

THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), May 30, 2015

Senate called to order at 9:50 a.m.

President Hutchison presiding.

Roll called.

All present except Senator Smith, who was excused.

Prayer by Senator Joseph P. Hardy.

Our Father in Heaven, we are grateful to be here.

We are grateful to be here with all who are working together.

We are thankful for those that can compete and still cooperate.

We are thankful for those who share with us their talents and abilities.

We are grateful for the people who surround us in the halls.

We are grateful for the people who visit.

We are thankful for the people of Nevada.

We are grateful for those who have spent their lives in service in the military and elsewhere that they may be a beacon for us to follow.

We are grateful for those who have taught us in schools and in institutions of higher learning.

We are grateful for our parents.

We are grateful for our aunts, uncles, and grandparents.

We are so appreciative of the heritage that we have as being Nevadans either newly or from strong Nevada roots.

We are grateful for the trees.

We are grateful for the grasses that are green.

We are thankful for this spring to look out at and have hope.

We are thankful for the hope that is coming as we near the end of this Session.

We are thankful that we have agreements.

We are thankful that we can get along.

We are appreciative of the turmoil that happens so that we can solve challenges and with Thy help find inspiration.

We are appreciative of our health.

We are thankful for those who have health problems and that are still with us.

We are grateful for all those who have taken care of us in so many ways during this Session.

We ask Thee to help us during this Session to get along amicably and understand where others may be coming from to solve the challenges that are ahead of us.

We are appreciative of those in positions over us, and we ask Thee to bless them and us as we try to be considerate and consider the challenges before us today.

In the Name of Jesus Christ, we pray.

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 was referred Assembly Bill No. 389, 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 was referred Assembly Bill No. 448, 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 were re-referred Senate Bills Nos. 213, 214, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

BEN KIECKHEFER, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 469, 472, 473, 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PETE GOICOECHEA, *Chair*

Mr. President:

Your Senate Committee on Senate Parliamentary Rules and Procedures has approved the consideration of Amendment No. 1022 to Senate Bill No. 433; Amendment No. 1021 to Assembly Bill No. 71.

JAMES A. SETTELMAYER, *Chair*

Mr. President:

Your Committee on Transportation, to which was referred Assembly Bill No. 203, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SCOTT HAMMOND, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 29, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 60, 89, 276, 302, 414.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 221, 388, 487.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 374, Amendment No. 981, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day receded from its action on Senate Bill No. 225, Assembly Amendment No. 928.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 348, Assembly Amendment No. 791, and requests a conference, and appointed Assemblymen Hansen, O'Neill and Neal as a Conference Committee to meet with a like committee of the Senate.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Senate Resolution No. 8—Designating certain members of the Senate as regular and alternate members of the Legislative Commission for the 2015-2017 biennium.

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

Senate in recess at 9:57 a.m.

SENATE IN SESSION

At 9:58 a.m.

President Hutchison presiding.

Quorum present.

Senator Farley moved the adoption of the resolution.

Remarks by Senator Farley.

This resolution designates certain members of the Senate as regular and alternate members of the Legislative Commission for the 2015-2017 Biennium.

Motion carried.

Senator Roberson announced the notice issued May 29, 2015, appointing Senator Hardy as an alternate member to serve on the Committee on Finance on behalf of Senator Kieckhefer be rescinded as Senator Kieckhefer will serve as originally appointed.

Senator Settlemeyer moved that Senate Bill No. 433 be taken from the Secretary's desk and placed on the General File.

Motion carried.

Senator Settlemeyer moved that Assembly Bill No. 71 be taken from the Secretary's desk and placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 512—AN ACT relating to real property; abolishing the Foreclosure Mediation Program; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 221.

Senator Kieckhefer moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 388.

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

Motion carried.

Assembly Bill No. 487.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 213.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 213 requires the Department of Administration to maintain a database of each request or budget for federal assistance submitted to the Federal Government by the Executive Department of State Government. Senate Bill No. 213 also requires the Department of Administration to prepare and submit an annual report to the Governor and to the Legislative Counsel Bureau that identifies the total amount of federal assistance applied for, received and used by each department, institution and agency of the Executive Department. To the extent practicable, the report is to include recommendations of any actions that are necessary to apply for additional federal assistance programs or to improve the use of existing federal assistance programs used by a department, institution or agency of the Executive Department. In addition, Senate Bill No. 213 allows the Fiscal Analysis Division of the Legislative Counsel Bureau to prepare a report as to the advisability of increasing or decreasing the use of any federal assistance program. This act becomes effective on July 1, 2015.

Roll call on Senate Bill No. 213:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 213 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 214.

Bill read third time.

Remarks by Senators Kieckhefer and Ford.

SENATOR KIECKHEFER:

Senate Bill No. 214 creates a seven-member Nevada Advisory Council on Federal Assistance to advise and assist State and local agencies with respect to obtaining and maximizing federal assistance. Members serve two-year terms. They serve without compensation but are entitled to per diem and travel. Duties of the Council include: address methods and models for identifying, procuring, utilizing and maintaining federal assistance, including, without limitation: 1) streamlining process, regulatory, structural and other barriers to the acquisition of federal assistance; 2) developing and expanding opportunities for obtaining matching funds for federal assistance; 3) ensuring sufficient personnel and technical expertise in State and local governments and nonprofit organizations; 4) developing and expanding opportunities to work with nonprofit organizations to achieve common goals. Also, the Council is to develop legislative and executive recommendations on matters described in paragraph (a). The Department of Administration is to provide administrative support to the Council. Senate Bill No. 214 becomes effective July 1, 2015.

SENATOR FORD:

My understanding is that the appointments in this bill, although still being allowed to be made, remove the ability for the Minority Leaders in the two Chambers to make appointments. I

want to get clarification that it does not happen. I think it does happen, and if so, I cannot support this.

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

Senate in recess at 10:04 a.m.

SENATE IN SESSION

At 10:05 a.m.
President Hutchison presiding.
Quorum present.

SENATOR KIECKHEFER:

A single member of the Senate is appointed to this advisory council; so yes, that person is appointed by the Majority Leader. Regardless of the party in charge, one member of this Body will serve on the advisory council, and the Majority Leader would make the appointment. Generally, when we have appointing authority that includes multiple Legislators, both the Majority Leader and the Minority Leader make those appointments. However, since it is a single member, we put it in the hands of the Majority Leader.

SENATOR FORD:

Does that mean we are reducing the number of members that have been appointed over the course of the years? I think historically there have been appointments made by both the Majority Leader and the Minority Leader.

SENATOR KIECKHEFER:

This is a new advisory council. This is not changing appointment authority to an existing council but rather a new one. The make-up is new.

Roll call on Senate Bill No. 214:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 214 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Settlemeyer moved that Senate Bill No. 433 be taken from the
General File and placed on the General File on the next Agenda.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 71.

Bill read third time.

The following amendment was proposed by Senator Settlemeyer:

Amendment No. 1021.

SUMMARY—Revises provisions relating to military veterans and
members and relatives of members of the Nevada National Guard.
(BDR 32-297)

AN ACT relating to taxation; allowing a person who qualifies as both a military veteran and the surviving spouse of a veteran to claim both of the veterans' exemptions from property taxes and governmental services taxes; revising the calculation of the inflation adjustment to certain exemptions from property taxes and governmental services taxes for certain veterans; providing a deduction from the payroll tax for wages paid to newly hired full-time employees who are veterans; providing an exemption from certain sales and use taxes for certain relatives of a member of the Nevada National Guard who is called into active service and is killed while performing his or her duties as a member of the Nevada National Guard; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, a person who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States is entitled to an exemption from property taxes and the governmental services tax.]~~ Existing law provides an exemption from property taxes for a military veteran who served on active duty under certain circumstances. (NRS 361.090) Existing law also provides an exemption from property taxes for a veteran with a permanent service-connected disability, or the surviving spouse of such a veteran, and prohibits a person who claims this exemption from obtaining the other property tax exemption otherwise allowable for such a person. (NRS 361.091) Section 1 of this bill provides that a person who qualifies as both a veteran and the surviving spouse of a veteran with a permanent service-connected disability may claim both of the veterans' exemptions from property taxes.

Existing law provides similar exemptions from governmental services taxes for military veterans and, under certain circumstances, authorizes a veteran to transfer the exemption to his or her current spouse. (NRS 371.103, 371.104) Section 2 of this bill provides that a person who qualifies as both a veteran and the surviving spouse of a veteran with a permanent service-connected disability may claim both of these exemptions from governmental services taxes.

Each fiscal year, the amount of ~~[exemption]~~ the exemptions allowable for military veterans is adjusted for inflation based on the percentage increase in the Consumer Price Index (All Items) for a certain period. (NRS 361.091, 371.104) Sections 1 and 4 of this bill also revise provisions governing these inflation adjustments to provide that: (1) the adjustments are based on the percentage increase in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor, or the successor index that most closely resembles that index as determined by the Department of Taxation; and (2) the percentage increase in that index is measured for the same period for the purposes of both adjustments.

Existing law requires employers to pay a payroll tax on the wages paid to their employees during each calendar quarter. The tax is imposed on financial institutions at the rate of 2 percent per calendar quarter and, effective July 1, 2015, on other employers at the rate of 0.63 percent per calendar quarter. (NRS 363A.130, 363B.110) Sections 2 and 3 of this bill authorize financial institutions and other employers to deduct from the total amount of wages reported and upon which the payroll tax is imposed any wages paid to a newly hired full-time employee during the first 4 full calendar quarters next following the hiring of the employee, and 50 percent of all wages paid to the employee during the 5th through 12th full calendar quarters next following the hiring of the employee, if: (1) the employee is a veteran of certain specified military service; (2) at the time of hiring the employee has been unemployed for a continuous period of not less than 3 months; and (3) certain other conditions are satisfied. The deduction does not apply with respect to any employee hired after June 30, 2019.

Existing law provides an exemption from certain sales and use taxes for members of the Nevada National Guard called into active service and for certain relatives of such members of the Nevada National Guard. (NRS 372.7281, 374.7285) Sections 5-8 of this bill provide for eligibility for a 3-year exemption from such taxes for certain relatives of members of the Nevada National Guard who are killed while performing duties as a member of the Nevada National Guard while on active service.

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

Section 1. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to an exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption for total permanent disability is the first \$20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of \$15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of \$10,000 assessed value.

↪ For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his or her claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a

bona fide resident of the State of Nevada, that the affiant meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145,

↪ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require the applicant to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his or her permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his or her permanent service-connected disability; or

(c) A certificate from the United States Department of Veterans Affairs or any other military document which shows that he or she has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran who incurred a permanent service-connected disability for the 5 years preceding his or her death;

(b) The veteran was eligible for the exemption at the time of his or her death or would have been eligible if the veteran had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

↪ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall, except as otherwise provided in this subsection, mail a form for renewal of the exemption to the person each year following a year in which the exemption

was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

7. If a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent.

8. If a tax exemption is allowed under this section ~~[, the claimant]~~ to a person who qualifies for the exemption:

(a) As a veteran with a permanent service-connected disability, that person is not entitled to an exemption under NRS 361.090.

(b) Solely as the surviving spouse of a veteran with a permanent service-connected disability, the allowance of a tax exemption under this section does not affect the eligibility of that person for an exemption under NRS 361.090.

9. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

10. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the ~~[Consumer Price Index (All Items)]~~ *consumer price inflation index* from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

11. *For the purposes of this section, "consumer price inflation index" means the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Department.*

Sec. 2. Chapter 363A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363A.130 all wages paid by the employer to an employee during the first 4 full calendar quarters next following the hiring of the employee, and 50 percent of all wages paid by the employer to the employee during the 5th through 12th full calendar quarters next following the hiring of the employee, if:*

(a) The employee is a veteran as defined in NRS 417.005;

(b) The employee is first hired by the employer on or after July 1, 2015, and on or before June 30, 2019;

(c) The employee has been:

(1) Unemployed for a continuous period of not less than 3 months immediately preceding the date of hire; and

(2) Receiving unemployment compensation continuously for that entire period;

(d) The employee is employed in a full-time position throughout the entire calendar quarter for which the deduction is claimed;

(e) The employee provides to the employer documentation to verify that the employee meets the requirements of paragraph (c); and

(f) The employer submits to the Department an affidavit, signed under penalty of perjury by the employer or an authorized agent of the employer, stating that:

(1) The employee meets the requirements specified in paragraphs (a), (b) and (c);

(2) The employee meets all qualifications for the position of employment for which he or she is hired; and

(3) The employee was not hired to replace another employee or, if so, the replaced employee left voluntarily or was terminated for cause.

2. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, provide the Department with such documentation as the Department deems appropriate to substantiate that claim.

Sec. 3. Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363B.110 all wages paid by the employer to an employee during the first 4 full calendar quarters next following the hiring of the employee, and 50 percent of all wages paid by the employer to the employee during the 5th through 12th full calendar quarters next following the hiring of the employee, if:

(a) The employee is a veteran as defined in NRS 417.005;

(b) The employee is first hired by the employer on or after July 1, 2015, and on or before June 30, 2019;

(c) The employee has been:

(1) Unemployed for a continuous period of not less than 3 months immediately preceding the date of hire; and

(2) Receiving unemployment compensation continuously for that entire period;

(d) The employee is employed in a full-time position throughout the entire calendar quarter for which the deduction is claimed;

(e) The employee provides to the employer documentation to verify that the employee meets the requirements of paragraph (c); and

(f) The employer submits to the Department an affidavit, signed under penalty of perjury by the employer or an authorized agent of the employer, stating that:

(1) The employee meets the requirements specified in paragraphs (a), (b) and (c); and

(2) The employee meets all qualifications for the position of employment for which he or she is hired; and

(3) The employee was not hired to replace another employee or, if so, the replaced employee left voluntarily or was terminated for cause.

2. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, provide the Department with such documentation as the Department deems appropriate to substantiate that claim.

Sec. 4. NRS 371.104 is hereby amended to read as follows:

371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to a veteran's exemption from the payment of governmental services taxes on vehicles of the following determined valuations:

(a) If he or she has a disability of 100 percent, the first \$20,000 of determined valuation.

(b) If he or she has a disability of 80 to 99 percent, inclusive, the first \$15,000 of determined valuation.

(c) If he or she has a disability of 60 to 79 percent, inclusive, the first \$10,000 of determined valuation.

2. In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department in the county where the exemption would otherwise have been claimed. The affidavit of transfer must be made before an authorized employee of the Department or a notary public. If a veteran makes such a transfer:

(a) The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;

(b) The veteran is not entitled to the exemption for the duration of the transfer;

(c) The transfer expires upon the earlier of:

(1) The termination of the marriage;

(2) The death of the veteran; or

(3) The revocation of the transfer by the veteran as described in paragraph (d); and

(d) The veteran may, at any time, revoke the transfer of the exemption by filing with the Department in the county where the exemption is claimed an

affidavit made before an authorized employee of the Department or a notary public.

3. For the purpose of this section, the first \$20,000 of determined valuation of vehicles in which a person described in subsection 1 or 2 has any interest shall be deemed to belong entirely to that person.

4. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 or 2, as applicable, and that the exemption is claimed in no other county within this State. After the filing of the original affidavit of exemption and after the transfer of the exemption, if any, pursuant to subsection 2, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145,

→ to the person who claimed the exemption each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

5. Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the veteran's status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs that the veteran has incurred a permanent service-connected disability, which shows the percentage of that disability; and

(b) Any one of the following:

(1) An honorable discharge;

(2) A certificate of satisfactory service; or

(3) A certified copy of either of these documents.

6. A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran with a disability for the 5 years preceding his or her death;

(b) The veteran with a disability was eligible for the exemption at the time of his or her death or, if not for a transfer of the exemption pursuant to subsection 2, would have been eligible for the exemption at the time of his or her death; and

(c) The surviving spouse has not remarried.

→ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall, except as

otherwise provided in this subsection, mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

7. If a tax exemption is allowed under this section ~~[, the]~~ to a person who qualifies for the tax exemption:

(a) As a veteran ~~(and his)~~ or ~~(her)~~ as the current spouse ~~(are)~~ of a veteran who receives a transfer of an exemption pursuant to subsection 2, that person is not entitled to an exemption under NRS 371.103.

(b) Solely as the surviving spouse of a veteran with a permanent service-connected disability, the allowance of a tax exemption under this section does not affect the eligibility of that person for an exemption under NRS 371.103.

8. If any person makes a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof the person is allowed a tax exemption to which he or she is not entitled, the person is guilty of a gross misdemeanor.

9. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 3 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the ~~{Consumer Price Index (All Items)}~~ *consumer price inflation index* from ~~{December}~~ July 2003 to the ~~{December}~~ July preceding the fiscal year for which the adjustment is calculated.

10. *For the purposes of this section, "consumer price inflation index" means the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the published index selected by the Department of Taxation pursuant to subsection 11 of NRS 361.091.*

Sec. 5. NRS 372.7281 is hereby amended to read as follows:

372.7281 In administering the provisions of NRS 372.325, the Department shall apply the exemption for the sale of tangible personal property to the State of Nevada, its unincorporated agencies and instrumentalities to include all tangible personal property that is sold to:

1. A member of the Nevada National Guard who is engaged in full-time National Guard duty, as defined in 10 U.S.C. 101(d)(5), and has been called into active service.

2. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 1 who:

(a) Resides in the same home or dwelling in this State as the member; and

(b) Is related by blood, adoption or marriage within the first degree of consanguinity or affinity to the member.

3. *A relative of a deceased member of the Nevada National Guard who was engaged in full-time National Guard duty, as defined in 10 U.S.C. 101(d)(5), and who was killed while performing his or her duties as a member of the Nevada National Guard during a period when the member was called into active service. To be eligible under this subsection, the relative must be a person who:*

(a) Resided in the same house or dwelling in this State as the deceased member; and

(b) Was related by blood, adoption or marriage within the first degree of consanguinity or affinity to the deceased member.

Sec. 6. NRS 372.7282 is hereby amended to read as follows:

372.7282 1. A person who wishes to claim an exemption pursuant to NRS 372.7281 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department.

2. If the Department determines that a person is eligible for the exemption provided pursuant to NRS 372.7281, the Department shall issue a letter of exemption to the person. ~~The~~ *A letter of exemption issued to a member of the Nevada National Guard described in subsection 1 of NRS 372.7281 or a relative of a member described in subsection 2 of NRS 372.7281 expires on the date on which the person no longer meets the qualifications for eligibility. A letter of exemption issued to a relative of a deceased member of the Nevada National Guard described in subsection 3 of NRS 372.7281 expires on the date 3 years after the date of the death of the member.*

3. To claim an exemption pursuant to NRS 372.7281 for the sale of tangible personal property to such a person:

(a) The person must provide a copy of the letter of exemption to the retailer from whom the person purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption to the Department.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 7. NRS 374.7285 is hereby amended to read as follows:

374.7285 In administering the provisions of NRS 374.330, the Department shall apply the exemption for the sale of tangible personal property to the State of Nevada, its unincorporated agencies and instrumentalities to include all tangible personal property that is sold to:

1. A member of the Nevada National Guard who is engaged in full-time National Guard duty, as defined in 10 U.S.C. 101(d)(5), and has been called into active service.

2. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 1 who:

(a) Resides in the same home or dwelling in this State as the member; and

(b) Is related by blood, adoption or marriage within the first degree of consanguinity or affinity to the member.

3. *A relative of a deceased member of the Nevada National Guard who was engaged in full-time National Guard duty, as defined in 10 U.S.C. 101(d)(5), and who was killed while performing his or her duties as a member of the Nevada National Guard during a period when the member was called into active service. To be eligible under this subsection, the relative must be a person who:*

(a) *Resided in the same house or dwelling in this State as the deceased member; and*

(b) *Was related by blood, adoption or marriage within the first degree of consanguinity or affinity to the deceased member.*

Sec. 8. NRS 374.7286 is hereby amended to read as follows:

374.7286 1. A person who wishes to claim an exemption pursuant to NRS 374.7285 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department.

2. If the Department determines that a person is eligible for the exemption provided pursuant to NRS 374.7285, the Department shall issue a letter of exemption to the person. ~~The~~ *A letter of exemption issued to a member of the Nevada National Guard described in subsection 1 of NRS 374.7285 or a relative of a member described in subsection 2 of NRS 374.7285 expires on the date on which the person no longer meets the qualifications for eligibility. A letter of exemption issued to a relative of a deceased member of the Nevada National Guard described in subsection 3 of NRS 374.7285 expires on the date 3 years after the date of the death of the member.*

3. To claim an exemption pursuant to NRS 374.7285, for the sale of tangible personal property to such a person:

(a) The person must provide a copy of the letter of exemption to the retailer from whom the person purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption to the Department.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 9. 1. This section and sections 1 and 4 of this act ~~becomes~~ become effective ~~on~~ :

(a) Upon passage and approval for the purpose of filing claims for tax exemptions and performing any preparatory administrative tasks that are necessary to carry out the amendatory provisions of sections 1 and 4 of this act; and

(b) On July 1, 2015, ~~for~~ for all other purposes.

2. Sections 2, 3 and 5 to 8, inclusive, of this act become effective on July 1, 2015.

3. Sections 2 and 3 of this act expire by limitation on July 31, 2022.

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Amendment No. 1021 is in line with a bill I had several sessions ago, S.B. 330, which allowed a surviving spouse to also have their own Veterans Tax Exemption. That de minimis amount would be added to the State liability. However, I believe it is the right policy to no longer discriminate against individuals who marry someone who is also in the military.

Amendment adopted.

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

Assembly Bill No. 203.

Bill read third time.

Remarks by Senator Farley.

The bill also provides an exemption from the Governmental Services Fee for any passenger car leased by or on behalf of this State, its unincorporated agencies and instrumentalities, and any county, city, district or other political subdivision of this State.

Roll call on Assembly Bill No. 203:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 203 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 389.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 389 deems the client company of an employee leasing company to be the employer of the employees it leases for purposes of unemployment insurance. The measure also revises the definition of "employee leasing company," allows such a company to submit consolidated financial statements for purposes of applying for a certificate of registration and repeals provisions requiring an employee leasing company to maintain a physical presence in this State.

Roll call on Assembly Bill No. 389:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 389 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 448.

Bill read third time.

Remarks by Senators Hammond, Woodhouse and Ford.

SENATOR HAMMOND:

Assembly Bill No. 448 creates the Achievement School District within the Department of Education and establishes criteria for the annual conversion of up to six underperforming schools to achievement charter schools. The bill specifies how the schools are operated, staffed and financed, and the process for schools to leave the Achievement School District after a

minimum period of six years. The Department is required to consider student performance data and parental and community input, in consultation with the local school board, in selecting the schools proposed for conversion.

The bill limits the monetary amount that may be paid to the operator of the achievement charter school and authorizes an achievement charter school to receive funds available from federal and State categorical grant programs. The bill removes limitations on the use of school district owned properties during regular school hours by charter schools, and clarifies a school district's obligations regarding capital projects at schools selected for conversion. Finally, the parent or guardian of a student attending a converted school may submit written notice that the student will no longer attend the school.

SENATOR WOODHOUSE:

I stand in opposition to Assembly Bill No. 448 as this is an unnecessary measure. For example, the Clark County School District already has such a program in place, as does the Washoe County School District. Many of you will remember the first turnaround school in the Clark County School District was Chaparral High School. They are no longer a turnaround school. They are functioning, and their star rating has greatly improved. Other schools in Clark County have been placed in a turnaround-type zone and are functioning. Many of them are improving. What I would ask this Body to do is focus on the positive programs that we have processed this Session, such as Read by Three, the expansion of the Zoom School Project, Victory Schools and the many measures that we have processed for the charter schools. Let us let the Nevada Department of Education, the Superintendent and the School Districts work together to make all of these programs we have already processed successful so that our students can achieve at the level that we all want them to. I urge all of my Senate colleagues to vote "no" on Assembly Bill No. 448.

SENATOR FORD:

I likewise have to rise in opposition to this bill. It is no surprise that I am staunch advocate for charter schools as a general matter, but recent research has indicated to me that charter schools do not a stellar reputation here in Nevada in terms of the efficacy and effectiveness for educating children of color and impoverished individuals. I do not believe that this bill, as my colleague has said, is necessary, nor do I find there is enough accountability or direction associated with this bill, especially with the Superintendent of Public Instruction being able and given the oath of authority and the unfair discretion to appoint the Superintendent of the ASD. I think this is problematic as well so I rise in opposition to this bill, and I suggest that my colleagues likewise vote in opposition.

Roll call on Assembly Bill No. 448:

YEAS—11.

NAYS—Atkinson, Denis, Ford, Kihuen, Manendo, Parks, Spearman, Woodhouse—8.

EXCUSED—Segerblom, Smith—2.

Assembly Bill No. 448 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 469.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 469 creates the Office of Finance in the Office of the Governor. The measure transfers the duties of the Budget Division and the Division of Internal Audits from the Department of Administration to the Office of Finance.

Roll call on Assembly Bill No. 469:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Assembly Bill No. 469 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 472.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 472 provides that money from the Patriot Relief Account may no longer be used to reimburse a member of the Nevada National Guard for premiums paid on a group life insurance policy purchased pursuant to the provisions of Title 38 of the *United States Code* for veterans' benefits commonly known as Service Members' Group Life Insurance. The bill also limits to \$1,000 per semester, quarter or term, as applicable, less any amount provided by the federal government, the amount that a member of the Nevada National Guard who is enrolled at an institution within the Nevada System of Higher Education may be reimbursed from the Account for the cost of textbooks. This measure is effective upon passage and approval.

Roll call on Assembly Bill No. 472:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Assembly Bill No. 472 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 473.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 473 requires the Director of the State Department of Conservation and Natural Resources to appoint two Deputy Directors, rather than one, and to assign each Deputy Director his or her duties. This position was taken away in 2011. There is no fiscal impact because they already have a special advisor who will be moved in to this position. They are just renaming them.

Roll call on Assembly Bill No. 473:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Assembly Bill No. 473 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 482.

Bill read third time.

Remarks by Senators Lipparelli and Spearman.

SENATOR LIPPARELLI:

Assembly Bill No. 482 requires the Director of the Department of Veterans Services to prepare a report that provides an analysis of the funding of programs and services for veterans in the State. The measure requires the transmission of a digital copy of the report to each veteran in the State for whom the Department has an electronic mail address and the publication of the report on the Department's website. The Interagency Council on Veterans Affairs is required to develop and disseminate best practices, as well as foster the development and dissemination of research and policy for improving outcomes for veterans, members of the military and their families through policy recommendations. Further, this bill requires the development and administration of a fellowship program, the cultivation of leadership opportunities for veterans, and the development and dissemination of models for outreach and engagement of veterans. This measure is effective on July 1, 2015.

SENATOR SPEARMAN:

I rise in full support of this bill. I hope that one of the things the committee will take a look at is the matter of child care for survivors of members of the military who have been killed in action. Perhaps, next Session, we will be able to do something about that.

Roll call on Assembly Bill No. 482:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Assembly Bill No. 482 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 391.

The following Assembly amendment was read:

Amendment No. 895.

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; 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 (1) retained in grade 3 for deficiency in reading, including whether or not a pupil was previously retained in kindergarten or grade 1 or 2; and ~~(1)~~ (2) not retained in grade 3 because a good cause exemption was approved but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years. Sections 3 and 13 also require the board of trustees of each school district and the governing body of a charter school to submit the report to the Department ~~(1)~~ and ~~(2)~~ post the report on the Internet website maintained by the school district or charter school, as applicable.

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 a grant of money 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 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~~ *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.* The rules must ~~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~~ :*

(1) Retained in grade 3 pursuant to section 10 of this act for a deficiency in the subject area of reading ~~f+r~~, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and

(2) Not retained in grade 3 because a good cause exemption was approved pursuant to section 10 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years;

(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 ~~for upon~~ and 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, explain and, if appropriate, demonstrate 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 explain and, if appropriate, demonstrate 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 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~~ :

(a) Retained in grade 3 pursuant to section 10 of this act for a deficiency in the subject area of reading ~~+~~, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and

(b) Not retained in grade 3 because a good cause exemption was approved pursuant to section 10 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years.

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. The Department of Education shall distribute the money that is appropriated 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.

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 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.

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 1.

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.

5. On or before August 31, 2016, the Department of Education shall submit a preliminary report prepared pursuant to subsection 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 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.

6. Any money awarded to a school district or charter school from the money appropriated 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.

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 Harris moved that the Senate concur in Assembly Amendment No. 895 to Senate Bill No. 391.

Remarks by Senator Harris.

Amendment No. 895 makes the following changes to the bill: adds Assemblyman Elliot Anderson as a joint sponsor of the bill; requires that if a pupil exhibits deficiencies in the subject area of reading, a written notice to the parent or legal guardian must describe, explain and if appropriate, demonstrate the strategies that may be used to improve reading and English literacy.

It also requires the report prepared by the board of trustees of each school district or the governing body of a charter school include whether or not the pupil was previously retained in kindergarten or grade 1 or 2 and not retained in grade 3 because a good cause exemption was approved but who were previously retained in kindergarten or grade 1 or 2 for a total of two years.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 474.

The following Assembly amendment was read:

Amendment No. 910.

SUMMARY—Makes various changes concerning the professional development of teachers, school administrators and other educational personnel. (BDR 34-1183)

AN ACT relating to education; creating the Great Teaching and Leading Fund; prescribing the administration and use of money in the Fund; authorizing certain entities to submit an application to the State Board of Education for a grant of money from the Fund; requiring the Superintendent of Public Instruction to post a list of each gift or grant received for deposit in the Fund on the Internet website maintained by the Department of Education; requiring school districts and charter schools to ensure that certain professional development is available to teachers and administrators; revising provisions governing the provision of training by the regional training programs for the professional development of teachers and administrators; creating the Advisory Task Force on Educator Professional Development to study and report on matters relating to professional development of teachers, school administrators and other educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.5 of this bill creates the Great Teaching and Leading Fund in the State General Fund, to be administered by the Superintendent of Public Instruction. Section 1.5 also authorizes the following entities to submit an application to the State Board of Education for a grant of money from the Fund: (1) the governing body of a regional training program for the professional development of teachers and administrators; (2) the board of trustees of a school district; (3) the governing body of a charter school; (4) the State Public Charter School Authority; (5) a university, state college or community college within the Nevada System of Higher Education; (6) employee associations representing licensed educational personnel; and (7)

nonprofit educational organizations. Section 1.5 further requires the State Board of Education to prescribe annually the priorities of programs for which grants of money may be awarded from the Fund and requires an application submitted by an entity to address how the money will be used in accordance with those priorities. An entity that receives a grant of money from the Fund is required to use the money in accordance with the priorities to provide: (1) professional development for teachers, administrators and other licensed educational personnel; (2) programs of preparation for teachers, administrators and other licensed educational personnel; (3) programs of peer assistance and review for teachers, administrators and other licensed educational personnel; (4) programs for leadership training and development; and (5) programs to recruit, select and retain effective teachers and principals. ~~Finally, section~~ Section 1.5 additionally requires the Superintendent of Public Instruction, to the extent money is available for this purpose, to: (1) contract for an independent evaluation of the effectiveness of the grants made from the Fund ~~to~~; and (2) if such an evaluation is conducted, submit a report of the results to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature or the Legislative Committee on Education. Section 1.5 also requires the Superintendent of Public Instruction to: (1) post a list of each gift or grant received for deposit in the Fund on the Internet website maintained by the Department; (2) update the list annually; and (3) transmit the list to the next regular session of the Legislature or the Legislative Committee on Education.

Section 1.7 of this bill requires the board of trustees of each school district and the governing body of each charter school to ensure that teachers and administrators have access to high-quality, ongoing professional development training.

Existing law creates three regional training programs for the professional development of teachers and administrators and requires the governing body of each regional training program to make an assessment of the training needs of teachers and administrators who are employed by school districts within the primary jurisdiction of the regional training program and provide training based upon that assessment. (NRS 391.512, 391.544) Section 2 of this bill requires the provision of training by a regional training program to also be based upon the priorities of programs prescribed by the State Board pursuant to section 1.5.

Section 3.5 of this bill creates the Advisory Task Force on Educator Professional Development to study certain issues relating to professional development of teachers, school administrators and other educational personnel. The Task Force is required to meet at least four times before June 30, 2016, and prepare a final report with its findings and recommendations which must be distributed to the Governor, the State Board of Education, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.

Sec. 1.5. 1. *The Great Teaching and Leading Fund is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent may accept gifts and grants from any source for deposit in the Fund. Any money from such gifts and grants must be expended only in accordance with the terms and conditions of the gift or grant, or in accordance with this section.*

2. *The interest and income earned on:*

(a) *Money in the Fund, after deducting any applicable charges; and*

(b) *Unexpended appropriations made to the Fund from the State General Fund,*

↪ must be credited to the Fund.

3. *Any money in the Fund and any unexpended appropriations made to the Fund from the State General Fund remaining at the end of a fiscal year do not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.*

4. *The money in the Fund may only be used for public schools and public education, as authorized by the Legislature and in accordance with the priorities of programs prescribed by the State Board pursuant to subsection 8.*

5. *The Superintendent of Public Instruction shall coordinate the annual distribution of grants of money from the Fund to the following entities whose applications for a grant are approved:*

(a) *The governing body of a regional training program for the professional development of teachers and administrators.*

(b) *The board of trustees of a school district.*

(c) *The governing body of a charter school.*

(d) *The State Public Charter School Authority.*

(e) *A university, state college or community college within the Nevada System of Higher Education.*

(f) *Employee associations representing licensed educational personnel.*

(g) *Nonprofit educational organizations.*

6. *The Superintendent of Public Instruction shall:*

(a) *Prescribe the form for an entity described in subsection 5 to submit an application for a grant of money from the Fund and the deadline for submission of such an application.*

(b) *Assign a committee to review the applications and make recommendations to the Superintendent for awarding grants of money from the Fund.*

(c) *Make recommendations to the State Board regarding awarding grants of money from the Fund.*

7. Based upon the recommendations made by the Superintendent of Public Instruction pursuant to paragraph (c) of subsection 6 and to the extent money is available in the Fund, the State Board shall award grants of money to each entity with an approved application not later than December 31 of each year. To the extent that money is available, a grant of money from the Fund may be awarded for ~~for the period of up to 5~~ specified by the applicant in the application, not to exceed 3 years. The State Board may not award more than ~~25~~ 20 percent of the money placed in the Fund by legislative appropriation to any single entity in a fiscal year.

8. On or before September 30 of each year, the State Board shall prescribe the priorities of programs set forth in subsection 10 for which grants of money will be made from the Fund on or before December 31 of that year. In developing the priorities, the State Board shall review and consider the assessment of the training needs of teachers and administrators made by the governing body of each regional training program for the professional development of teachers and administrators pursuant to NRS 391.540.

9. An entity described in subsection 5 may submit an application for a grant of money on the form prescribed by the Superintendent of Public Instruction, which must include, without limitation, a description of how the entity will use money from the grant to address the priorities prescribed by the State Board pursuant to subsection 8 ~~and~~ and the period for which the grant is requested, not to exceed 3 years.

10. An entity that receives a grant of money from the Fund shall use the money in accordance with the priorities of programs prescribed by the State Board pursuant to subsection 8 to provide:

- (a) Professional development for teachers, administrators and other licensed educational personnel;
- (b) Programs of preparation for teachers, administrators and other licensed educational personnel;
- (c) Programs of peer assistance and review for teachers, administrators and other licensed educational personnel;
- (d) Programs for leadership training and development; and
- (e) Programs to recruit, select and retain effective teachers and principals.

11. An entity that receives a grant of money from the Fund shall provide a report annually if the entity receives a grant of money for more than 1 year or, if the entity receives a grant of money for 1 year or less, within 120 days after the conclusion of the grant to the Superintendent of Public Instruction in the form prescribed by the Superintendent that includes, without limitation, a description of:

- (a) The programs for which the grant of money was used.
- (b) The effectiveness of the grant of money in:
 - (1) Improving the achievement of pupils;

(2) *Assisting teachers, administrators and other licensed educational personnel; and*

(3) *Improving the recruitment, selection and retention of effective teachers and principals.*

12. *To the extent money is available from legislative appropriation or otherwise, the Superintendent of Public Instruction shall contract for an independent evaluation of the effectiveness of the grants of money from the Fund, including, without limitation, a review and analysis of data relating to:*

(a) Changes in instructional or administrative practices;

(b) The achievement of pupils; and

(c) The recruitment, selection and retention of effective teachers and administrators.

➔ *The Superintendent of Public Instruction shall consult with the Statewide Council for the Coordination of the Regional Training Programs in determining the duties of the contractor.*

13. If the Superintendent of Public Instruction contracts for an independent evaluation of the effectiveness of the grants of money from the Fund pursuant to subsection 12, the Superintendent shall submit a report of the results of the evaluation to:

(a) The Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(b) If the report is completed before September 1 of an even-numbered year, the Legislative Committee on Education.

14. The Superintendent of Public Instruction shall:

(a) Post on the Internet website maintained by the Department a list of each gift or grant, if any, received pursuant to subsection 1 for deposit in the Fund and the name of the donor of the gift or grant.

(b) Update the list annually.

(c) On or before February 1 of each year, transmit the list prepared for the immediately preceding year:

(1) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(2) In even-numbered years, to the Legislative Committee on Education.

Sec. 1.7. *The board of trustees of each school district and the governing body of each charter school shall ensure that the teachers and administrators employed by the school district or charter school have access to high-quality, ongoing professional development training. The professional development training must include, without limitation, training concerning:*

1. The academic standards adopted by the State Board, including, without limitation, the academic standards for science.

2. The academic standards and curriculum in English language development and literacy.

3. The curriculum and instruction required for courses of study in ~~science,~~

(a) Science, technology, engineering and mathematics.

(b) English language development and literacy.

4. The cultural competency required to meet the social, emotional and academic needs of certain categories of pupils enrolled in the school, including, without limitation, pupils who are at risk, pupils who are limited English proficient, pupils with disabilities and gifted and talented pupils.

Sec. 2. NRS 391.544 is hereby amended to read as follows:

391.544 1. Based upon the *priorities of programs prescribed by the State Board pursuant to subsection 8 of section 1.5 of this act and the assessment of needs for training within the region and priorities of training adopted by the governing body pursuant to NRS 391.540*, each regional training program shall provide:

(a) Training for teachers and other licensed educational personnel in the:

(1) Standards established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(2) Curriculum and instruction required for the ~~{common core state}~~ standards adopted by the State Board;

(3) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and

(4) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:

(1) Phonemic awareness;

(2) Phonics;

(3) Vocabulary;

(4) Fluency;

(5) Comprehension; and

(6) Motivation.

(c) Training for administrators who conduct the evaluations required pursuant to NRS 391.3125 and 391.3127 relating to the manner in which such evaluations are conducted. Such training must be developed in consultation with the Teachers and Leaders Council of Nevada created by NRS 391.455.

(d) Training for teachers, administrators and other licensed educational personnel relating to correcting deficiencies and addressing recommendations for improvement in performance that are identified in the evaluations conducted pursuant to NRS 391.3125 or 391.3127.

(e) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.

(3) In addition to the training provided pursuant to paragraph (b), training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

(f) In accordance with the program established by the Statewide Council pursuant to paragraph (b) of subsection 2 of NRS 391.520 training for:

(1) Teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. 7801(34), as deemed appropriate by the governing body for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are limited English proficient.

3. The governing body of each regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

↪ The governing body shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in NRS 391.512 to provide professional development to the teachers and administrators employed by the school district that is in addition to the training required by this section. Any training provided pursuant to this

subsection must include the activities set forth in 20 U.S.C. 7801(34), as deemed appropriate by the governing body for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

Sec. 3. Notwithstanding the provisions of subsection 8 of section 1.5 of this act, for Fiscal Year 2015-2016, the priorities of programs for which grants of money may be made from the Great Teaching and Leading Fund created by section 1.5 of this act must address:

1. The provision of professional development for teachers to provide instruction in the standards of content and performance for the subject area of science;

2. The implementation of the statewide performance evaluation system established pursuant to NRS 391.465;

3. The recruitment, selection and retention of effective teachers and principals; and

4. Programs of leadership training and development.

Sec. 3.5. 1. The Advisory Task Force on Educator Professional Development is hereby created consisting of:

(a) Two members of the State Board of Education, appointed by the President of the Board;

(b) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

(c) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;

(d) One member who is a teacher, appointed by the Nevada State Education Association; and

(e) One member of the Statewide Council for the Coordination of the Regional Training Programs, appointed by the Chair of the Council.

2. The Task Force shall study:

(a) The cost of professional development for teachers and school administrators in this State and the use and availability of regional training programs created pursuant to NRS 391.512;

(b) Federal funding available for the professional development of teachers and school administrators in this State;

(c) The effectiveness of the manner in which professional development is delivered to teachers and administrators in this State;

(d) The standards and quality of professional development provided to teachers and school administrators in this State;

(e) The effectiveness of the programs for professional development provided to teachers and school administrators in this State;

(f) Professional development for paraprofessionals and other educational personnel; and

(g) The structure for the delivery of professional development.

3. At the first meeting of the Task Force, the members of the Task Force shall elect a Chair by majority vote.

4. The Task Force shall hold its first meeting by not later than August 31, 2015, and shall meet not less than four times before June 30, 2016.

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

6. The Department of Education shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties.

7. The Legislators who are members of the Task Force are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Task Force the per diem allowance provided for state officers generally, and travel expenses provided pursuant to NRS 218A.655. Such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

8. While engaged in the business of the Task Force, to the extent that money is available for that purpose, the members of the Task Force who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. A member of the Task Force who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Task Force to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Task Force; or

(b) Take annual leave or compensatory time for the absence.

10. By not later than December 31, 2016, the Task Force shall complete a final report with its findings and any recommendations, including, without limitation, recommendations regarding budgets, changes to regulations and legislation ~~and~~ and the adoption of statewide standards for professional development. The Superintendent of Public Instruction shall assist the Task Force in preparing the final report. The final report must be submitted to the Governor, the State Board of Education, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 3.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 4. This act becomes effective upon passage and approval.

Senator Harris moved that the Senate concur in Assembly Amendment No. 910 to Senate Bill No. 474.

Remarks by Senator Harris.

Amendment No. 910 makes the following changes to the bill: specifies that grant money awarded to an applicant be for a term not to exceed three years; requires the Superintendent of Public Instruction to submit a report of the results of the evaluation of the effectiveness of the grants to the Director of the Legislative Counsel Bureau for transmittal to the next regular Session of the Legislature and, if the report is completed before September 1 of an even-numbered year, the Legislative Committee on Education. The Superintendent is required to post a list of each gift or grant, if any, received for deposit in the Fund and the name of the donor of the gift or grant on the Department of Education's website and update the list annually. This list is required to be transmitted to the Director of the Legislative Counsel Bureau for transmittal to the next regular Session of the Legislature and, if the report is completed before September 1 of an even-numbered year, the Legislative Committee on Education.

The professional development training required must include, without limitation, the academic standards adopted by the State Board for science, technology, engineering and mathematics; English language development and literacy; and cultural competency required to meet the social, emotional and academic needs of certain categories of pupils enrolled at the school, including without limitation, pupils who are at risk, pupils who are limited English proficient, pupils with disabilities and gifted and talented pupils.

Finally, the Advisory Task Force on Educator Professional Development is required to complete a final report with its findings and recommendation that will include the adoption of statewide standards for professional development.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 146.

The following Assembly amendment was read.

Amendment No. 840.

SUMMARY—Revises provisions relating to the payment of wages to certain employees. (BDR 53-629)

AN ACT relating to wages; authorizing certain employers and employees to enter into a written agreement to exclude from an employee's wages payment for certain specified periods; exempting certain employees from the requirement that an employer pay the employee overtime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employer to pay an employee wages for each hour the employee works. (NRS 608.016) Existing federal regulations allow employees who work shifts of 24 hours or more to agree to not be paid for a sleeping period not to exceed 8 hours under certain circumstances. (29 C.F.R. 785.22) ~~(This)~~ Section 1.3 of this bill provides that an employee who is employed in a certain residential facility and who works for 24 hours or more may agree to not be paid for a sleeping period not to exceed 8 hours if adequate sleeping facilities are provided by the employer.

Existing federal regulations authorize an employer and a domestic service employee who resides in the household of the employer for which he or she works to enter into an agreement to exclude certain periods from the calculation of the hours for which the employee is entitled to receive wages.

(29 C.F.R. 552.102) Section 1.7 of this bill authorizes an employer and a domestic service employee to enter into such an agreement consistent with federal law.

Existing state and federal laws provide certain exceptions to the requirement that an employer pay an employee overtime. (29 U.S.C. 213(b)(21), NRS 608.018) Section 2.5 of this bill provides an exemption under state law from these requirements for a domestic service employee who resides in the household in which he or she works.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. 1. If an employee specified in paragraph (a) of subsection 3 is required to be on duty for 24 hours or more, the employer and employee may agree in writing to exclude from the employee's wages a regularly scheduled sleeping period not to exceed 8 hours if adequate sleeping facilities are furnished by the employer.

2. If the sleeping period is interrupted by any call for service by the employer, the interruption must be counted as hours worked. If the sleeping period is interrupted by any call for service by the employer to such an extent that the sleeping period is less than 5 hours, the employee must be paid for the entire sleeping period.

3. The provisions of subsections 1 and 2:

(a) Apply only to an employee who is on duty at a residential facility for a group of similarly situated persons who require supervision, care or other assistance from employees at the residential facility; and

(b) Do not apply to a firefighter, a member of a rescue or emergency services crew or a peace officer, including, without limitation, a correctional officer.

4. As used in this section:

(a) "A group of similarly situated persons" includes, without limitation, a group of:

(1) Persons with a mental illness;

(2) Persons with a physical disability;

(3) Persons with an intellectual disability;

(4) Persons who are elderly;

(5) Persons recovering from alcohol or drug abuse;

(6) Children in foster care; and

(7) Children in a program to address emotional or behavioral problems.

(b) "On duty" means any period during which an employee is working or is required to remain on the premises of the employer.

(c) "Residential facility" means:

(1) A dormitory, any structure similar to a dormitory or any structure similar to a private residence in which a group of similarly situated persons reside for the purpose of receiving supervision, care or other assistance from employees on duty at the residential facility. Any such dormitory or structure similar to a dormitory may include a studio apartment for the use of the employees.

(2) In the case of a program for children to address emotional or behavioral problems, any structure which provides for residential living for the children and employees.

Sec. 1.7. 1. A domestic service employee who resides in the household in which he or she works may agree in writing to exclude from his or her wages any sleeping period, meal period or free time.

2. If the sleeping period, meal period or free time is interrupted by any call for service by the employer, the interruption must be counted as hours worked.

3. If there is a significant deviation from the agreement entered into pursuant to subsection 1, the employer must not exclude from the wages of the domestic service employee any sleeping period, meal period or free time unless the domestic service employee and the employer enter into a new agreement that accurately accounts for all hours worked by the domestic service employee.

4. As used in this section:

(a) "Domestic service employee" means a natural person who is paid by an employer to perform work of a domestic nature for the household of the employer, including, without limitation, housekeeping, housecleaning, cooking, laundering, nanny services, caretaking of sick, convalescing or elderly persons, gardening or chauffeuring. The term does not include persons who provide services on a casual, irregular or intermittent basis or persons who are employed by a third-party service or agency.

(b) "Free time" means a period of time, sufficient in duration for a domestic service employee to make meaningful use of the time, during which the domestic service employee has complete freedom from all duties and is free to leave the household of the employer or stay within the household solely for personal pursuits.

(c) "Household" means the premises of the residence of an employer and includes, without limitation, any living quarters on the property of the employer.

Sec. 2. NRS 608.016 is hereby amended to read as follows:

608.016 ~~[An]~~ Except as otherwise provided in ~~section 1.7~~ sections 1.3 and 1.7 of this act, an employer shall pay to the employee wages for each hour the employee works. An employer shall not require an employee to work without wages during a trial or break-in period.

Sec. 2.5. NRS 608.018 is hereby amended to read as follows:

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for

employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

- (a) More than 40 hours in any scheduled week of work; or
- (b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

- (a) Employees who are not covered by the minimum wage provisions of NRS 608.250;
- (b) Outside buyers;
- (c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;
- (d) Employees who are employed in bona fide executive, administrative or professional capacities;
- (e) Employees covered by collective bargaining agreements which provide otherwise for overtime;
- (f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;
- (g) Employees of a railroad;
- (h) Employees of a carrier by air;
- (i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;
- (j) Drivers of taxicabs or limousines;
- (k) Agricultural employees;
- (l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year;
- (m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; ~~and~~
- (n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply; ~~and~~; *and*
- (o) A domestic service employee who resides in the household where he or she works.

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

Senator Settelmeyer moved that the Senate do not concur in Assembly Amendment No. 840 to Senate Bill No. 146.

Remarks by Senator Settelmeyer.

The amendment added some aspects of another bill that the Committee did not necessarily approve of. Therefore, we would like to talk about it.

Motion carried.

Bill ordered transmitted to the Assembly.

RECEDE FROM SENATE AMENDMENTS

Senator Brower moved that the Senate do not recede from its action on Assembly Bill No. 240, that a conference be requested, and that Mr. President appoint a Conference Committee consisting of three members to meet with a like Committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

President Hutchison appointed Senators Harris, Hammond and Ford as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Assembly Bill No. 240.

President Hutchison appointed Senators Brower, Hammond and Kihuen as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 52.

President Hutchison appointed Senators Settelmeyer, Farley and Harris as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 193.

President Hutchison appointed Senators Lipparelli, Goicoechea and Parks as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 340.

President Hutchison appointed Senators Goicoechea, Lipparelli and Atkinson as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 482.

Senator Roberson moved that the Senate recess to 3:00 p.m.

Motion carried.

Senate in recess at 10:26 a.m.

SENATE IN SESSION

At 3:42 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH P. HARDY, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bill No. 512; Assembly Bill No. 12, 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 Assembly Bills Nos. 388, 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PATRICIA FARLEY, *Chair*

WAIVERS AND EXEMPTIONS
WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Roberson.

For: Assembly Bill No. 258.

To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Saturday, May 30, 2015.

MICHAEL ROBERSON

Senate Majority Leader

JOHN HAMBRICK

Speaker of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Bill No. 512 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Settlemeyer moved that Senate Bill No. 433 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 5.

Bill read second time.

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

Amendment No. 1024.

SUMMARY—Revises provisions relating to services for persons with intellectual disabilities and persons with related conditions. (BDR 39-416)

AN ACT relating to public welfare; requiring the Aging and Disability Services Division of the Department of Health and Human Services to enter into an agreement with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to provide long-term support to persons with intellectual disabilities and persons with related conditions; authorizing the Administrator of the Aging and Disability Services Division to adopt regulations governing the provision of services to certain persons with intellectual disabilities and persons with related conditions; requiring the Aging and Disability Services Division to provide preferences for potential providers of jobs and day training services in issuing certificates authorizing the provision of such services and in entering into agreements

concerning the provision of such services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to administer certain programs concerning employment and independent living for persons with disabilities. (NRS 232.945) Existing law also requires the Aging and Disability Services Division of the Department of Health and Human Services to regulate the provision of jobs and day training services and supported living arrangement services to persons with intellectual disabilities and persons with related conditions. (NRS 435.130-435.339) Section 1 of this bill requires the Aging and Disability Services Division to enter into a cooperative agreement with the Rehabilitation Division to provide long-term support to persons with intellectual disabilities and persons with related conditions. Section 1 also authorizes the Administrator of the Aging and Disability Services Division to adopt regulations governing the provision of services to persons with intellectual disabilities and persons with related conditions who are unable or unwilling to be employed.

Existing law requires a natural person and certain entities to obtain a certificate from the Aging and Disability Services Division before providing jobs and day training services in this State, which are services provided to persons with intellectual disabilities or persons with related conditions to enhance self-sufficiency and success in employment. (NRS 435.176, 435.225) Existing law also authorizes the Aging and Disability Services Division to enter into agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. (NRS 435.220)

Sections 1.5 and 2 of this bill require the Aging and Disability Services Division to give preference to potential providers of jobs and day training services who will provide persons with intellectual disabilities or persons with related conditions with training and experience leading to employment that: (1) is comparable to employment for persons without intellectual disabilities and persons without related conditions; and (2) pays at or above the state minimum wage. The Aging and Disability Services Division is required to give such a preference when: (1) issuing certificates which authorize the provisions of jobs and day training services; and (2) entering into agreements with public and private agencies for the provision of jobs and day training services. Sections 1.5 and 2 also require each application for the issuance or renewal of such a certificate and each such agreement to include a provision that employment is the primary service option for all adults of working age.

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

Section 1. Chapter 435 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall enter into a cooperative agreement with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to provide long-term support to persons with intellectual disabilities and persons with related conditions, including, without limitation, jobs and day training services and supported living arrangement services. The agreement must include a provision stating that employment is the preferred service option for all adults of working age.

2. The Administrator may adopt regulations governing the provision of services to persons with intellectual disabilities and persons with related conditions who are unable or unwilling to be employed.

Sec. 1.5. NRS 435.220 is hereby amended to read as follows:

435.220 1. The Division shall adopt regulations governing jobs and day training services, including, without limitation, regulations that set forth:

(a) Standards for the provision of quality care and training by providers of jobs and day training services;

(b) The requirements for the issuance and renewal of a certificate; and

(c) The rights of consumers of jobs and day training services, including, without limitation, the right of a consumer to file a complaint and the procedure for filing the complaint.

2. The Division may enter into such agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. *Any such agreements must include a provision stating that employment is the preferred service option for all adults of working age.*

3. *For the purpose of entering into an agreement described in subsection 2, if the qualifications of more than one agency are equal, the Division shall give preference to the agency that will provide persons with intellectual disabilities or persons with related conditions with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:*

(a) Is comparable to employment of persons without intellectual disabilities and persons without related conditions; and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

Sec. 2. NRS 435.225 is hereby amended to read as follows:

435.225 1. A nonprofit organization, state or local government or agency thereof shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

2. A natural person other than a person who is employed by an entity listed in subsection 1 shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

3. *For the purpose of issuing a certificate pursuant to this section, if the qualifications of more than one applicant are equal, the Division shall give preference to the natural person who, or the nonprofit organization, state or local government or agency thereof that, will provide persons with intellectual disabilities or persons with related conditions with training and*

experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual disabilities and persons without related conditions; and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

4. Each application for the issuance or renewal of a certificate issued pursuant to this section must include a provision stating that employment is the preferred service option for all adults of working age.

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

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

This amendment authorizes the Administrator of the Aging and Disability Services Division to adopt regulations governing the provision of services to persons with intellectual disabilities and persons with related conditions who are unable or unwilling to be employed.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Assembly Bill No. 12.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 12 makes permanent the Department of Corrections' pilot diversion program, which allows certain probation violators to enter drug, alcohol or mental illness treatment programs in lieu of having their probation revoked. This bill is essentially, if not literally, identical to Senate Bill No. 136 that this Body passed previously. Despite that fact Senate Bill No. 136 does not seem to be moving as quickly as we would like on the other side, it is my recommendation that we pass A.B. No. 12 and not have to worry about S.B. No. 136.

Roll call on Assembly Bill No. 12:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Assembly Bill No. 12 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 71.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 71 provides for the following tax incentives relating to military veterans and surviving spouses, and relatives of members of the Nevada National Guard.

First, a person who is eligible to receive a property tax exemption or a Governmental Services Tax exemption as the surviving spouse of a disabled veteran is authorized to also receive the exemption from these taxes given to certain veterans if that taxpayer is eligible to receive both exemptions.

An employer who hires a veteran who has been unemployed for a period of at least 3 months may deduct 100 percent of the wages of that veteran from the employer's calculation for the Modified Business Tax for the first 4 full calendar quarters following the hiring of the employee, and 50 percent of the wages for the next eight calendar quarters.

Certain family members of a Nevada National Guard member killed while on active National Guard duty may receive an exemption from the Sales and Use Tax for a period of three years following the death of the Guard member.

Finally, Assembly Bill No. 71 makes technical adjustments relating to the calculation of the exemptions from property tax and the Governmental Services Tax that are provided to certain disabled veterans under current law.

That is a great bill that helps give a little bit back to those who have served and those who have given the ultimate sacrifice.

Roll call on Assembly Bill No. 71:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Assembly Bill No. 71 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 388.

Bill read third time.

Remarks by Senator Farley.

The measure requires the Personnel Commission to prescribe this 12-month period by regulation for each State agency and for each political subdivision to prescribe this 12-month period for its agencies.

If the officer's or employee's military pay is equal to or exceeds his or her regular compensation, the officer or employee receives only his or her military pay and not his or her regular compensation.

Roll call on Assembly Bill No. 388:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Assembly Bill No. 388 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 466.

Bill read third time.

Remarks by Senator Farley.

Assembly Bill No. 466 authorizes the Director of the Office of Energy to adopt regulations establishing a procedure by which any State officer or employee may repay, through payroll deductions, a loan made to the officer or employee from the Renewable Energy Account.

Roll call on Assembly Bill No. 466:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Assembly Bill No. 466 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 4.

The following Assembly amendment was read:

Amendment No. 818.

SUMMARY—Revises requirements for the taking of wild mammals on private property. (BDR 45-89)

AN ACT relating to ~~trapping, providing exemptions from certain registration requirements for a trap, snare or similar device~~ wildlife; authorizing certain traps, snares or similar devices used in the trapping of wild mammals ~~on private property;~~ to be registered with the Department of Wildlife; limiting the requirement to obtain a permit to take or kill fur-bearing mammals injuring property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that each trap, snare or similar device used in the taking of wild mammals must be registered with the Department of Wildlife before it is used. Existing law also requires that each registered trap, snare or similar device bear a number which is assigned by the Department and is affixed to or marked on the trap, snare or similar device. (NRS 503.452) Section 1 of this bill ~~exempts from those requirements~~ authorizes rather than requires the registration of a trap, snare or similar device used by a person in the taking of wild mammals. Section 1 provides that a trap, snare or similar device must bear a number assigned by the Department only if the trap, snare or similar device is registered with the Department. Section 1 also provides that the provisions relating to the registration and numbering of a trap, snare or similar device do not apply to such a device that is used: (1) exclusively on private property by the owner or occupant of the property or with the permission of the owner or occupant; (2) for the control of rodents by an institution of the Nevada System of Higher Education; ~~for~~ (3) by a federal, state or local governmental agency ~~;~~ ; or (4) for the taking of wild mammals for scientific or educational purposes under a permit issued by the Department.

Existing law provides that fur-bearing mammals injuring property may be taken or killed at any time in any manner if a permit is obtained from the Department. (NRS 503.470) Section 2 of this bill removes the requirement that the owner or occupant of the property obtain a permit in such circumstances.

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

Section 1. NRS 503.452 is hereby amended to read as follows:

503.452 1. ~~Each~~ *Except as otherwise provided in subsection 2, each trap, snare or similar device used by a person in the taking of wild mammals ~~must~~ may be registered with the Department before it is used. Each registered trap, snare or similar device must bear a number which is assigned*

by the Department and is affixed to or marked on the trap, snare or similar device in the manner specified by regulations adopted by the Commission. The registration of a trap, snare or similar device is valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred.

2. *The provisions of subsection 1 do not apply to a trap, snare or similar device used:*

(a) *Exclusively on private property which is posted or fenced in accordance with the provisions of NRS 207.200 by the owner or occupant of the property or with the permission of the owner or occupant;*

(b) *For the control of rodents by an institution of the Nevada System of Higher Education; ~~for~~*

(c) *By any federal, state or local governmental agency ~~for~~; or*

(d) *For the taking of wild mammals for scientific or educational purposes under a permit issued by the Department pursuant to NRS 503.650.*

3. A registration fee of \$10 for each registrant is payable only once by each person who registers a trap, snare or similar device. The fee must be paid at the time the first trap, snare or similar device is registered.

~~{3-}~~ 4. It is unlawful:

(a) For a person to whom a trap, snare or similar device is registered to allow another person to possess or use the trap, snare or similar device without providing to that person written authorization to possess or use the trap, snare or similar device.

(b) For a person to possess or use a trap, snare or similar device registered to another person without obtaining the written authorization required pursuant to paragraph (a). If a person obtains written authorization to possess or use a trap, snare or similar device pursuant to paragraph (a), the person shall ensure that the written authorization, together with his or her trapping license, is in his or her possession during any period in which he or she uses the trap, snare or similar device to take fur-bearing mammals.

~~{4-}~~ 5. A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.

~~{5-}~~ 6. Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential and the Department shall not disclose that information unless required to do so by law or court order.

Sec. 2. NRS 503.470 is hereby amended to read as follows:

503.470 1. Fur-bearing mammals injuring any property may be taken or killed at any time in any manner ~~[, provided a permit is first obtained from the Department.]~~ *by the owner or occupant of the property or with the permission of the owner or occupant.*

2. When the Department has determined from investigations or upon a petition signed by the owners of 25 percent of the land area in any irrigation

district or the area served by a ditch company alleging that an excessive population of beaver or otter exists or that beaver or otter are doing damage to lands, streams, ditches, roads or water control structures, the Department shall remove such excess or depredating beaver or otter.

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

Senator Gustavson moved that the Senate concur in Assembly Amendment No. 818 to Senate Bill No. 4.

Remarks by Senator Gustavson.

This amendment authorizes, rather than requires, the registration of a trap, snare or similar device used in the tracking of wild mammals. It also has a provision relating to registration and numbering that do not apply to a device used for the taking of wild animals for scientific or educational purposes under a permit issued by the Department of Wildlife.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 374.

The following Assembly amendment was read:

Amendment No. 981.

SUMMARY—Revises provisions relating to energy. (BDR 58-800)

AN ACT relating to energy; revising provisions relating to certain energy conservation standards adopted by the Director of the Office of Energy and the governing body of a local government; providing that certain design professionals are not subject to disciplinary action for complying with certain energy conservation standards; providing that the adoption of certain energy conservation standards by the Director and the governing body of a local government shall not be deemed to prohibit the Director or governing body from approving and implementing certain energy efficiency programs; revising provisions relating to net metering systems; requiring electric utilities in this State to submit to the Public Utilities Commission of Nevada certain proposed tariffs pursuant to which an electric utility is required to offer net metering to certain customers of the electric utility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Office of Energy and the governing body of a local government to adopt certain standards for the conservation of energy in buildings. (NRS 701.220) Section 1 of this bill prohibits the Director and a governing body from adopting certain standards mandating requirements for air changes per hour. Sections 1, 3 and 4 of this bill provide that certain design professionals are not subject to disciplinary action by their respective licensing boards for complying with the energy conservation standards adopted by a governing body pursuant to section 1. Section 1 further provides that the adoption of certain energy conservation standards by the Director and a governing body shall not be deemed to prohibit the Director or governing body from approving and implementing certain energy efficiency programs related to new residential construction.

Existing law requires electric utilities to offer net metering to the customer-generators operating within the service area of the utility until the cumulative capacity of all net metering systems operating in this State is equal to 3 percent of the total peak capacity of all electric utilities in this State. (NRS 704.773) Section 2.95 of this bill revises the amount of cumulative capacity for which utilities are required to offer net metering in accordance with existing law. Section 2.3 of this bill requires each electric utility to offer net metering to customers who submit an application to the utility to install net metering systems ~~on or~~ after the date on which such revised cumulative capacity requirement is met in accordance with a tariff filed by the electric utility and approved by the Public Utilities Commission of Nevada. Section 2.3 sets forth the authority of the Commission relative to the approval of such tariffs ~~and~~ and authorizes the Commission to determine whether and the extent to which any tariff is applicable to existing customer-generators. Section 4.5 of this bill requires each electric utility to submit to the Commission the proposed tariff required by section 2.3 not later than July 31, 2015, and requires the Commission to review and approve or disapprove each such proposed tariff not later than December 31, 2015. Section 4.5 provides that a tariff approved by the Commission cannot take effect until after the date on which the cumulative capacity requirement prescribed by section 2.95 is met. Section 4.5 also requires an electric utility, in the event that the Commission does not approve a tariff on or before December 31, 2015, to offer net metering to customer-generators in accordance with applicable provisions of law as such provisions existed before the effective date of this bill for the period beginning January 1, 2016, and ending on the date on which the Commission approves a tariff, unless a court has issued an order staying or prohibiting the enforcement or issuance of a written order or tariff approved by the Commission.

Existing law prohibits an electric utility from making changes in any schedule or imposing any rate on residential customers which is based on the time of day, day of the week or time of year during which the electricity is used or which otherwise varies based upon the time during which the electricity is used. (NRS 704.085) Section 2.5 of this bill provides that this prohibition does not apply to residential customers who are users of net metering systems.

Existing law requires each electric utility to submit to the Commission every 3 years a plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. Existing law provides that the plan must include certain components, including: (1) an energy efficiency program for residential customers; and (2) a comparison of a diverse set of scenarios to address issues relating to customer demand, which must include at least one scenario of low carbon intensity. (NRS 704.741) Section 2.7 of this bill requires that the scenario of low carbon intensity must include the deployment of distributed generation. Additionally, section 2.7 requires that the plan include an analysis of the effects of net metering on the reliability of

the distribution system of the electric utility and the costs to the electric utility to provide electric service to all customers.

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

Section 1. NRS 701.220 is hereby amended to read as follows:

701.220 1. The Director shall adopt regulations for the conservation of energy in buildings, including manufactured homes. ~~[Such]~~ *Except as otherwise provided in subsection 5, such regulations must include the adoption of the most recent version of the International Energy Conservation Code, issued by the International Code Council, and any amendments to the Code that will not materially lessen the effective energy savings requirements of the Code and are deemed necessary to support effective compliance and enforcement of the Code, and must establish the minimum standards for:*

- (a) The construction of floors, walls, ceilings and roofs;
- (b) The equipment and systems for heating, ventilation and air-conditioning;
- (c) Electrical equipment and systems;
- (d) Insulation; and
- (e) Other factors which affect the use of energy in a building.

↪ The regulations must provide for the adoption of the most recent version of the International Energy Conservation Code, and any amendments thereto, every third year.

2. The Director may exempt a building from a standard if the Director determines that application of the standard to the building would not accomplish the purpose of the regulations.

3. The regulations must authorize allowances in design and construction for sources of renewable energy used to supply all or a part of the energy required in a building.

4. The standards adopted by the Director are the minimum standards for the conservation of energy and energy efficiency in buildings in this State. The governing body of a local government that is authorized by law to adopt and enforce a building code:

- (a) Except as otherwise provided in paragraph (b), shall incorporate the standards adopted by the Director in its building code;
- (b) ~~[May]~~ *Except as otherwise provided in subsection 5, may* adopt higher or more stringent standards and must report any such higher or more stringent standards, along with supporting documents, to the Director; and
- (c) Shall enforce the standards adopted.

5. ~~The Director or the governing body of a local government shall not adopt a standard for code~~ *which mandates a requirement for air changes per hour that is outside the following ranges:*

- (a) *Less than 4 1/2 or more than 7 air changes per hour for an attached residence or any residence for which fire sprinklers are installed; or*
- (b) *Less than 4 or more than 7 air changes per hour for any residence other than a residence described in paragraph (a).*

6. *A design professional who complies with the standards adopted by the Director or the governing body of a local government pursuant to this section is not subject to disciplinary action by the State Board of Architecture, Interior Design and Residential Design pursuant to paragraph (f) of subsection 1 of NRS 623.270 or the State Board of Professional Engineers and Land Surveyors pursuant to NRS 625.410.*

7. *Nothing in this section shall be deemed to prohibit the Director or the governing body of a local government from approving and implementing a program for the purpose of increasing energy efficiency in new residential construction through the use of sample inspections.*

8. The Director shall solicit comments regarding the adoption of regulations pursuant to this section from:

- (a) Persons in the business of constructing and selling homes;
- (b) Contractors;
- (c) Public utilities;
- (d) Local building officials; and
- (e) The general public,

↪ before adopting any regulations. The Director must conduct at least three hearings in different locations in the State, after giving 30 days' notice of each hearing, before the Director may adopt any regulations pursuant to this section.

9. *As used in this section, "design professional" means a person who holds a professional license or certificate issued pursuant to chapter 623 or 625 of NRS.*

Sec. 2. (Deleted by amendment.)

Sec. 2.3. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 3, each ~~electric~~ utility shall, in accordance with a tariff filed by the ~~electric~~ utility and approved by the Commission, offer net metering to customer-generators who ~~file or~~ submit applications to install net metering systems within its service territory after the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met. ~~file, install net metering systems within its service territory.~~*

2. *For the purposes of evaluating and approving any tariff filed with the Commission pursuant to subsection 1 and otherwise carrying out the provisions of this section, the Commission:*

- (a) *May establish one or more rate classes for customer-generators.*
- (b) *May establish terms and conditions for the participation by customer-generators in net metering, including, without limitation, limitations on enrollment in net metering which the Commission determines are appropriate to further the public interest.*
- (c) *May close to new customer-generators a tariff filed pursuant to subsection 1 and approved by the Commission if the Commission determines that closing the tariff to new customer-generators is in the public interest.*

(d) May authorize ~~an electric~~ a utility to establish just and reasonable rates and charges to avoid, reduce or eliminate an unreasonable shifting of costs from customer-generators to other customers of the ~~electric~~ utility.

(e) Shall not approve a tariff filed pursuant to subsection 1 or authorize any rates or charges for net metering that unreasonably shift costs from customer-generators to other customers of the ~~electric~~ utility.

~~3. To avoid a significant disruption of the net metering market, the Commission may, in its discretion and without a hearing, approve a tariff submitted pursuant to subsection 1 subject to any requirements relating to adjustments which the Commission may impose. In approving a tariff pursuant to this subsection, the Commission may solicit comments from any interested parties and may substitute for any rates, terms or conditions contained in the tariff submitted by the electric utility such rates, terms and conditions as the Commission determines are just and reasonable.~~

~~4. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.] In approving any tariff submitted pursuant to subsection 1, the Commission shall determine whether and the extent to which any tariff approved or rates or charges authorized pursuant to this section are applicable to customer-generators who, on or before the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met, submitted a complete application to install a net metering system within the service territory of a utility.~~

Sec. 2.5. NRS 704.085 is hereby amended to read as follows:

704.085 1. ~~Am~~ Except as otherwise provided in subsection 2, an electric utility shall not make changes in any schedule or impose any rate, and the Commission shall not approve any changes in any schedule or authorize the imposition of any rate by an electric utility, which requires a residential customer to purchase electric service at a rate which is based on the time of day, day of the week or time of year during which the electricity is used or which otherwise varies based upon the time during which the electricity is used, except that the Commission may approve such a change in a schedule or authorize the imposition of such a rate if the approval or authorization is conditioned upon an election by a residential customer to purchase electric service at such a rate.

2. The provisions of subsection 1 do not apply to any changes in a schedule or rates imposed on a customer-generator.

3. As used in this section ~~["electric"]~~:

(a) "Customer-generator" has the meaning ascribed to it in NRS 704.768.

(b) "Electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 2.7. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before July 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility to:

(1) Forecast the future demands; and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.

3. The Commission shall require the utility to include in its plan:

(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources. ~~[- and]~~

(b) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity ~~[-]~~ *that includes the deployment of distributed generation.*

(c) An analysis of the effects of the requirements of NRS 704.766 to 704.775, inclusive, and section 2.3 of this act on the reliability of the distribution system of the ~~electric~~ utility and the costs to the ~~electric~~ utility to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.

4. The Commission shall require the utility to include in its plan a plan for construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility in meeting the portfolio standard established by NRS 704.7821.

5. As used in this section:

(a) "Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.

(b) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

Sec. 2.8. NRS 704.766 is hereby amended to read as follows:

704.766 It is hereby declared to be the purpose and policy of the Legislature in enacting NRS 704.766 to 704.775, inclusive, *and section 2.3 of this act* to:

1. Encourage private investment in renewable energy resources;

2. Stimulate the economic growth of this State;

3. Enhance the continued diversification of the energy resources used in this State; and

4. Streamline the process for customers of a utility to apply for and install net metering systems.

Sec. 2.9. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS 704.766 to 704.775, inclusive, *and section 2.3 of this act*, unless the context otherwise requires, the words and terms defined

in NRS 704.7675 to 704.772, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.95. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering ~~[, as set forth in]~~ :

(a) In accordance with the provisions of this section, NRS 704.774 and 704.775, to the customer-generators operating within its service area until the date on which the cumulative capacity of all net metering systems ~~[operating in this State is equal to 3 percent of the total peak capacity of]~~ for which all utilities in this State ~~[]~~ have accepted or approved completed applications for net metering is equal to 235 megawatts.

(b) After the date on which the cumulative capacity requirement described in paragraph (a) is met, in accordance with a tariff filed by the utility and approved by the Commission pursuant to section 2.3 of this act.

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Except as otherwise provided in subsection 5, shall not charge a customer-generator any fee or charge that would increase the customer generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer generator.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts, the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (c) and subsection 5, may charge the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

(c) Shall not charge the customer-generator any standby charge.

↪ At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by this subsection to pay the entire cost of the installation or upgrade of the portion of the net metering system.

4. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

↳ the net metering system ceases to be eligible to participate in net metering.

5. A utility shall assess against a customer-generator:

(a) If applicable, the universal energy charge imposed pursuant to NRS 702.160; ~~and~~

(b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827 or 704.785 which are assessed against other customers in the same rate class as the customer-generator; ~~and~~

(c) The charges or rates, if any, which the Commission determines must be assessed against the customer-generator pursuant to any tariff submitted to and approved by the Commission pursuant to section 2.3 of this act.

↳ For any such charges calculated on the basis of a kilowatt-hour rate, the customer-generator must only be charged with respect to kilowatt-hours of energy delivered by the utility to the customer-generator.

6. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

- (1) Metering equipment;
- (2) Net energy metering and billing; and
- (3) Interconnection,

↳ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive ~~of~~, and section 2.3 of this act.

Sec. 3. NRS 623.270 is hereby amended to read as follows:

623.270 1. ~~The~~ *Except as otherwise provided in subsection 6 of NRS 701.220, the Board may place the holder of any certificate of registration issued pursuant to the provisions of this chapter on probation, publicly reprimand the holder of the certificate, impose a fine of not more than \$10,000 against him or her, suspend or revoke his or her license, impose the costs of investigation and prosecution upon him or her or take any combination of these disciplinary actions for any of the following acts:*

(a) The certificate was obtained by fraud or concealment of a material fact.

(b) The holder of the certificate has been found guilty by the Board or found guilty or guilty but mentally ill by a court of justice of any fraud, deceit or concealment of a material fact in his or her professional practice, or has been convicted by a court of justice of a crime involving moral turpitude.

(c) The holder of the certificate has been found guilty by the Board of incompetency, negligence or gross negligence in:

- (1) The practice of architecture or residential design; or
- (2) His or her practice as a registered interior designer.

(d) The holder of a certificate has affixed his or her signature or seal to plans, drawings, specifications or other instruments of service which have not been prepared by the holder of the certificate or in his or her office, or under his or her responsible control, or has permitted the use of his or her name to assist any person who is not a registered architect, registered interior designer or residential designer to evade any provision of this chapter.

(e) The holder of a certificate has aided or abetted any unauthorized person to practice:

- (1) Architecture or residential design; or
- (2) As a registered interior designer.

(f) The holder of the certificate has violated any law, regulation or code of ethics pertaining to:

- (1) The practice of architecture or residential design; or
- (2) Practice as a registered interior designer.

(g) The holder of a certificate has failed to comply with an order issued by the Board or has failed to cooperate with an investigation conducted by the Board.

2. The conditions for probation imposed pursuant to the provisions of subsection 1 may include, but are not limited to:

- (a) Restriction on the scope of professional practice.
- (b) Peer review.
- (c) Required education or counseling.
- (d) Payment of restitution to each person who suffered harm or loss.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The Board shall not privately reprimand the holder of any certificate of registration issued pursuant to this chapter.

5. As used in this section:

(a) "Gross negligence" means conduct which demonstrates a reckless disregard of the consequences affecting the life or property of another person.

(b) "Incompetency" means conduct which, in:

- (1) The practice of architecture or residential design; or
- (2) Practice as a registered interior designer,

↪ demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation.

(c) "Negligence" means a deviation from the normal standard of professional care exercised generally by other members in:

- (1) The profession of architecture or residential design; or
- (2) Practice as a registered interior designer.

Sec. 4. NRS 625.410 is hereby amended to read as follows:

625.410 ~~The~~ *Except as otherwise provided in subsection 6 of NRS 701.220, the Board may take disciplinary action against a licensee, an applicant for licensure, an intern or an applicant for certification as an intern for:*

1. The practice of any fraud or deceit in obtaining or attempting to obtain or renew a license or cheating on any examination required by this chapter.
2. Any gross negligence, incompetency or misconduct in the practice of professional engineering as a professional engineer or in the practice of land surveying as a professional land surveyor.
3. Aiding or abetting any person in the violation of any provision of this chapter or regulation adopted by the Board.
4. Conviction of or entry of a plea of nolo contendere to any crime an essential element of which is dishonesty or which is directly related to the practice of engineering or land surveying.
5. A violation of any provision of this chapter or regulation adopted by the Board.
6. Discipline by another state or territory, the District of Columbia, a foreign country, the Federal Government or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.
7. Practicing after the license of the professional engineer or professional land surveyor has expired or has been suspended or revoked.
8. Failing to comply with an order issued by the Board.
9. Failing to provide requested information within 30 days after receipt of a request by the Board or its investigators concerning a complaint made to the Board.

Sec. 4.5. 1. Each ~~electric~~ utility shall, on or before July 31, 2015, file with the Public Utilities Commission of Nevada a tariff required by section 2.3 of this act and a cost-of-service study.

2. The tariff filed pursuant to subsection 1 must establish the terms and conditions for net metering service for customer-generators who submit an application to the utility to install net metering systems within the service territory of the ~~electric~~ utility ~~on or~~ after the date on which the ~~cumulative capacity requirement of subsection 1 of NRS 704.773 is met.~~ tariff takes effect. The terms and conditions of service must include, without limitation, the rates the ~~electric~~ utility must charge for providing electric service to customer-generators.

3. The rates included in the terms and conditions of service established pursuant to subsection 2 may include, without limitation:

(a) A basic service charge that reflects marginal fixed costs incurred by the ~~electric~~ utility to provide service to customer-generators;

(b) A demand charge that reflects the marginal demand costs incurred by the ~~electric~~ utility to provide service to customer-generators; and

(c) An energy charge that reflects the marginal energy costs incurred by the ~~electric~~ utility to provide service to customer-generators.

↪ The charges included pursuant to this subsection must adequately reflect the marginal costs of providing service to customer-generators.

4. The Public Utilities Commission of Nevada shall, in accordance with the provisions of section 2.3 of this act, conduct a review of each tariff filed by ~~an electric~~ a utility pursuant to subsection 1 and issue a written order approving or disapproving, in whole or in part, the proposed tariff not later than December 31, 2015. The Commission may make modifications to the tariff, including modifications to the rate design and the terms and conditions of net metering services to customer-generators. A tariff approved pursuant to this section must not take effect until after the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met.

5. Except as otherwise provided in subsection 6, if for any reason the Commission does not approve a tariff as required by subsection 4 on or before December 31, 2015, and notwithstanding the amendatory provisions of this act to the contrary, for the period beginning January 1, 2016, and ending on the date on which the Commission approves a tariff pursuant to section 2.3 of this act, a utility shall offer net metering to customer-generators in a manner consistent with the provisions of NRS 704.773, 704.774 and 704.775 as those sections existed before the effective date of this act.

6. If a court of competent jurisdiction issues an order prohibiting the Commission from issuing a written order or approving a tariff as required by subsection 4, or staying or prohibiting the enforcement of a written order or tariff issued or approved pursuant thereto, an electric utility is not required to offer net metering after the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met until after the date on which the order of the court has been lifted.

7. As used in this section:

(a) "Customer-generator" has the meaning ascribed to it in NRS 704.768.

(b) "Demand costs" means those costs associated with the maximum load requirement of a customer, such as kilowatt or kilo-volt amperes, and which are typically represented by the electric utility's investment in generating units, transmission facilities and the distribution system.

(c) ~~"Electric utility" has the meaning ascribed to it in NRS 704.187.~~

~~(d)~~ "Energy costs" means those costs associated with a customer's requirement for a volume of energy, such as fuel and purchased power costs.

~~(e)~~ (d) "Fixed costs" means those investments and expenses that do not vary with output and which typically reflect the electric utility's investment in

back office systems, customer facilities, customer-related expenses and labor costs.

~~(e)~~ (e) "Net metering" has the meaning ascribed to it in NRS 704.769.

~~(f)~~ (f) "Net metering system" has the meaning ascribed to it in NRS 704.771.

(g) "Utility" has the meaning ascribed to it in NRS 704.772.

Sec. 5. This act becomes effective upon passage and approval.

Senator Settlemeyer moved that the Senate concur in Assembly Amendment No. 981 to Senate Bill No. 374.

Remarks by Senator Settlemeyer.

Assembly Amendment No. 981 to Senate Bill No. 374, dealing with net metering, chose to change it from a percentage concept of net metering to a kilowatt hour. Then an agreement was made between the entities that were interested in the agreement to find a number that seemed reasonable.

Motion carried by a constitutional majority.

Bill ordered enrolled.

RECEDE FROM SENATE AMENDMENTS

Senator Farley moved that the Senate do not recede from its action on Assembly Bill No. 461, that a conference be requested, and that Mr. President appoint a Conference Committee consisting of three members to meet with a like Committee of the Assembly.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 3:54 p.m.

SENATE IN SESSION

At 3:55 p.m.

President Hutchison presiding.

Quorum present.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

President Hutchison appointed Senators Farley, Settlemeyer and Ford as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Assembly Bill No. 461.

President Hutchison appointed Senators Brower, Roberson and Ford as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 348.

President Hutchison appointed Senators Hammond, Settlemeyer and Atkinson as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 376.

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

Senate in recess at 3:57 p.m.

SENATE IN SESSION

At 4:09 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education, to which was referred Assembly Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BECKY HARRIS, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 5.

Bill read third time.

Roll call on Assembly Bill No. 5:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Assembly Bill No. 5 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 483.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 483 requires the board of trustees of each school district to reserve for each fiscal year a sum of money sufficient to increase base salaries, not to exceed 10 percent, for at least 5 percent of the teachers and administrators employed by the district. The initial increase must be effective for the 2016-2017 school year. This bill is effective on January 1, 2016.

Roll call on Assembly Bill No. 483:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Assembly Bill No. 483 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 24, 170, 253, 420, 422, 431, 456, 481, 500, 501, 503, 510.

Senator Roberson moved that the Senate adjourn until Sunday, May 31, 2015, at 10:00 a.m.

Motion carried.

Senate adjourned at 4:11 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate