instructional services to be provided by a teacher who is: (1) different than the teacher who provided instructional services to the pupil during the immediately preceding school year; and (2) highly effective, as demonstrated by pupil performance data and performance evaluations. Section 11 also authorizes such instructional services to be provided by a teacher who is the same teacher who provided instructional services to the pupil during the immediately preceding school year in certain circumstances.

Section 12 of this bill requires the principal of a school to offer the parent or legal guardian of a pupil who is retained in grade 3 certain additional instructional options. Sections 3 and 13 of this bill require the board of trustees of each school district and the governing body of a charter school to prepare a report concerning the number and percentage of pupils who are retained in grade 3 for deficiency in reading and: (1) submit the report to the Department; and (2) post the report on the Internet website maintained by the school district or charter school, as applicable.

~~Section 15 of this bill makes an appropriation for Fiscal Year 2015-2016 and Fiscal Year 2016-2017 for distribution to elementary schools.~~
Section 15 of this bill provides for the Department of Education to distribute money that is appropriated to the Other State Education Programs Account

through a competitive grants program. Section 15 requires schools that receive ~~[an allocation]~~ a grant of money ~~[from the appropriation]~~ to use the money for the literacy programs in kindergarten and grades 1, 2 and 3 to support school-based efforts to ensure all pupils are proficient in reading by the end of the third grade. Section 15 requires the board of trustees of a school district and the governing body of a charter school that receives a grant of money to prepare and submit to the Department ~~[of Education]~~ a report that includes: (1) a description of the programs or services for which the money was used; and (2) the number of pupils who participated in a program or received services. Section 15 also requires the Department of Education to prepare a report concerning the programs for which the money is used and submit the report and certain recommendations to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature and to the Governor.

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

Section 1. NRS 385.3481 is hereby amended to read as follows:

385.3481 1. The annual report of accountability prepared pursuant to NRS 385.347 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) 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.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 , ~~for~~ 392.125 ~~or~~ *section 10 of this act*, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) 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.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. 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 by paragraph (a) of subsection 1.

(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 of NRS 385.347.

Sec. 2. NRS 385.3583 is hereby amended to read as follows:

385.3583 The annual report of accountability prepared by the State Board pursuant to NRS 385.3572 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

1. 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.

2. The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 , ~~for~~ 392.125 ~~or~~ *section 10 of this act*, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

3. 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 subsection, 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.

4. The number of habitual truants reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, including, without limitation, the number who are:

(a) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(b) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(c) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

Sec. 3. NRS 386.583 is hereby amended to read as follows:

386.583 1. The governing body of a charter school shall adopt rules for the academic retention of pupils who are enrolled in the charter school ~~that are consistent with sections 8, 10 and 11 of this act.~~ ~~prescribe~~ *that are consistent with sections 8, 10 and 11 of this act.* The rules must ~~prescribe~~ *prescribe* :

(a) *Prescribe* the conditions under which a pupil may be retained in the same grade rather than promoted to the next higher grade for the immediately succeeding school year.

(b) *Require a pupil enrolled in grade 3 to be retained in the same grade rather than promoted to grade 4 when required pursuant to section 10 of this act.*

2. *On or before September 1 of each year, the governing body of each charter school shall:*

(a) *Prepare a report concerning the number and percentage of pupils at the charter school who were retained in grade 3 pursuant to section 10 of this act for a deficiency in the subject area of reading;*

(b) *Submit a copy of the report to the Department; and*

(c) *Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.*

Sec. 4. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. 1. *The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3. Such a plan must include, without limitation:*

(a) *A program to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in that subject area. Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction on phonological and phonemic awareness, decoding skills and reading fluency;*

(b) *Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable assessments that have been approved by the State Board by regulation:*

(1) *Within the first 30 days of school after the pupil enters kindergarten or upon enrollment in kindergarten if the pupil enrolls after that period; and*

(2) *During grades 1, 2 and 3;*

(c) *A program to improve the proficiency in reading of pupils who are limited English proficient; and*

(d) Procedures for facilitating collaboration between learning strategists and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

Sec. 6. 1. The principal of a public elementary school, including, without limitation, a charter school, shall designate a licensed teacher employed by the school who has demonstrated leadership abilities to serve as a learning strategist to train and assist teachers at the school to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading.

2. A school district or charter school may provide additional compensation to:

(a) A licensed teacher designated as a learning strategist pursuant to this section; or

(b) A teacher who is employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 whose overall performance is determined to be highly effective under the statewide performance evaluation system established by the State Board pursuant to NRS 391.465.

3. Each teacher employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 shall complete professional development provided by a learning strategist designated pursuant to subsection 1 in the subject area of reading.

4. The State Board shall prescribe by regulation:

(a) Any training or professional development that a learning strategist is required to successfully complete;

(b) Any professional development that a teacher employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 is required to receive from a learning strategist in the subject area of reading; and

(c) The duties and responsibilities of a learning strategist.

Sec. 7. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 13, inclusive, of this act.

Sec. 8. If a pupil enrolled at a public elementary school in kindergarten or grade 1, 2 or 3 exhibits a deficiency in the subject area of reading based upon state or local assessments or upon the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading,

including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 that has been approved by the Department pursuant to section 5 of this act;

2. Explain that if the pupil does not achieve adequate proficiency in the subject area of reading before the completion of grade 3, the pupil will be retained in grade 3 rather than promoted to grade 4, unless the pupil receives a good-cause exemption pursuant to section 10 of this act;

3. Describe the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

4. Explain that the criterion-referenced examination in the subject area of reading administered pursuant to NRS 389.550 is not the only factor used to determine whether the pupil will be retained in grade 3 and that other options are available for the pupil to demonstrate proficiency if the pupil is eligible for a good-cause exemption pursuant to section 10 of this act;

5. Describe the policy and specific criteria adopted by the board of trustees of the school district or governing body of a charter school, as applicable, pursuant to section 11 of this act regarding the promotion of a pupil to grade 4 at any time during the school year if the pupil is retained in grade 3 pursuant to section 10 of this act;

6. Include information regarding the English literacy development of a pupil who is limited English proficient; and

7. Describe the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is limited English proficient.

Sec. 9. 1. A public elementary school that has notified the parent or legal guardian of a pupil that, based upon the results of state or local assessments, it has been determined that the pupil has a deficiency in the subject area of reading pursuant to section 8 of this act shall, within 30 days after providing such notice, establish a plan to monitor the progress of the pupil in the subject area of reading.

2. A plan to monitor the progress of a pupil in the subject area of reading must be established by the teacher of the pupil and any other relevant school personnel and approved by the principal of the school and the ~~parents~~ parent or legal guardian of the pupil. The plan must include a description of any intervention services that will be provided to the pupil to correct the deficiency and must include that the pupil will receive intensive instruction in reading to ensure the pupil achieves adequate proficiency in reading. Such instruction must include, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 approved by the Department pursuant to section 5 of this act.

3. A school that establishes a plan to monitor the progress of a pupil in the subject area of reading shall assess the proficiency of the pupil in the

subject area of reading at the beginning of the next school year after the plan is established pursuant to this section.

Sec. 10. 1. Except as otherwise provided in this section, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain a score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 that meets the passing score prescribed by the State Board pursuant to subsection 7.

2. The superintendent of schools of a school district or the governing body of a charter school, as applicable, may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good-cause exemption for the pupil upon a determination by the principal of the school pursuant to subsection 4 that the pupil is eligible for such an exemption.

3. A good-cause exemption must be approved for a pupil who previously was retained in grade 3. Any other pupil is eligible for a good-cause exemption if the pupil:

(a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;

(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond the retention level;

(c) Is limited English proficient and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;

(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;

(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the criterion-referenced examinations administered pursuant to NRS 389.550 is not appropriate; or

(f) Is a pupil with a disability and:

(1) He or she participates in the criterion-referenced examinations administered pursuant to NRS 389.550;

(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and

(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.

4. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 3 and determine whether the pupil is eligible for a good-cause exemption. In making the determination, the principal must

consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice of the approval or denial to the principal.

5. A principal who determines that a pupil is eligible for a good-cause exemption shall notify the parent or legal guardian of the pupil whether the superintendent of schools of the school district or the governing body of the charter school, as applicable, approves the good-cause exemption.

6. The principal of a school in which a pupil for whom a good-cause exemption is approved and who is promoted to grade 4 must ensure that the pupil continues to receive intensive instruction in the subject area of reading. Such instruction must include, without limitation, strategies based upon scientifically based research that will improve proficiency in the subject area of reading.

7. The State Board shall prescribe by regulation:

(a) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 to be promoted to grade 4 without a good-cause exemption; and

(b) An alternate examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 and the passing score such a pupil must obtain on the alternate examination to be promoted to grade 4 without a good-cause exemption.

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

Sec. 11. 1. If a pupil will be retained in grade 3 pursuant to section 10 of this act, the principal of the school must:

(a) Provide written notice to the parent or legal guardian of the pupil that the pupil will be retained in grade 3. The written notice must include, without limitation, a description of the intensive instructional services in the subject area of reading that the pupil will receive to improve the proficiency of the pupil in that subject area.

(b) Develop a plan to monitor the progress of the pupil in the subject area of reading.

(c) *Require the teacher of the pupil to develop a portfolio of the pupil's work in the subject area of reading, which must be updated as necessary to reflect progress made by the pupil.*

(d) *Ensure that the pupil receives intensive instructional services in the subject area of reading that are designed to improve the pupil's proficiency in the subject area of reading, including, without limitation:*

(1) *Programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 approved by the Department pursuant to section 5 of this act;*

(2) *Instruction for at least 90 minutes each school day based upon scientifically based reading instruction research; and*

(3) *Intensive instructional services prescribed by the board of trustees of the school district pursuant to subsection 2, as determined appropriate for the pupil.*

2. *The board of trustees of each school district or the governing body of a charter school, as applicable, shall:*

(a) *Review and evaluate the plans for monitoring the progress of pupils developed pursuant to subsection 1.*

(b) *Prescribe the intensive instructional services in the subject area of reading which the principal of a school must implement as determined appropriate for a pupil who is retained in grade 3 pursuant to section 10 of this act, which may include, without limitation:*

(1) *Instruction that is provided in small groups;*

(2) *Instruction provided in classes with reduced pupil-teacher ratios;*

(3) *A timeline for frequently monitoring the progress of the pupil;*

(4) *Tutoring and mentoring;*

(5) *Classes which are designed to increase the ability of pupils to transition from grade 3 to grade 4;*

(6) *Instruction provided through an extended school day, school week or school year;*

(7) *Programs to improve a pupil's proficiency in reading which are offered during the summer; or*

(8) *Any combination of the services set forth in subparagraphs (1) to (7), inclusive.*

3. *Except as otherwise provided in subsection 4, the intensive instructional services in the subject area of reading required by this section must be provided to the pupil by a teacher:*

(a) *Who is different than the teacher who provided instructional services to the pupil during the immediately preceding school year; and*

(b) *Who has been determined to be highly effective, as demonstrated by pupil performance data and performance evaluations.*

4. *The intensive instructional services in the subject area of reading required by this section may be provided to the pupil by the same teacher who provided instructional services to the pupil during the immediately*

preceding school year if a different teacher who meets the requirements of paragraph (b) of subsection 3 is not reasonably available and the pupil:

(a) Has an individualized education program; or

(b) Is enrolled in a school district in a county whose population is less than 100,000.

5. The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to section 10 of this act to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil's progress will allow him or her to sufficiently master the requirements for a fourth-grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.

6. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to this section, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional instructional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4 while continuing to receive remediation in the subject area of reading.

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

Sec. 12. In addition to the intensive instructional services provided to a pupil who is retained in grade 3 pursuant to section 10 of this act, the principal of the school must offer the parent or legal guardian of the pupil at least one of the following instructional options:

1. Supplemental tutoring which is based upon scientifically based research concerning reading instruction;

2. Providing the parent or legal guardian with a plan for reading with the pupil at home and participating in any workshops that may be available in the school district to assist the parent or guardian with reading with his or her child at home, as set forth in an agreement with the parent or legal guardian; or

3. Providing the pupil with a mentor or tutor who has received specialized training in teaching pupils how to read.

Sec. 13. On or before September 1 of each year, the board of trustees of each school district shall:

1. Prepare a report concerning the number and percentage of pupils at each public school within the school district who were retained in grade 3

pursuant to section 10 of this act for a deficiency in the subject area of reading.

2. *Submit a copy of the report to the Department.*

3. *Post the report on the Internet website maintained by the school district and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.*

Sec. 14. NRS 392.125 is hereby amended to read as follows:

392.125 1. Except as otherwise provided in subsection 4, before any pupil enrolled in a public school may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year, the pupil's teacher and principal must make a reasonable effort to arrange a meeting and to meet with the pupil's parents or guardian to discuss the reasons and circumstances.

2. ~~{The}~~ *Except as otherwise provided in section 10 of this act, the teacher and the principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year.*

3. Except as otherwise provided in subsection 2 of NRS 392.033 for the promotion of a pupil to high school, no pupil may be retained more than one time in the same grade.

4. ~~{This}~~ *Except as otherwise provided in NRS 386.583, this section does not apply to the academic retention of pupils who are enrolled in a charter school.*

Sec. 15. 1. ~~{There is hereby appropriated from the State General Fund to the Other State Education Programs Account in the State General Fund the following sums:~~

(a) For the Fiscal Year 2015-2016	\$4,900,000
(b) For the Fiscal Year 2015-2016	\$22,300,000

~~2.~~ The Department of Education shall distribute the money that is appropriated ~~by subsection 1~~ to the Other State Education Programs Account in the State General Fund to carry out the purposes of sections 1 to 14, inclusive, of this act through a competitive grants program. Grants must be awarded by the Department based on the demonstrated needs of the school districts and charter schools and will be awarded to school districts and to charter schools that have been approved by the State Public Charter School Authority. Grants must be used for literacy programs for pupils enrolled in kindergarten and grades 1, 2 and 3 established pursuant to section 5 of this act and to support other school-based efforts to ensure that all pupils are proficient in the subject area of reading by the end of the third grade. Such school-based efforts may include, without limitation:

- (a) Hiring or training learning strategists;
- (b) Entering into contracts with vendors for the purchase of reading assessments, textbooks, computer software or other materials;
- (c) Providing professional development for school personnel;
- (d) Providing programs to pupils before and after school and during intercessions or summer school; and

(e) Providing other evidence-based literacy initiatives for pupils enrolled in kindergarten and grades 1, 2 and 3.

~~{3}~~ 2. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to subsection ~~{2}~~ 1 shall:

(a) Set measurable performance objectives based on aggregated pupil achievement data; and

(b) Prepare and submit to the Department of Education, on or before July 1, 2016, a report that includes, without limitation:

(1) A description of the programs or services for which the money was used by each school; and

(2) The number of pupils who participated in a program or received services.

~~{4}~~ 3. The Department of Education shall, to the extent that money is available for that purpose, hire an independent consultant to evaluate the programs or services paid for by a grant of money received by a school district or charter school pursuant to subsection ~~{2}~~ 1.

~~{5}~~ 4. The Department of Education shall prepare a report that includes, without limitation:

(a) Identification of the schools that received an allocation of money by the school district or grant of money from the Department, as applicable;

(b) The amount of money received by each school;

(c) A description of the programs or services for which the money was used by each school;

(d) The number of pupils who participated in a program or received services;

(e) The average expenditure per pupil for each program or service;

(f) An evaluation of the effectiveness of the program or service, including, without limitation, data regarding the academic and linguistic achievement and proficiency of pupils who participated in such a program or received such services; and

(g) Any recommendations for legislation, including, without limitation, legislation to continue or expand programs or services that are identified as effective in improving the reading proficiency of pupils in kindergarten through grade 3.

~~{6}~~ 5. On or before August 31, 2016, the Department of Education shall submit a preliminary report prepared pursuant to subsection ~~{5}~~ 4 to the State Board of Education and the Legislative Committee on Education. On or before November 15, 2016, the Department shall submit the final report prepared pursuant to subsection ~~{5}~~ 4 and any recommendations made by the State Board or the Legislative Committee on Education to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

~~{7. The sums}~~

6. Any money awarded to a school district or charter school from the money appropriated [by subsection 1 to a school district or a charter school.] to the Other State Education Programs Account in the State General Fund pursuant to subsection 1:

(a) Must be accounted for separately from any other money received by the school districts or charter school, as applicable, and used only for the purposes specified in this section.

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

~~[8. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2016, and September 15, 2017, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2016, and September 15, 2017, respectively.]~~

Sec. 16. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act and for all other purposes:

1. This section, sections 4 to 9, inclusive, and 15 of this act become effective on July 1, 2015.

2. Sections 1, 2, 3 and 10 to 14, inclusive, of this act become effective on July 1, 2019.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Amendment No. 705 to Senate Bill No. 391, strips the appropriation out of the bill and makes conforming language changes.

Amendment adopted.

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

Senate Bill No. 405.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 706.

SUMMARY—Expands the program of Zoom schools and the provision of programs and services to children who are limited English proficient in certain other school. (BDR S-887)

AN ACT relating to education; ~~[making an appropriation to provide]~~ providing for the use of certain money to establish or continue certain programs and services at Zoom elementary, middle, junior high and high schools and at other schools that enroll children who are limited English proficient or who are eligible for such a designation; requiring the State Board of Education to develop for recommendation as proposed legislation a definition of and procedure for reporting pupils who are identified as long-term limited English proficient; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The 77th Session of the Nevada Legislature appropriated money for the Clark County School District and the Washoe County School District to carry out a program of Zoom elementary schools during the 2013-2015 biennium to provide a comprehensive package of programs and services for children who are limited English proficient or eligible for such a designation. The other school districts and the State Public Charter School Authority were authorized to apply for a grant of money from the appropriation to provide programs and services to children who are limited English proficient or eligible for such a designation. (Section 16.2 of chapter 515, Statutes of Nevada 2013, p. 3418) Section 1 of this bill ~~[makes an appropriation for]~~ requires the Clark County School District and the Washoe County School District to continue to carry out a program of Zoom elementary schools and to expand the program to middle schools, junior high schools and high schools during the 2015-2017 biennium. Section 1 also authorizes the other school districts and the ~~[State Public Charter School Authority]~~ governing body of a charter school to apply to the Department of Education for a grant of money from the appropriation by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools to provide programs and services during the 2015-2017 biennium for children who are limited English proficient or eligible for such a designation. In addition, section 1 requires the State Board of Education to prescribe statewide performance levels and outcome indicators to measure the effectiveness of the programs and services for which money is ~~allocated from the appropriation to~~ received by the school districts and charter schools. Finally, section 1 requires the Department to contract for an independent evaluation of the effectiveness of the programs and services provided by the school districts and charter schools that received ~~[an allocation of]~~ money ~~[from the appropriation.]~~

Section 2 of this bill requires the State Board to develop for recommendation as proposed legislation to the 79th Session of the Nevada Legislature a definition of and procedure for reporting pupils who are identified as long-term limited English proficient.

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 Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.031 the following sums:~~

~~(a) For the Fiscal Year 2015-2016 \$49,950,000~~

~~(b) For the Fiscal Year 2016-2017 \$49,950,000~~

~~2. The Department of Education shall transfer from the Account for Programs for Innovation and the Prevention of Remediation to the school districts specified in this subsection the following sums for Fiscal Year 2015-2016 and Fiscal Year 2016-2017:~~

~~School District: 2015-2016 2016-2017~~

~~Clark County School District \$39,035,925 \$39,035,925~~

~~Washoe County School District .. \$6,743,250 \$6,743,250~~

~~3. The Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall identify the elementary schools within the School District to operate as Zoom elementary schools based upon which elementary schools within the School District:~~

~~(a) Have the highest percentage of pupils who are limited English proficient or eligible for designation as limited English proficient; and~~

~~(b) Are the lowest performing academically.~~

~~4. 2. The Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall ~~allocate from~~ distribute the money appropriated by ~~subsection 1~~ the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.031 for each Zoom elementary school of those school districts to:~~

~~(a) Provide prekindergarten programs free of charge;~~

~~(b) Expand full-day kindergarten classes;~~

~~(c) Operate reading skills centers;~~

~~(d) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;~~

~~(e) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for children who are limited English proficient;~~

~~(f) Offer recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection ~~12~~ 11; and~~

~~(g) Engage and involve parents and families of children who are limited English proficient, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children.~~

~~5. 3. A Zoom elementary school that receives ~~an allocation of~~ money pursuant to subsection ~~4~~ 2 shall offer each of the programs and services~~

prescribed in paragraphs (a) to (g), inclusive, of that subsection so that the Zoom elementary school may offer a comprehensive package of programs and services for pupils who are limited English proficient. A Zoom elementary school shall not use the money for any other purpose ~~or use more than 2 percent of the money for the purposes described in paragraphs (e), (f) and (g) of subsection 2.~~

4. A reading skills center operated by a Zoom elementary school must provide:

(a) Support at the Zoom elementary school in the assessment of reading and literacy problems and language acquisition barriers for pupils; and

(b) Instructional intervention to enable pupils to overcome such problems and barriers by the completion of grade 3.

~~6.~~ 5. The Board of Trustees of the Clark County School District shall identify at least three middle schools, junior high schools or high schools within the school district to operate as Zoom middle schools, junior high schools or high schools. The Board of Trustees of the Washoe County School District shall identify at least one middle school, junior high school or high school within the school district to operate as a Zoom middle school, junior high school or high school. Each such board of trustees shall identify those schools based upon which middle schools, junior high schools and high schools within the school district:

(a) Have the highest percentage of pupils who are limited English proficient; and

(b) Are the lowest performing academically.

~~7.~~ 6. The Clark County School District and the Washoe County School District shall ~~allocate from~~ distribute the money appropriated ~~by subsection 1~~ by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for each Zoom middle school, junior high school and high school of those school districts to ~~carry out one or more of the following:~~

(a) Reduce class sizes for pupils who are limited English proficient and provide English language literacy based classes;

(b) Provide direct instructional intervention to each pupil who is limited English proficient using the data available from applicable assessments of that pupil;

(c) Provide for an extended school day;

(d) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;

(e) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are limited English proficient;

(f) Offer recruitment and retention incentives for teachers and other licensed educational personnel who provide any of the programs and services

set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12;

(g) Engage and involve parents and families of pupils who are limited English proficient, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those pupils; and

(h) Provide other evidence-based programs and services that are approved by the Department of Education and that are designed to meet the specific needs of pupils enrolled in the school who are limited English proficient.

~~↳ [Each Zoom middle school, junior high school and high school that receives an allocation of money pursuant to this subsection shall offer each of the programs and services prescribed in paragraphs (a) to (h), inclusive, so that the Zoom middle school, junior high school or high school offers a comprehensive package of programs and services for pupils who are limited English proficient.~~

~~—8.] The Clark County School District and the Washoe County School District shall not use more than 2 percent of the money for the purposes described in paragraphs (e), (f) and (g).~~

7. On or before August 1, 2015, the Clark County School District and the Washoe County School District shall each provide a report to the Department of Education which includes the:

(a) Zoom elementary schools identified by the School District pursuant to subsection ~~[3.]~~ 1 and the plan of each such school for carrying out the programs and services prescribed by paragraphs (a) to (g), inclusive, of subsection ~~[4.]~~ 2; and

(b) Zoom middle schools, junior high schools and high schools identified by the School District pursuant to subsection ~~[6.]~~ 5 and the plan of each school for carrying out the programs and services ~~[prescribed by]~~ described in paragraphs (a) to (h), inclusive, of subsection [7.] 6.

~~[9.]~~ 8. From the ~~[appropriation made by subsection 1.]~~ money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools or charter schools or school districts other than the Clark County School District or Washoe County School District, the Department of Education shall ~~use not more than \$4,170,825 in Fiscal Year 2015 2016 and \$4,170,825 in Fiscal Year 2016 2017 to~~ provide grants of money to the ~~[State Public Charter School Authority]~~ sponsors of such charter schools and the school districts ~~[, other than the Clark County School District or the Washoe County School District.]~~ The sponsor of such a charter school and the board of trustees of such a school district [and the State Public Charter School Authority] may submit an application to the Department on a form prescribed by the Department that includes, without limitation:

(a) The number of pupils in the school district or charter ~~[schools,]~~ school, as applicable, who are limited English proficient or eligible for designation as limited English proficient; and

(b) A description of the programs and services the school district or charter ~~[schools,]~~ school, as applicable, will provide with a grant of money, which may include, without limitation:

(1) The creation or expansion of high-quality, developmentally appropriate prekindergarten programs, free of charge, that will increase enrollment of children who are limited English proficient;

(2) The acquisition and implementation of empirically proven assessment tools to determine the reading level of pupils who are limited English proficient and technology-based tools, such as software, designed to support the learning of pupils who are limited English proficient;

(3) Professional development for teachers and other educational personnel regarding effective instructional practices and strategies for children who are limited English proficient;

(4) The provision of programs and services for pupils who are limited English proficient, free of charge, before and after school, during the summer or intersession for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;

(5) Engaging and involving parents and families of children who are limited English proficient, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children;

(6) Offering recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12; and

(7) Provide other evidence-based programs and services that are approved by the Department and that are designed to meet the specific needs of pupils enrolled in the school who are limited English proficient.

~~10.~~ 9. The Department of Education shall ~~[distribute the money appropriated by subsection 1]~~ award grants of money to school districts and the ~~[State Public Charter School Authority]~~ sponsors of charter schools that submit applications pursuant to subsection ~~9~~ 8 based upon the number of pupils enrolled in each such school district or charter school, as applicable, who are limited English proficient or eligible for designation as limited English proficient, and not on a competitive basis.

10. A school district and ~~[the State Public Charter School Authority]~~ a sponsor of a charter school that receives a grant of money pursuant to ~~[this]~~ subsection ~~[shall]~~ 8:

(a) Shall not use more than 2 percent of the money for the purposes described in subparagraphs (3), (5) and (6) of paragraph (b) of subsection 8.

(b) Shall provide a report to the Department in the form prescribed by the Department with the information required for the Department's report pursuant to subsection 15.

11. On or before August 17, 2015, the Department of Education shall submit a report to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee which includes:

(a) The information reported by the Clark County School District and the Washoe County School District pursuant to subsection ~~[8.]~~ 7; and

(b) The school districts and charter schools for which ~~[an allocation]~~ a grant of money is approved pursuant to subsection ~~[10.]~~ 9 and the plan of each such school district and charter school for carrying out ~~[the]~~ programs and services ~~[prescribed by]~~ with the grant money, including, without limitation, any programs and services described in subparagraphs (1) to (7), inclusive, of paragraph (b) of subsection ~~[9.]~~ 8.

12. The State Board of Education shall prescribe:

(a) A list of recruitment and retention incentives for the school districts and the ~~[State Public Charter School Authority]~~ sponsors of charter schools that receive ~~[an allocation]~~ a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel pursuant to paragraph (f) of subsection ~~[4.]~~ 2, paragraph (f) of subsection ~~[7.]~~ 6 and subparagraph (6) of paragraph (b) of subsection ~~[9.]~~ 8; and

(b) Criteria and procedures to notify a school district or a charter school that receives ~~[an allocation of]~~ money pursuant to this section if the school district or charter school is not implementing the programs and services for which the ~~[allocation]~~ money was ~~[made]~~ received in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board pursuant to subsection 13, including, without limitation, a plan of corrective action for the school district or charter school to follow to meet the requirements of this section or the performance levels.

13. The State Board of Education shall prescribe statewide performance levels and outcome indicators to measure the effectiveness of the programs and services for which money is ~~[allocated to]~~ received by the school districts and charter schools pursuant to this section. The performance levels must establish minimum expected levels of performance on a yearly basis based upon the performance results of children who participate in the programs and services. The outcome indicators must be designed to track short-term and long-term impacts on the progress of children who participate in the programs and services, including, without limitation:

(a) The number of children who participated;

(b) The extent to which the children who participated improved their English language proficiency and literacy levels compared to other children who are limited English proficient or eligible for such a designation who did not participate in the programs and services; and

(c) To the extent that a valid comparison may be established, a comparison of the academic achievement and growth in the subject areas of English language arts and mathematics of children who participated in the

programs and services to other children who are limited English proficient or eligible for such a designation who did not participate in the programs and services.

14. The Department of Education shall contract for an independent evaluation of the effectiveness of the programs and services offered by each Zoom elementary school pursuant to subsection ~~4.1~~ 2, each Zoom middle school, junior high school and high school pursuant to subsection ~~7.1~~ 6 and the programs and services offered by the other school districts and the charter schools pursuant to subsection ~~9.1~~ 8.

15. The Clark County School District, the Washoe County School District and the Department of Education shall each prepare an annual report that includes, without limitation:

(a) An identification of the schools that received ~~an allocation of~~ money ~~by~~ from the School District or a grant of money from the Department, as applicable.

(b) How much money each such school received.

(c) A description of the programs or services for which the money was used by each such school.

(d) The number of children who participated in a program or received services.

(e) The average per-child expenditure per program or service that was funded.

(f) For the report prepared by the School Districts, an evaluation of the effectiveness of such programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in the programs or received services.

(g) Any recommendations for legislation, including, without limitation:

(1) For the continuation or expansion of programs and services that are identified as effective in improving the academic and linguistic achievement and proficiency of children who are limited English proficient.

(2) A plan for transitioning the funding for providing the programs and services set forth in this section to pupils who are limited English proficient from categorical funding to a weighted per pupil formula within the Nevada Plan.

(h) For the report prepared by the Department, in addition to the information reported for paragraphs (a) to (e), inclusive, and paragraph (g):

(1) The results of the independent evaluation required by subsection 14 of the effectiveness of the programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in a program or received a service;

(2) Whether a school district or charter school was notified that it was not implementing the programs and services for which ~~an allocation of~~ it received money ~~(was made)~~ pursuant to this section in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board of Education pursuant to

subsection 13 and the status of such a school district or charter school, if any, in complying with a plan for corrective action; and

(3) Whether each school district or charter school that received ~~for allocation of~~ money pursuant to this section met the performance levels prescribed by the State Board of Education pursuant to subsection 13.

16. The annual report prepared by the Clark County School District and the Washoe County School District pursuant to subsection 15 must be submitted to the Department of Education on or before June 1, 2016, and January 16, 2017, respectively. The Department shall submit the information reported by those school districts and the information prepared by the Department pursuant to subsection 15:

(a) On or before June 15, 2016, to the State Board of Education and the Legislative Committee on Education.

(b) On or before February 1, 2017, to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

17. The Department of Education may require a Zoom school or other public school that receives ~~an allocation of~~ money pursuant to this section to provide a report to the Department on:

(a) The number of vacancies, if any, in full-time licensed educational personnel at the school;

(b) The number of probationary employees, if any, employed at the school;

(c) The number, if any, of persons who are employed at the school as substitute teachers for 20 consecutive days or more in the same classroom or assignment and designated as long-term substitute teachers; and

(d) Any other information relating to the personnel at the school as requested by the Department.

18. The ~~sums~~ money appropriated ~~[by subsection 1.]~~ by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools:

(a) Must be accounted for separately from any other money received by school districts or charter schools of this State and used only for the purposes specified in this section.

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

19. Upon request of the Legislative Commission, the Clark County School District and the Washoe County School District shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems

necessary to conduct an audit of the use of the money ~~[transferred pursuant to subsection 2.~~

~~20. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2015-2016 must be added to the money transferred for Fiscal Year 2016-2017 and may be expended as that money is expended. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2016-2017, including any money added from the previous fiscal year, must not be committed for expenditure after June 30, 2017, and must be reverted to the State General Fund on or before September 15, 2017.~~

~~21. Any remaining balance of the allocations made by subsection 9 for Fiscal Year 2015-2016 must be added to the allocations for Fiscal Year 2016-2017 and may be expended as that money is expended. Any remaining balance of the allocations made by subsection 9 for Fiscal Year 2016-2017, including any money added from the previous fiscal year, must not be committed for expenditure after June 30, 2017, and must be reverted to the State General Fund on or before September 15, 2017.~~

~~22.] distributed by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools.~~

20. As used in this section:

(a) "Limited English proficient" has the meaning ascribed to it in NRS 385.007.

(b) "Probationary employee" has the meaning ascribed to it in NRS 391.311.

Sec. 2. For the purposes of NRS 385.347 and 385.3487 and any related provisions, the State Board of Education shall develop for recommendation as proposed legislation to the 79th Session of the Nevada Legislature:

1. A definition of "long-term limited English proficient"; and

2. A procedure for the school districts and charter schools to separately count and report on pupils who are identified as long-term limited English proficient, including, without limitation, the number of and progress made by such pupils.

Sec. 3. This act becomes effective on July 1, 2015.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

The amendment to Senate Bill No. 405 strips the appropriation out of the bill, and those funds will later be placed in the State budget. It also puts a cap on the amount of the expenditures for Zoom schools that can be spent on the expanded uses of the funding within the program itself.

Amendment adopted.

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

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that Assembly Bills Nos. 4, 16, 23, 24, 44, 46, 60, 68, 101, 112, 150, 156, 189, 200, 246, 251, 270, 292, 377, 383, 384, 422,

449, 454 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 480.

The following Assembly amendment was read.

Amendment No. 661.

SUMMARY—Revises the membership of the county fair and recreation board in certain counties. (BDR 20-1113)

AN ACT relating to county government; revising the membership of the county fair and recreation board of certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a county fair and recreation board in any county whose population is 100,000 or more and less than 700,000 (currently Washoe County). The board must consist of 13 members, including two members appointed by the board of county commissioners, two members appointed by the governing body of the largest incorporated city in the county (currently the City of Reno) and one member appointed by the governing body of the next largest incorporated city in the county (currently the City of Sparks). Those five members must appoint the remaining eight members, of whom one must be a representative of banking or other financial interests, and another of whom must be a representative of business or commercial interests. Both of those members must be chosen from a list of nominees submitted by the chamber of commerce of the largest incorporated city in the county. Additionally, one member must be a representative of motel operators and must be chosen from a list of nominees submitted by one or more associations that represent the motel industry. (NRS 244A.601)

This bill revises the membership of such a county fair and recreation board and reduces the size of the board from 13 to 9 members. This bill changes from two to one the number of members appointed to the board by the board of county commissioners and by the governing body of the largest incorporated city in the county, respectively. Additionally, this bill deletes the provision providing for the appointment of a member representing motel operators. This bill also deletes the provisions providing for the appointment of a member representing banking or other financial interests and another member representing business or commercial interests. Instead, this bill requires the appointment of a member representing ~~commercial or noncommercial~~ interests related to tourism or other commercial interests or the resort hotel business. Finally, this bill requires the members of the county fair and recreation board to elect the Chair of the board from among the three members appointed by the board of county commissioners and the

governing bodies of the two largest incorporated cities in the county, respectively.

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

Section 1. NRS 244A.601 is hereby amended to read as follows:

244A.601 1. In any county whose population is 100,000 or more, and less than 700,000, the county fair and recreation board consists of ~~13~~ *nine* members who are appointed as follows:

- (a) ~~Two members~~ *One member* by the board of county commissioners.
- (b) ~~Two members~~ *One member* by the governing body of the largest incorporated city in the county.
- (c) One member by the governing body of the next largest incorporated city in the county.

(d) Except as otherwise provided in subsection 2, ~~eight~~ *six* members by the members appointed pursuant to paragraphs (a), (b) and (c). The members entitled to vote shall select:

(1) One member who is a representative of air service interests from a list of nominees submitted by the airport authority of the county. The nominees must not be elected officers.

(2) One member who is a representative of ~~motel operators from a list of nominees submitted by one or more associations that represent the motel industry.~~

~~(3) One member who is a representative of banking or other financial interests from a list of nominees submitted by the chamber of commerce of the largest incorporated city in the county.~~

~~(4) One member who is a representative of other business or commercial interests—commercial or noncommercial—interests relating to tourism or other commercial interests or the resort hotel business from a list of nominees submitted by the chamber of commerce of the largest incorporated city in the county.~~

~~(5)~~ (3) One member who is a representative of other business or commercial interests, including gaming establishments, from a list of nominees submitted by a visitor's bureau, other than a county fair and recreation board or a bureau created by such a board, that is authorized by law to receive a portion of the tax on transient lodging, if any. If no such bureau exists in the county, the nominations must be made by the chamber of commerce of the third largest township in the county.

~~(6)~~ (4) Three members who are representatives of the association of gaming establishments whose membership collectively paid the most gross revenue fees to the State pursuant to NRS 463.370 in the county in the preceding year, from a list of nominees submitted by the association. If there is no such association, the three appointed members must be representative of gaming.

↪ If the members entitled to vote find the nominees on a list of nominees submitted pursuant to this paragraph unacceptable, they shall request a new list of nominees.

2. *The members of the board shall elect a Chair from among the members appointed pursuant to paragraphs (a), (b) and (c) of subsection 1.*

3. The terms of members appointed pursuant to paragraphs (a), (b) and (c) of subsection 1 are coterminous with their terms of office. The members appointed pursuant to paragraph (d) of subsection 1 must be appointed for 2-year terms. Any vacancy occurring on the board must be filled by the authority entitled to appoint the member whose position is vacant. Each member appointed pursuant to paragraph (d) of subsection 1 may succeed himself or herself only once.

~~{3-}~~ 4. If a member ceases to be engaged in the business or occupation which he or she was appointed to represent, he or she ceases to be a member, and another person engaged in that business or occupation must be appointed for the unexpired term.

~~{4-}~~ 5. Any member appointed by the board of county commissioners or a governing body of a city must be a member of the appointing board or body.

Sec. 2. 1. Notwithstanding any other provision of law, the terms of the members selected to the county fair and recreation board pursuant to subparagraphs (2), (3) and (4) of paragraph (d) of subsection 1 of NRS 244A.601 as that section exists on June 30, 2015, expire on that date.

2. As soon as practicable on or after July 1, 2015:

(a) The chamber of commerce of the largest incorporated city in the county shall submit to the members of the county fair and recreation board entitled to vote the list of nominees described in subparagraph (2) of paragraph (d) of subsection 1 of NRS 244A.601, as amended by section 1 of this act; and

(b) The members of the county fair and recreation board entitled to vote shall select from the list of nominees the member described in subparagraph (2) of paragraph (d) of subsection 1 of NRS 244A.601, as amended by section 1 of this act.

Sec. 3. 1. This section and section 2 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2015.

Senator Goicoechea moved that the Senate concur in Assembly Amendment No. 661 to Senate Bill No. 480.

Remarks by Senator Goicoechea.

Assembly Amendment No. 661 to Senate Bill No. 480 clarifies that one member of the County Fair and Recreation Board may be a representative of other commercial interests in addition to other possible interests such as tourism and the resort hotel business. This only pertains to counties over 100,000 and under 700,000 people.

Motion carried by a constitutional majority.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 427, 469; Senate Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Parks, the privilege of the floor of the Senate Chamber for this day was extended to students from Nate Mack Elementary School: Samantha Abate, Nola Ashley, Miranda Alvarez, John Austin, Isabelle Avalos, Scott Dalton, Carson Banks, West Baxter, Lauren Briggs, Rachel Burda, Joseph Burns, Sydney Cline, Mercaediez Craft, Baughnan Dawson, Justyn Delzeit, Bella Demelo, Bronte Denué, Donovan Ellis, Asia Evans, Lillian Galvin, George Gomez, Gracesyn Gradyan, Amador Guerrero, Jacob Henderson, Adam Hutchinson, Sidney Johnson, Jake Juliano, Madison Kochersperger, Amber Knox, Ashley Labeledz, Kekoa Lave, Marissa Lopez, Mackenzie Mangum, Haley Maramaldi, Aleasha Matew, Alexa McAfee, Lily Meyers, Makaylah Miller, Dylan Mitro, Hunter Navage, Christopher Osborne, Jack Raspopovich, Angela Robles, Cruz Barron-Renteria, William Sakmar, Joseph Taack, Eddie Tarango, Chase Tunney, Sade Ware, Earl Wheeler and Magdalena Rodriguez.

On request of Senator Settelmeyer, the privilege of the floor of the Senate Chamber for this day was extended to Anthony Plummer.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Citlali Avalos, Elizabeth Barajas, Daniel Esquivel, Emily Lopez, Ana Magana, Mckayla McBride, Dawn Miller, Alayah Raygoza and Deeann Roberts.

Senator Roberson moved that the Senate adjourn until Thursday, May 14, 2015, at 12:00 p.m.

Motion carried.

Senate adjourned at 1:26 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate