

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 18, 2017

Assembly called to order at 12:07 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carrillo, who was excused.

Prayer by the Chaplain, Captain Leslie Cyr.

Dear Lord, we thank You for this day. We thank You for our great country, for our great state, and for the liberties we thrive in. I pray now over this Assembly and for their tasks; God, we ask for Your divine guidance in the governing of this state and in all that will be discussed here today. We ask for clarity where issues are not clear and for wisdom to be righteous in the pursuit of liberty and justice.

We ask for Your grace to be with the Assemblymen and women and their families as we are thankful for their service and their personal sacrifices. May Your favor rest on them and their loved ones. Furthermore, let Your favor rest on Nevada and bless us, Lord, with unity and peace. In Jesus name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 35, 61, 150, 190, 244, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which were referred Assembly Bills Nos. 26, 286, 316, 326, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 117, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 372, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 383, 437, 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 169, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 304, 347, 427; Assembly Joint Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 232, 235, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 17, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 39, 55, 163, 258, 279, 283, 313, 318, 326, 388, 412, 422; Senate Joint Resolution No. 17 of the 78th Session.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 2, 12, 19, 26, 27, 31, 40, 41, 51, 53, 60, 75, 76, 118, 119, 125, 127, 128, 130, 138, 141, 149, 159, 160, 165, 171, 176, 206, 237, 242, 251, 312.

SHERRY RODRIGUEZ

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 17 of the 78th Session.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

April 18, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 465 and 517.

MARK KRMPOTIC

Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 2.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 12.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 19.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 26.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 27.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 31.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 39.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 40.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 41.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 51.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 53.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 55.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 60.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 75.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 76.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 118.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 119.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 125.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 127.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 128.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 130.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 138.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 141.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 149.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 159.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 160.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 163.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 165.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 171.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 176.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 206.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 237.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 242.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 251.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 258.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 279.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 283.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 312.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 313.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 318.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 326.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 388.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 412.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 422.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 43.

AN ACT relating to occupational safety; revising provisions relating to reports of certain accidents or motor vehicle crashes by employers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employer to report to the Division of Industrial Relations of the Department of Business and Industry any accident or motor vehicle crash which is fatal to one or more employees or which results in the hospitalization of three or more employees within 8 hours after the time the accident or crash is reported to any agent or employee of the employer. (NRS 618.378) This bill retains the 8-hour reporting requirement for fatalities, but requires an employer to report to the Division any accident or motor vehicle crash which results in inpatient hospitalization of an employee, the amputation of a part of an employee's body or an employee's loss of an eye within 24 hours after the time the accident or crash is reported to any agent or employee of the employer. This bill also requires the employer to report the

names of the employees who suffered fatalities, amputations or loss of an eye or who were admitted to a hospital as inpatients.

~~[Existing law requires an industrial insurer to provide the Division with a monthly report of industrial injuries and occupational diseases reported or claimed by employees in the preceding month. (NRS 618.378) This bill eliminates this monthly reporting requirement.]~~

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

Section 1. NRS 618.378 is hereby amended to read as follows:

618.378 1. Any accident or motor vehicle crash occurring in the course of employment which is fatal to one or more employees ~~[for which results in the hospitalization of three or more employees]~~ must be reported by the employer

orally to the nearest office of the Division within 8 hours after the time that the accident or crash is reported to any agent or employee of the employer.

2. Any accident or motor vehicle crash occurring in the course of employment which results in the inpatient hospitalization of one or more employees, the amputation of a part of an employee's body or an employee's loss of an eye must be reported by the employer orally to the nearest office of the Division within 24 hours after the time that the accident or crash is reported to any agent or employee of the employer.

3. A report submitted to the Division pursuant to the provisions of ~~[this]~~ subsection *1 or 2* must include:

- (a) The name of the employer;
- (b) The location and time of the accident or crash;
- (c) The number of employees ~~[killed or hospitalized]~~ *who were hospitalized as inpatients or who suffered fatalities, amputations or loss of an eye* as a result of the accident or crash;
- (d) *The names of the employees who were hospitalized as inpatients or who suffered fatalities, amputations or loss of an eye as a result of the accident or crash;*

(e) A brief description of the accident or crash; and

~~[(e)]~~ (f) The name of a person who may be contacted by the Division for further information.

↳ Upon receipt of such a report, the Division shall notify the employer of the estimated time that the Division's investigator will arrive at the site of the accident or crash. The Division shall initiate an investigation at the site of the accident or crash within 8 hours after receiving the report.

~~[2.]~~ 4. An industrial insurer shall provide to the Division a monthly report setting forth the number, type and severity of industrial injuries and occupational diseases reported or claimed by employees in the preceding month. The report must identify the employer and be sorted according to the employer's Standard Industrial Classification or classification for the purposes of industrial insurance. The Division shall by regulation prescribe

the form for the report made pursuant to this subsection. As used in this subsection, "industrial insurer" has the meaning ascribed to the term "insurer" in NRS 616A.270.

~~{3.-4.}~~ 5. All employers shall maintain accurate records and make reports to the United States Assistant Secretary of Labor in the same manner and to the same extent as if this chapter were not in effect.

~~{4.-5.}~~ 6. The Division shall make such reasonable reports to the Assistant Secretary of Labor in such form and containing such information as the Assistant Secretary of Labor may from time to time require.

~~{5.-6.}~~ 7. Requests for variances to federal recordkeeping and reporting regulations must be submitted to and obtained from the Bureau of Labor Statistics, United States Department of Labor. All variances granted by the Bureau of Labor Statistics must be respected by the Division.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 78.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 85.

CONTAINS UNFUNDED MANDATE (§§ 2, 3) ~~{, 6}~~

(Not Requested by Affected Local Government)

AN ACT relating to charter schools; ~~[establishing requirements for certain contracts of the State Public Charter School Authority;]~~ requiring the sponsor of a proposed charter school to ~~[consult with the school district in which the charter school will be located and consider certain factors relating to the location of the charter school;]~~ **prepare an evaluation of certain needs in the geographic area proposed to be served by the charter school;** requiring the inclusion of certain additional information in an application to form a charter school; **requiring an applicant to form a charter school to provide certain evidence in support of the application;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Public Charter School Authority or, with the approval of the Department of Education, the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor a charter school. **Existing law requires the sponsor of a charter school to conduct an evaluation of certain needs in the geographic areas served by the sponsor in consultation with the Department and, to the extent practicable, the school district in which the proposed charter school will be located.** (NRS 388A.220) **Section 2 of**

this bill expands the scope of the required evaluation. Sections 3-5 of this bill make conforming changes.

~~Existing law also authorizes the proposed sponsor of a charter school to review an application to form a charter school and approve the application if it satisfies certain requirements. (NRS 388A.249) ~~[This] Section 6 of this bill requires [the proposed sponsor of a charter school to consult with the school district in which a proposed charter school will be located to consider population growth, demographic changes and the academic needs of pupils in the geographic area to be served by the proposed charter school and to ensure that the best interests of pupils and the efficient use of public money in this State are considered when determining whether to approve the formation of the charter school and when selecting a location for the charter school.]~~ **an applicant to form a charter school to provide sufficient evidence that the applicant has: (1) notified the superintendent of the school district in which the proposed charter school will be located of the proposed location of the charter school; and (2) requested an opportunity to discuss the proposed location of the charter school with the superintendent.**~~

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

Section 1. ~~[NRS 388A.165 is hereby amended to read as follows:~~

~~388A.165 1. The State Public Charter School Authority may enter into a contract with any qualified person to:~~

~~(a) Foster the development of high quality charter management organizations, educational management organizations and other persons to operate charter schools in this State;~~

~~(b) Solicit applications to form charter schools from high quality applicants;~~

~~(c) Provide training concerning the governance and management of charter schools to governing bodies of charter schools and applicants to form charter schools; or~~

~~(d) Provide professional development and support services to the administration and other employees of charter schools.~~

~~2. The State Public Charter School Authority may provide compensation pursuant to a contract entered into pursuant to subsection 1 using any money raised by the State Public Charter School Authority from private donors for that purpose or any money received from fees paid to the State Public Charter School Authority.~~

~~3. Any contract entered into for the purposes described in paragraph (b) of subsection 1 must include a recital of the obligation of the State Public Charter School Authority or other proposed sponsor of a charter school, in reviewing an application to form the charter school, to consult with the school district in which the charter school will be located, as provided in NRS 388A.249.] (Deleted by amendment.)~~

Sec. 2. NRS 388A.220 is hereby amended to read as follows:

388A.220 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 388A.255. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. The board of trustees of a school district or a college or university within the Nevada System of Higher Education may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school as prescribed in this section.

5. Before the State Public Charter School Authority or a board of trustees of a school district or a college or university within the Nevada System of Higher Education that is approved to sponsor charter schools begins soliciting applications to form a charter school, the State Public Charter School Authority, board of trustees or college or university, as applicable, shall prepare, in collaboration with the Department and ~~[- to the extent practicable,]~~ the school district in which the proposed charter school will be located and any other sponsor of a charter school located in that school district, an evaluation of ~~the population growth, demographic changes and the~~ academic needs of pupils and the needs of the school district and the community in the geographic areas served by the sponsor ~~[-]~~ ***to ensure that the best interests of pupils and the efficient use of public money in this State are considered in reviewing such applications.***

Sec. 3. NRS 388A.223 is hereby amended to read as follows:

388A.223 1. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 388A.249;

(b) Approving applications to form charter schools that the sponsor determines ~~are~~ :

(1) ~~Are~~ high quality ~~and meet~~ ;

(2) ~~Meet the identified educational~~ *academic* needs of pupils *and the needs resulting from population growth and demographic changes in the geographic areas to be served by the charter schools, as determined in consultation with the school district in which the charter schools are located*; of the school district and community identified in the evaluation conducted pursuant to subsection 5 of NRS 388A.220; and ~~will~~

(3) *Will* serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 388A.249;

(d) Negotiating and executing charter contracts pursuant to NRS 388A.270;

(e) Monitoring, in accordance with this chapter and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity;

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated or restarted, as applicable, in accordance with NRS 388A.285, 388A.300 or 388A.330, as applicable;

(g) Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 388A.330; and

(h) Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 388A.330.

2. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for soliciting and evaluating charter school applications in accordance with NRS 388A.249, which must include, without limitation:

(1) Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter school, committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and

(2) A description of the manner in which the sponsor will evaluate the previous performance of an educational management organization or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;

(c) The procedure and criteria for evaluating applications for the renewal of charter contracts pursuant to NRS 388A.285;

(d) The procedure for amending a written charter or charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;

(e) If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations or other persons to operate charter schools based on the priorities of the sponsor and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;

(f) A description of how the sponsor will maintain oversight of the charter schools it sponsors, which must include, without limitation:

(1) An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and

(2) A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and

(g) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 388A.351.

3. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

4. The provisions of this section do not establish a private right of action against the sponsor of a charter school.

Sec. 4. NRS 388A.243 is hereby amended to read as follows:

388A.243 1. The applicant shall ensure that the completed application:

(a) Presents a clear, measurable and high-quality academic, financial and organizational vision and plans for the proposed charter school; ~~and~~

(b) ~~Provides the proposed location of or geographic area to be served by the proposed charter school, evidence of a need for a charter school in that location or serving that geographic area based on population growth, demographic changes and the academic needs of the pupils in that area and evidence of community support for the proposed charter school;~~
Addresses the manner in which the proposed charter school plans to meet the needs identified in the evaluation conducted pursuant to subsection 5 of NRS 388A.220; and

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

2. A charter management organization may, as part of an application to form a charter school, request a waiver of the requirements of subsection 1 or 2 of NRS 388A.320 concerning the membership of the governing body. A sponsor shall not grant such a waiver unless the charter management organization provides a compelling reason for the waiver. If approved, the waiver may provide, without limitation, for multiple governing bodies that have the authority to make decisions concerning the governance of the charter school or a facility operated by the charter school. A majority of the members of each such governing body must reside in this State. A request for a waiver to allow for multiple such governing bodies must describe the role, responsibilities and composition of each such proposed governing body.

Sec. 5. NRS 388A.246 is hereby amended to read as follows:

388A.246 An application to form a charter school must include all information prescribed by the Department by regulation and:

1. A summary of the plan for the proposed charter school.
2. A clear written description of the mission of the charter school and the goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:
 - (a) Improving the academic achievement of pupils;
 - (b) Encouraging the use of effective and innovative methods of teaching;
 - (c) Providing an accurate measurement of the educational achievement of pupils;
 - (d) Establishing accountability and transparency of public schools;
 - (e) Providing a method for public schools to measure achievement based upon the performance of the schools; or
 - (f) Creating new professional opportunities for teachers.

3. A clear description of the indicators, measures and metrics for the categories of academics, finances and organization that the charter school proposes to use, the external assessments that will be used to assess performance in those categories and the objectives that the committee to form a charter school plans to achieve in those categories, which must be expressed in terms of the objectives, measures and metrics. The objectives and the indicators, measures and metrics used by the charter school must be consistent with the performance framework adopted by the sponsor pursuant to NRS 388A.270.

4. A resume and background information for each person who serves on the board of the charter management organization or the committee to form a charter school, as applicable, which must include the name, telephone number, electronic mail address, background, qualifications, any past or current affiliation with any charter school in this State or any other state, any potential conflicts of interest and any other information required by the sponsor.

5. The proposed location of [] or the geographic area to be served by [] the charter school , ~~[and]~~ evidence of a need *for a charter school in that location or serving that geographic area based on ~~[population growth, demographic changes and]~~ the ~~[academic]~~ needs ~~[of the pupils in that area]~~ identified in the evaluation conducted pursuant to subsection 5 of NRS 388A.220 and evidence of community support for the charter school in that area.*

6. The minimum, planned and maximum projected enrollment of pupils in each grade in the charter school for each year that the charter school would operate under the proposed charter contract.

7. The procedure for applying for enrollment in the proposed charter school, which must include, without limitation, the proposed dates for accepting applications for enrollment in each year of operation under the proposed charter contract and a statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 388A.456 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

8. The academic program that the charter school proposes to use, a description of how the academic program complies with the requirements of NRS 388A.366, the proposed academic calendar for the first year of operation and a sample daily schedule for a pupil in each grade served by the charter school.

9. A description of the proposed instructional design of the charter school and the type of learning environment the charter school will provide, including, without limitation, whether the charter school will provide a program of distance education, the planned class size and structure, the proposed curriculum for the charter school and the teaching methods that will be used at the charter school.

10. The manner in which the charter school plans to identify and serve the needs of pupils with disabilities, pupils who are English language learners, pupils who are academically behind their peers and gifted pupils.

11. A description of any co-curricular or extracurricular activities that the charter school plans to offer and the manner in which these programs will be funded.

12. Any uniform or dress code policy that the charter school plans to use.

13. Plans and timelines for recruiting and enrolling students, including procedures for any lottery for admission that the charter school plans to conduct.

14. The rules of behavior and punishments that the charter school plans to adopt pursuant to NRS 388A.495, including, without limitation, any unique discipline policies for pupils enrolled in a program of special education.

15. A chart that clearly presents the proposed organizational structure of the charter school and a clear description of the roles and responsibilities of

the governing body, administrators and any other persons included on the chart and a table summarizing the decision-making responsibilities of the staff and governing body of the charter school and, if applicable, the charter management organization that operates the charter school. The table must also identify the person responsible for each activity conducted by the charter school, including, without limitation, the person responsible for establishing curriculum and culture, providing professional development to employees of the charter school and making determinations concerning the staff of the charter school.

16. The names of any external organizations that will play a role in operating the charter school and the role each such organization will play.

17. The manner in which the governing body of the charter school will be chosen.

18. A staffing chart for the first year in which the charter school plans to operate and a projected staffing plan for the term of the charter contract.

19. Plans for recruiting administrators, teachers and other staff, providing professional development to such staff.

20. Proposed bylaws for the governing body, a description of the manner in which the charter school will be governed, including, without limitation, any governance training that will be provided to the governing body, and a code of ethics for members and employees of the governing body. The code of ethics must be prepared with guidance from the Nevada Commission on Ethics and must not conflict with any policy adopted by the sponsor.

21. Explanations of any partnerships or contracts central to the operations or mission of the charter school.

22. A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

23. The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.680 and 391.725. If the procedure is different from the procedure prescribed in NRS 391.680 and 391.725, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.680 and 391.725.

24. A statement of the charter school's plans for food service and other significant operational services, including a statement of whether the charter school will provide food service or participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If the charter school will not provide food service or participate in the National School Lunch Program, the application must include an explanation of the manner in which the charter

school will ensure that the lack of such food service or participation does not prevent pupils from attending the charter school.

25. Opportunities and expectations for involving the parents of pupils enrolled in the charter school in instruction at the charter school and the operation of the charter school, including, without limitation, the manner in which the charter school will solicit input concerning the governance of the charter school from such parents.

26. A detailed plan for starting operation of the charter school that identifies necessary tasks, the persons responsible for performing them and the dates by which such tasks will be accomplished.

27. A description of the financial plan and policies to be used by the charter school.

28. A description of the insurance coverage the charter school will obtain.

29. Budgets for starting operation at the charter school, the first year of operation of the charter school and the first 5 years of operation of the charter school, with any assumptions inherent in the budgets clearly stated.

30. Evidence of any money pledged or contributed to the budget of the charter school.

31. A statement of the facilities that will be used to operate the charter school and a plan for operating such facilities, including, without limitation, any backup plan to be used if the charter school cannot be operated out of the planned facilities.

32. If the charter school is a vocational school, a description of the career and technical education program that will be used by the charter school.

33. If the charter school will provide a program of distance education, a description of the system of course credits that the charter school will use and the manner in which the charter school will:

(a) Monitor and verify the participation in and completion of courses by pupils;

(b) Require pupils to participate in assessments and submit coursework;

(c) Conduct parent-teacher conferences; and

(d) Administer any test, examination or assessment required by state or federal law in a proctored setting.

34. If the charter school will provide a program where a student may earn college credit for courses taken in high school, a draft memorandum of understanding between the charter school and the college or university through which the credits will be earned and a term sheet, which must set forth:

(a) The proposed duration of the relationship between the charter school and the college or university and the conditions for renewal and termination of the relationship;

(b) The roles and responsibilities of the governing body of the charter school, the employees of the charter school and the college or university;

(c) The scope of the services and resources that will be provided by the college or university;

(d) The manner and amount that the college or university will be compensated for providing such services and resources, including, without limitation, any tuition and fees that pupils at the charter school will pay to the college or university;

(e) The manner in which the college or university will ensure that the charter school effectively monitors pupil enrollment and attendance and the acquisition of college credits; and

(f) Any employees of the college or university who will serve on the governing body of the charter school.

35. If the applicant currently operates a charter school in another state, evidence of the performance of such charter schools and the capacity of the applicant to operate the proposed charter school.

36. If the applicant proposes to contract with an educational management organization or any other person to provide educational or management services:

(a) Evidence of the performance of the educational management organization or other person when providing such services to a population of pupils similar to the population that will be served by the proposed charter school;

(b) A term sheet that sets forth:

(1) The proposed duration of the proposed contract between the governing body of the charter school and the educational management organization;

(2) A description of the responsibilities of the governing body of the charter school, employees of the charter school and the educational management organization or other person;

(3) All fees that will be paid to the educational management organization or other person;

(4) The manner in which the governing body of the charter school will oversee the services provided by the educational management organization or other person and enforce the terms of the contract;

(5) A disclosure of the investments made by the educational management organization or other person in the proposed charter school; and

(6) The conditions for renewal and termination of the contract; and

(c) A disclosure of any conflicts of interest concerning the applicant and the educational management organization or other person, including, without limitation, any past or current employment, business or familial relationship between any prospective employee of the charter school and a member of the committee to form a charter school or the board of directors of the charter management organization, as applicable.

37. Any additional information that the sponsor determines is necessary to evaluate the ability of the proposed charter school to serve pupils in the school district in which the proposed charter school will be located.

Sec. 6. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. Except as otherwise provided in NRS 388B.290, if an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

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

(a) Assemble a team of reviewers, which may include, without limitation, natural persons from different geographic areas of the United States who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools, to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;

~~(c) Consult with the school district in which the proposed charter school will be located to consider population growth, demographic changes and the academic needs of the pupils in the geographic area to be served by the charter school, and to ensure that the best interests of pupils and the efficient use of public money in this State are considered when selecting the location of the proposed charter school;~~

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

(d) ~~(e)~~ Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223.

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

(a) The application:

(1) Complies with this chapter and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department and the policies and practices of the sponsor; ~~and~~

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school ~~;~~ and

(c) The applicant has provided sufficient evidence that the applicant has:

(1) Notified the superintendent of the school district in which the proposed charter school will be located of:

(I) The applicant's intent to submit an application to form a charter school; and

(II) The proposed location of the charter school; and

(2) Requested an opportunity to discuss the proposed location of the charter school with the superintendent of the school district in which proposed charter will be located.

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

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

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

(c) The current status of the application; and

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

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 8. 1. ~~This act becomes~~ **section and sections 1 and 3 to 7, inclusive, of this act become** effective on July 1, 2017.

2. Section 2 of this act becomes effective on July 1, 2019.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 336.

Bill read second time and ordered to third reading.

Assembly Bill No. 395.

Bill read second time and ordered to third reading.

Assembly Bill No. 444.

Bill read second time and ordered to third reading.

Assembly Bill No. 468.

Bill read second time and ordered to third reading.

Assembly Bill No. 484.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 153.

AN ACT relating to education; eliminating the position of Administrator of the Commission on Postsecondary Education and providing for the

assumption of the powers and duties of the Administrator by the Deputy Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation; revising the composition of the Commission; authorizing the Director of the Department to accept certain federal money for use in workforce development and adult education programs; relocating the Commission within the Division; providing for the appointment and authority of the Deputy Administrator; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commission on Postsecondary Education is an independent body, responsible for licensing and regulating certain academic, vocational, technical and business schools and privately owned colleges and universities. (NRS 394.099, 394.383, 394.415) The Administrator of the Commission serves as its Executive Secretary and is responsible for executing or supervising the execution of the policies and regulations of the Commission, subject to its direction and control. (NRS 394.385, 394.411)

Section 39 of this bill relocates the Commission within the Employment Security Division of the Department of Employment, Training and Rehabilitation. **Section 44** of this bill provides for the appointment by the Division's Administrator of a Deputy Administrator, who replaces the Administrator of the Commission and, pursuant to **sections 1-36** of this bill, generally has all the powers and duties presently vested in the Administrator of the Commission. However, **section 44** provides that the Deputy Administrator works under the supervision of and serves at the pleasure of the Administrator of the Division as an unclassified employee. **Section 8** makes a conforming change.

The Commission presently consists of seven members appointed by the Governor, including two members who are representatives of the general public. (NRS 394.383, 394.385) **Sections 6 and 44** make the Deputy Administrator an ex officio member of the Commission, and **section 7** reduces, from two to one, the number of public representatives serving on the Commission.

Notwithstanding the other provisions of this bill, **section 49** of this bill authorizes the current Administrator of the Commission, who is a classified employee, to serve in the position of Deputy Administrator as a classified or unclassified employee, at his or her election, while he or she remains in that position.

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

Section 1. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

"Deputy Administrator" means the Deputy Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation.

Sec. 2. NRS 394.005 is hereby amended to read as follows:

394.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 394.006 to 394.112, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 2.5. NRS 394.006 is hereby amended to read as follows:

394.006 A postsecondary educational institution is “accredited” if ~~it~~ :

1. It has met the standards required by an accrediting body recognized by the United States Department of Education, ~~it~~ ; **or**

2. The United States Department of Education recognizes it as accredited.

Sec. 3. NRS 394.024 is hereby amended to read as follows:

394.024 “Commissioner” means any member of the Commission on Postsecondary Education . ~~[except the Administrator.]~~

Sec. 4. NRS 394.026 is hereby amended to read as follows:

394.026 “Confidential” means information that is subject to disclosure only to:

1. The Attorney General;
2. A member of the Commission or its staff; or
3. As deemed appropriate by the *Deputy* Administrator, a person responsible for reviewing the curriculum or financial records of a postsecondary educational institution.

Sec. 5. NRS 394.160 is hereby amended to read as follows:

394.160 1. Any person who has the duty, in a private school, college or university in this state, of giving instruction in the Constitution of the United States and the Constitution of the State of Nevada must show, by examination or credentials showing college, university or normal school study, satisfactory evidence of adequate knowledge of the origin, history, provisions and principles of the Constitution of the United States and the Constitution of the State of Nevada.

2. The Superintendent with respect to a private school or the *Deputy* Administrator with respect to a private college or university may grant a reasonable time for compliance with the terms of this section.

Sec. 6. NRS 394.383 is hereby amended to read as follows:

394.383 1. The Commission on Postsecondary Education, consisting of ~~seven~~ *the Deputy Administrator and six* members appointed by the Governor, is hereby created.

2. The *appointed* members of the Commission are entitled to receive a salary of not more than \$80, as fixed by the Commission, for each day’s attendance at a meeting of the Commission.

3. While engaged in the business of the Commission, each *appointed* member ~~[and employee]~~ of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 7. NRS 394.385 is hereby amended to read as follows:

394.385 1. The Governor shall appoint:

(a) One member who is a representative of the State Board . ~~[of Education.]~~

(b) Two members who are knowledgeable in the field of education, but not persons representing postsecondary educational institutions, or colleges established or maintained under the laws of this State.

(c) Two members who are representatives of private postsecondary educational institutions.

(d) ~~[Two members]~~ **One member** who ~~[are representatives]~~ **is a representative** of the general public and ~~[are]~~ **is** not associated with the field of education.

2. The Commission shall designate a Chair. ~~[The Administrator is the Executive Secretary.]~~ The Commission may meet regularly at least four times each year at such places and times as may be specified by a call of the Chair or majority of the Commission. The Commission shall prescribe regulations for its own management. Four members of the Commission constitute a quorum which may exercise all the authority conferred upon the Commission.

3. Any Commissioner may be removed by the Governor if, in the opinion of the Governor, the Commissioner is guilty of malfeasance in office or neglect of duty.

Sec. 8. NRS 394.411 is hereby amended to read as follows:

394.411 1. The Commission shall adopt regulations governing the administration of NRS 394.383 to 394.560, inclusive, and may adopt such other regulations as are proper or necessary for the execution of the powers and duties conferred upon it by law.

2. The **Deputy** Administrator shall execute, direct or supervise all administrative, technical and procedural activities for which the **Deputy** Administrator is responsible in accordance with the policies and regulations of the Commission . ~~[and subject to the Commission's direction and control.]~~

Sec. 9. NRS 394.415 is hereby amended to read as follows:

394.415 Except as otherwise provided in NRS 397.060, the Commission is the sole authority for licensing a postsecondary educational institution. Any person who operates or claims to operate such an institution must be licensed by the Commission. The **Deputy** Administrator may require any person who operates or claims to operate such an institution to furnish information which will allow the Commission to determine whether a license is required.

Sec. 10. NRS 394.430 is hereby amended to read as follows:

394.430 1. The **Deputy** Administrator shall:

(a) Receive and investigate applications for a license and applications to add a new vocational program or a new degree.

(b) Receive, investigate and act upon:

(1) Applications for an agent's permit, renewal of a license or agent's permit or authorization for the employment of agents; and

(2) Changes in ownership or requirements for a degree.

(c) Recommend to the Commission whether licensing is required.

2. The *Deputy* Administrator may:

(a) With the approval of the Commission, negotiate and enter into interstate reciprocity agreements with similar agencies in other states, if in the judgment of the *Deputy* Administrator the agreements are or will be helpful in effectuating the purposes of NRS 394.383 to 394.560, inclusive. Nothing contained in any reciprocity agreement may limit the powers, duties and responsibilities of the *Deputy* Administrator independently to investigate or act upon any application for a license to operate a postsecondary educational institution, or an application for issuance or renewal of any agent's permit, or with respect to the enforcement of any provision of this chapter, or any regulation promulgated pursuant to it.

(b) Investigate, on the *Deputy* Administrator's own initiative or in response to any complaint lodged with the *Deputy* Administrator, any person subject to, or reasonably believed by the *Deputy* Administrator to be subject to, the Commission's jurisdiction. During an investigation the *Deputy* Administrator may:

(1) Subpoena any persons, books, records or documents pertaining to the investigation;

(2) Require answers in writing under oath to questions prepared by the *Deputy* Administrator or the Commission; and

(3) Administer an oath or affirmation to any person.

↪ A subpoena issued by the *Deputy* Administrator may be enforced by any district court of this state.

(c) Exercise other powers implied but not enumerated in this section that are necessary in order to carry out the *Deputy* Administrator's duties.

Sec. 11. NRS 394.440 is hereby amended to read as follows:

394.440 1. The *Deputy* Administrator may request from any department, division, board, bureau, commission or other agency of the State, and the latter agency shall provide at no cost, any information which it possesses or expert witnesses whom it employs that will enable the *Deputy* Administrator to exercise properly his or her powers and perform his or her duties. If the witness or information is requested to aid the Commission in deciding whether to issue or renew a license or to allow a postsecondary educational institution to add new programs or degrees, the *Deputy* Administrator may require the institution making the application to pay to the witness the per diem allowance and travel expenses allowed for state officers and employees generally.

2. If no agency of the State possesses the information or expert knowledge which the Commission finds is necessary to a determination of whether an applicant for the issuance or renewal of a license has complied with the minimum standards prescribed by the Commission pursuant to law, the Commission may consult with persons outside State Government who have the requisite expert knowledge, and may require that the necessary cost

of such consultation be paid by the institution whose application is under consideration.

Sec. 12. NRS 394.441 is hereby amended to read as follows:

394.441 A postsecondary educational institution shall:

1. Provide students and other interested persons with a catalog or brochure containing information describing the programs offered, objectives of the program, length of the program, schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, policies concerning cancellations and refunds, an explanation of the Account for Student Indemnification and other material facts concerning the institution and the program or course of instruction that are likely to affect the decision of the student to enroll therein, together with any other disclosures specified by the *Deputy* Administrator or defined in the regulations of the Commission. The information must be provided before enrollment.

2. Provide each student who satisfactorily completes the training with appropriate educational credentials indicating:

(a) That the course of instruction or study has been satisfactorily completed by the student; and

(b) If the training does not lead to a degree, the number of hours of instruction or credits required of the student to complete the training.

3. Unless otherwise authorized by the Commission, maintain adequate records at the licensed facility to reflect the attendance, progress and performance of each student at the facility.

4. Provide each student with a copy of the agreement to enroll, dated and signed by the student or the student's guardian and an officer of the institution.

5. For each program offered at the institution that does not lead to a degree, collect and maintain information concerning:

(a) The number of students enrolled in the program and the number and names of students who have obtained employment in related fields, with their locations of placement;

(b) The number of:

(1) Students enrolled in the program;

(2) Students who have graduated from the program; and

(3) Graduates who have obtained employment in fields related to the instruction offered in the program, with the average compensation of such graduates; or

(c) For each such program offered to prepare students for a licensing examination:

(1) The number of students enrolled in the program;

(2) The number of such students who have graduated from the program;

and

(3) The number of such graduates who have passed the examination.

6. Select, from the information collected pursuant to subsection 5, the information relating to any 6-month period within the 18-month period preceding its next date for enrollment. The information for the period selected must be set forth in written form and posted conspicuously at the institution.

Sec. 13. NRS 394.443 is hereby amended to read as follows:

394.443 A postsecondary educational institution shall:

1. Post in a conspicuous place a notice supplied by the *Deputy* Administrator stating that grievances may be submitted to the *Deputy* Administrator for resolution.

2. Issue a receipt to all students, and retain a copy, for all money paid to the institution.

3. Submit an annual report to the Commission on forms it supplies. The report must include, without limitation, the annual income received by the institution from tuition.

Sec. 14. NRS 394.447 is hereby amended to read as follows:

394.447 Accreditation may be accepted as evidence of compliance with the minimum standards established by the Commission, or the *Deputy* Administrator may require further evidence and make further investigation as in the judgment of the *Deputy* Administrator or the judgment of the Commission are necessary. Accreditation may be accepted as evidence of compliance only as to the portion or program of an institution accredited by the agency if the institution as a whole is not accredited. Upon request by the *Deputy* Administrator, the institution shall submit copies of all written materials in its possession relating to its accreditation. Except as otherwise provided in NRS 239.0115, the *Deputy* Administrator shall keep the materials confidential.

Sec. 15. NRS 394.449 is hereby amended to read as follows:

394.449 1. Each postsecondary educational institution shall have a policy for refunds which at least provides:

(a) That if the institution has substantially failed to furnish the training program agreed upon in the enrollment agreement, the institution shall refund to a student all the money the student has paid.

(b) That if a student cancels his or her enrollment before the start of the training program, the institution shall refund to the student all the money the student has paid, minus 10 percent of the tuition agreed upon in the enrollment agreement or \$150, whichever is less, and that if the institution is accredited by a regional accrediting agency recognized by the United States Department of Education, the institution may also retain any amount paid as a nonrefundable deposit to secure a position in the program upon acceptance so long as the institution clearly disclosed to the applicant that the deposit was nonrefundable before the deposit was paid.

(c) That if a student withdraws or is expelled by the institution after the start of the training program and before the completion of more than 60 percent of the program, the institution shall refund to the student a pro rata

amount of the tuition agreed upon in the enrollment agreement, minus 10 percent of the tuition agreed upon in the enrollment agreement or \$150, whichever is less.

(d) That if a student withdraws or is expelled by the institution after completion of more than 60 percent of the training program, the institution is not required to refund the student any money and may charge the student the entire cost of the tuition agreed upon in the enrollment agreement.

2. If a refund is owed pursuant to subsection 1, the institution shall pay the refund to the person or entity who paid the tuition within 15 calendar days after the:

- (a) Date of cancellation by a student of his or her enrollment;
 - (b) Date of termination by the institution of the enrollment of a student;
 - (c) Last day of an authorized leave of absence if a student fails to return after the period of authorized absence; or
 - (d) Last day of attendance of a student,
- ↪ whichever is applicable.

3. Books, educational supplies or equipment for individual use are not included in the policy for refund required by subsection 1, and a separate refund must be paid by the institution to the student if those items were not used by the student. Disputes must be resolved by the *Deputy* Administrator for refunds required by this subsection on a case-by-case basis.

4. For the purposes of this section:

(a) The period of a student's attendance must be measured from the first day of instruction as set forth in the enrollment agreement through the student's last day of actual attendance, regardless of absences.

(b) The period of time for a training program is the period set forth in the enrollment agreement.

(c) Tuition must be calculated using the tuition and fees set forth in the enrollment agreement and does not include books, educational supplies or equipment that is listed separately from the tuition and fees.

Sec. 16. NRS 394.455 is hereby amended to read as follows:

394.455 1. The Commission shall not issue a license to operate an unaccredited institution which grants degrees until the institution has been evaluated by the Commission. Each existing or new institution must be evaluated at least once, but the Commission may require subsequent evaluations.

2. The Chair of the Commission shall appoint a panel of evaluators for each institution composed of representatives of institutions or businesses that are directly affected by the program and persons who significantly contribute to the evaluation because of special knowledge. The *Deputy* Administrator shall accompany the panel as an observer.

3. One hundred and twenty days before the meeting of the Commission at which the issuance or renewal of a license will be considered, the panel of evaluators shall present to the *Deputy* Administrator and to the institution a

report specifying the extent to which the institution meets the standards established by the Commission, and recommending:

- (a) Issuance or renewal of the license with no qualifications;
- (b) Issuance of a provisional license; or
- (c) Revocation of the license.

4. The institution's response to the report must be received in the office of the *Deputy* Administrator no later than 90 days before the meeting at which the license will be considered.

5. If the institution's response shows progress toward meeting the standards, or if the response furnishes information which indicates that the standards are being adhered to, the representatives of the panel of evaluators shall review the institution again to verify the response and incorporate it into their report. The panel of evaluators shall make a final report to the *Deputy* Administrator no later than 45 days before the meeting at which the license will be considered.

6. The *Deputy* Administrator may recommend that the Commission accept the evaluation or that it reject the report. If the Commission rejects the panel's recommendation, it shall record the specific reason for doing so in its minutes.

Sec. 17. NRS 394.460 is hereby amended to read as follows:

394.460 1. Each person required to be licensed as a postsecondary educational institution by the Commission or each postsecondary educational institution requesting to add a new program or degree or to renew a license must apply to the *Deputy* Administrator, upon forms provided by the *Deputy* Administrator. The application must be accompanied by the required fees. The institution's curriculum and financial statement are confidential except as otherwise provided in NRS 239.0115 or unless, in the opinion of the Commission, they militate against the issuance of a license.

2. After review of the application, any other information required by the *Deputy* Administrator and the report of the panel of evaluators, and an investigation of the applicant if necessary, the Commission shall grant or deny a license or grant a provisional license for a term specified by the Commission. Before the expiration of a provisional license, the *Deputy* Administrator shall inspect the institution, or the Commission may require the appointment of a panel of evaluators to inspect the institution, and recommend whether to revoke or continue the provisional license or to grant an unqualified license. The Commission may accept or reject the recommendation.

3. The license must state at least the following information:

- (a) The date of issuance, effective date and term of the license.
- (b) The correct name, address and owner of the institution.
- (c) The approved degrees or occupational subjects.
- (d) Any limitation considered necessary by the Commission.

4. The term for which a license is given must not exceed 2 years. The license must be posted in a conspicuous place.

5. The license must be issued to the owner or governing body of the institution and is nontransferable. If a change in ownership of the institution occurs, the owner to whom the license was issued shall inform the *Deputy* Administrator, and the new owner or governing body must, within 10 days after the change in ownership, apply for an approval of the change of ownership. If it fails to do so, the license terminates.

6. Within 10 days after a change of location or an addition of buildings or other facilities, the institution must file a notice of the change with the *Deputy* Administrator.

7. At least 60 days before the expiration of a license, the institution must complete and file with the *Deputy* Administrator an application for renewal of its license.

Sec. 18. NRS 394.463 is hereby amended to read as follows:

394.463 1. The institution shall pay the per diem allowance and travel expenses allowed for state officers and employees generally ~~to~~ to the members of the panel of evaluators ~~and~~ *and* the *Deputy* Administrator ~~and employees of the Commission~~ during their inspections of the institution and to the member of the panel who attends the meeting of the Commission at which the license is discussed. The institution shall also pay the cost of preparing and printing the report of the panel.

2. Each claim for reimbursement of these expenses must be submitted to the *Deputy* Administrator within 30 days after they are incurred. The *Deputy* Administrator shall verify the claim and forward it to the institution. Within 30 days after its receipt, the institution shall issue a negotiable instrument which is payable to the claimant and send it to the *Deputy* Administrator, who shall send it to the claimant.

Sec. 19. NRS 394.465 is hereby amended to read as follows:

394.465 1. Except as otherwise provided in subsection 6, before a postsecondary educational institution employs or contracts with a person:

- (a) To occupy an instructional position;
 - (b) To occupy an administrative or financial position, including a position as school director, personnel officer, counselor, admission representative, solicitor, canvasser, surveyor, financial aid officer or any similar position; or
 - (c) To act as an agent for the institution,
- ↪ the applicant must submit to the *Deputy* Administrator the information set forth in subsection 2.

2. The applicant must submit to the *Deputy* Administrator:

- (a) A complete set of fingerprints taken by a law enforcement agency and written permission authorizing the *Deputy* Administrator to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the *Deputy* Administrator deems necessary; or
- (b) Written verification, on a form prescribed by the *Deputy* Administrator, stating that the fingerprints of the applicant were taken and

directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the *Deputy* Administrator deems necessary.

3. The *Deputy* Administrator may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the *Deputy* Administrator deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the *Deputy* Administrator deems necessary.

4. Except as otherwise provided in NRS 239.0115, the *Deputy* Administrator shall keep the results of the investigation confidential.

5. The applicant shall pay the cost of the investigation.

6. An applicant is not required to satisfy the requirements of this section if the applicant:

(a) Is licensed by the Superintendent of Public Instruction;

(b) Is an employee of the United States Department of Defense;

(c) Is a member of the faculty of an accredited postsecondary educational institution in another state who is domiciled in a state other than Nevada and is present in Nevada for a temporary period to teach at a branch of that accredited institution;

(d) Is an instructor who provides instruction from a location outside this State through a program of distance education for a postsecondary educational institution licensed by the Commission who previously underwent an investigation of his or her background and the *Deputy* Administrator determines that an additional investigation is not necessary; or

(e) Has satisfied the requirements of subsection 1 within the immediately preceding 5 years.

7. As used in this section, "distance education" means instruction delivered by means of video, computer, television, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the student receiving the instruction are separated geographically.

Sec. 20. NRS 394.470 is hereby amended to read as follows:

394.470 1. Each person desiring to solicit or perform the services of an agent in this state must apply to the *Deputy* Administrator upon forms provided by the *Deputy* Administrator. The application must:

(a) Be accompanied by evidence of the good reputation and character of the applicant;

(b) Be in a form prescribed by the *Deputy* Administrator;

(c) Include a copy of the application for an investigation of the applicant's background by the sheriff;

(d) Include the social security number of the applicant; and

(e) State the name of the institution the applicant intends to represent.

2. An agent representing more than one institution must obtain a separate agent's permit for each institution represented, except that if an agent represents institutions having a common ownership, only one agent's permit is required with respect to the institutions.

3. If any institution the applicant intends to represent does not have a license to operate in this state, the application must be accompanied by:

(a) The information required from institutions applying for a license;

(b) Evidence that the institution meets the criteria established for licensed institutions;

(c) Evidence of compliance with NRS 394.480 and the payment of the fees required by law; and

(d) Evidence that the institution is accredited.

4. After a review of the application and other information submitted by the applicant, as required by regulation of the Commission, and any investigation of the applicant the *Deputy* Administrator considers appropriate, the *Deputy* Administrator shall grant or deny an agent's permit to the applicant.

5. The agent's permit must state in a clear and conspicuous manner at least the following information:

(a) The date of issuance, effective date and term of the permit.

(b) The correct name and address of the agent.

(c) The names of the institutions the agent is authorized to represent.

6. An agent's permit must not be issued for a term of more than 1 year.

7. At least 30 days before the expiration of an agent's permit, the agent must complete and file with the *Deputy* Administrator an application for renewal of the permit. The *Deputy* Administrator shall review and act upon the renewal application as provided in this section for an original application.

Sec. 21. NRS 394.473 is hereby amended to read as follows:

394.473 1. An applicant for the issuance or renewal of an agent's permit shall submit to the *Deputy* Administrator the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The *Deputy* Administrator shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the agent's permit; or

(b) A separate form prescribed by the *Deputy* Administrator.

3. An agent's permit may not be issued or renewed by the *Deputy* Administrator if the applicant:

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

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

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

Sec. 22. NRS 394.474 is hereby amended to read as follows:

394.474 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of an agent's permit must indicate in the application submitted to the *Deputy* Administrator whether the applicant has a state business registration. If the applicant has a state business registration, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. An agent's permit may not be renewed by the *Deputy* Administrator if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the *Deputy* Administrator pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 23. NRS 394.475 is hereby amended to read as follows:

394.475 Before a postsecondary educational institution employs agents or contracts with persons to act as agents for the institution, it must apply for and receive from the *Deputy* Administrator authorization for the employment of agents.

Sec. 24. NRS 394.480 is hereby amended to read as follows:

394.480 1. Notwithstanding the provisions of NRS 100.065 to the contrary, each:

(a) Postsecondary educational institution initially licensed on or after July 1, 1995, shall file with the *Deputy* Administrator a surety bond in the amount of \$10,000 or in a greater amount determined by the Commission for the period of the initial license to operate, including any provisional period.

(b) Postsecondary educational institution or other entity which is authorized to employ one or more agents in this State shall file with the *Deputy* Administrator a surety bond in the amount of \$10,000 or in a greater amount determined by the Commission for the period of the agent's permit.

(c) Postsecondary educational institution that poses a financial risk to the students who are enrolled in the institution, as determined by the Commission, shall file with the *Deputy* Administrator a surety bond in the amount of \$10,000 or in a greater amount determined by the Commission for a period that the Commission determines is appropriate.

(d) Postsecondary educational institution that files for a change of ownership shall file with the *Deputy* Administrator a surety bond in the amount of \$10,000 or in a greater amount determined by the Commission for the period of the initial license to operate issued to the new owner, including any provisional period.

(e) Postsecondary educational institution may be required by the Commission to file a new or supplementary bond in an amount and for a period determined appropriate by the Commission if the Commission determines that the current bond filed by the institution is insufficient to cover all claims, accrued or contingent, against the institution.

2. The bond required of a postsecondary educational institution pursuant to subsection 1 must be executed by the entity that owns the institution as principal, by a surety company as surety and by a licensed insurance agent residing in this State. The bond must be payable to the State of Nevada and must be conditioned to provide indemnification to any student, enrollee or his or her parent or guardian determined by the Commission to have suffered damage as a result of any act by the postsecondary educational institution that is a violation of NRS 394.383 to 394.560, inclusive. The bonding company shall provide indemnification upon receipt of written notice of the determination by the Commission. The bond may be continuous, but regardless of the duration of the bond the aggregate liability of the surety does not exceed the penal sum of the bond.

3. A surety on any bond filed pursuant to this section may be released after the surety gives 30 days' written notice to the *Deputy* Administrator, but the release does not discharge or otherwise affect any claim filed by a student, enrollee or his or her parent or guardian for damage resulting from any act of the postsecondary educational institution or agent alleged to have occurred while the bond was in effect, or for an institution's ceasing operations during the term for which tuition had been paid while the bond was in force.

4. A license or an agent's permit is suspended by operation of law when the institution or agent is no longer covered by a surety bond as required by

this section. The *Deputy* Administrator shall give the institution or agent, or both, at least 20 days' written notice before the release of the surety, to the effect that the license or permit will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.

5. If any student is entitled to a refund from an institution pursuant to any provision of NRS 394.383 to 394.560, inclusive, the surety shall provide indemnification.

Sec. 25. NRS 394.490 is hereby amended to read as follows:

394.490 1. If the Commission, upon review and consideration of a person required to be licensed or of an application for a license to operate, or the *Deputy* Administrator, upon review and consideration of an application for an agent's permit, for renewal of a license or agent's permit or for authorization to employ agents, determines that the applicant fails to meet the criteria for granting the application, the *Deputy* Administrator shall notify the applicant by certified mail, setting forth the reasons for the denial of the application.

2. The *Deputy* Administrator may grant to an applicant for renewal an extension of time to eliminate the reasons recited in the denial letter if:

(a) The applicant has demonstrated his or her desire to meet the criteria; and

(b) The *Deputy* Administrator reasonably believes that the applicant can correct the deficiencies within the extension period.

3. If the *Deputy* Administrator denies an application for an agent's permit, or an application for renewal, the *Deputy* Administrator shall notify the institution the agent represented or sought to represent, setting forth the reasons for the denial.

Sec. 26. NRS 394.510 is hereby amended to read as follows:

394.510 1. The Commission may impose an administrative fine of not more than \$10,000 against a licensee, revoke a license, or make a license conditional after its issuance, if the Commission reasonably believes that the holder has violated the provisions of NRS 394.383 to 394.560, inclusive, or regulations adopted pursuant to those sections, or has failed to comply with a lawful order of the Commission. The *Deputy* Administrator shall notify the institution of the reasons for the action by certified mail to its last known address, 20 days before the meeting of the Commission at which the action will be considered.

2. If the Commission revokes a license, the institution shall cease its operations and granting degrees and shall refund to each enrolled student the cost of the student's current course or program.

3. The *Deputy* Administrator may impose an administrative fine of not more than \$10,000 against an institution or agent, revoke an agent's permit, or make a permit conditional after its issuance, if the *Deputy* Administrator reasonably believes that the holder has violated the provisions of NRS 394.383 to 394.560, inclusive, or regulations adopted pursuant thereto.

Before action is taken, the *Deputy* Administrator shall notify the holder by certified mail of facts or conduct that warrant the impending action and advise the holder that if a hearing is desired it must be requested within 10 days after receipt of the notice letter. If no hearing is requested within the prescribed period the action becomes final.

4. If an agent is fined or the agent's permit is revoked or conditions imposed, the *Deputy* Administrator shall notify, by certified mail, the institution the agent represented in addition to the agent and any other parties to any hearing.

Sec. 27. NRS 394.515 is hereby amended to read as follows:

394.515 1. If the *Deputy* Administrator receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of an agent's permit, the *Deputy* Administrator shall deem the permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the *Deputy* Administrator receives a letter issued to the holder of the permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The *Deputy* Administrator shall reinstate an agent's permit that has been suspended by a district court pursuant to NRS 425.540 if the *Deputy* Administrator receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose permit was suspended stating that the person whose permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 28. NRS 394.520 is hereby amended to read as follows:

394.520 1. Until 1 year after the last date of attendance or date on which the damage occurred, whichever is later, a person claiming damage as a result of any act by a postsecondary educational institution or its agent, or both, that is a violation of NRS 394.383 to 394.560, inclusive, or regulations adopted pursuant thereto, may file with the *Deputy* Administrator a verified complaint against the institution, its agent, or both. The complaint must set forth the alleged violation and contain other information as required by regulations of the Commission. A complaint may also be filed by a Commissioner or the Attorney General or initiated by the *Deputy* Administrator.

2. The *Deputy* Administrator shall investigate any verified complaint and may, at his or her discretion, attempt to effectuate a settlement by arbitration, mediation or negotiation. The *Deputy* Administrator may also consult with the applicable accrediting body to resolve the complaint. If a settlement cannot be reached, the *Deputy* Administrator shall render a decision and notify each party of the decision and the reasons for it by certified mail to his or her last known address. Either party may request a hearing before the Commission by notifying the *Deputy* Administrator by certified mail within

15 days after the decision was mailed to the party. The hearing must be held at the next meeting of the Commission in the geographical area convenient to the parties. If a hearing is not requested, the decision of the *Deputy* Administrator is final.

3. If, after consideration of all the evidence presented at a hearing, the Commission finds that a postsecondary educational institution or its agent, or both, are guilty of the violation alleged in the complaint, it shall issue and the *Deputy* Administrator shall serve upon the institution or agent, or both, an order to cease and desist from the violation. If the Commission finds the institution has substantially failed to furnish the instruction or services agreed upon in the agreement to enroll, it shall order the institution to make full restitution to the student of all money paid pursuant to the agreement. If the Commission finds that the institution has substantially furnished the instruction or services agreed upon in the agreement to enroll, but that conditions in the school were sufficiently substandard that it was not reasonable to expect the student to complete the instruction, the Commission shall order the institution to make restitution to the student of one-half the money paid pursuant to the agreement. The Commission may also, as appropriate, based on the *Deputy* Administrator’s investigation and the evidence adduced at the hearing, or either of them, institute proceedings to revoke an institution’s license or recommend that the *Deputy* Administrator institute proceedings to revoke an agent’s permit.

Sec. 29. NRS 394.530 is hereby amended to read as follows:

394.530 If the Commission or the *Deputy* Administrator determines that irreparable injury would result from putting into immediate effect a final action or penalty, the Commission or *Deputy* Administrator, as appropriate, shall postpone the effective date of the action pending review.

Sec. 30. NRS 394.540 is hereby amended to read as follows:

394.540 1. The fees imposed pursuant to this section must be collected by the *Deputy* Administrator and deposited in the State Treasury to the credit of the State General Fund, and no fees so collected are subject to refund.

2. The fees are:

- (a) For a new license \$2,000
- (b) For an application by an unlicensed out-of-state educational institution to employ agents in this state or offer experiential courses 1,500
- (c) For a change of ownership 1,000
- (d) For approval of an alcohol awareness program 500
- (e) To add a new degree or vocational program 500
- (f) For an initial agent’s permit 200
- (g) For the renewal of an agent’s permit 200
- (h) For a transcript of an academic record which is in the possession of the *Deputy* Administrator pursuant to NRS 394.550 \$5

3. In addition, the *Deputy* Administrator shall collect from each licensed postsecondary educational institution a fee of \$4 for each student from which the institution has received tuition or registration fees. The institution shall collect this fee from each such student at the time of the student's initial enrollment with the institution. On or before the first day of January, April, July and October, the institution shall transmit to the *Deputy* Administrator the fees collected pursuant to this subsection during the preceding quarter. The *Deputy* Administrator shall deposit the fees so transmitted with the State Treasurer for credit to the State General Fund.

Sec. 31. NRS 394.545 is hereby amended to read as follows:

394.545 1. A driving school:

(a) Must be located more than 200 feet from any office of the Department of Motor Vehicles;

(b) Must have the equipment necessary to instruct students in the safe operation of motor vehicles and maintain the equipment in a safe condition; and

(c) Must have insurance in at least the following amounts:

(1) For bodily injury to or death of two or more persons in one crash, \$40,000; and

(2) For damage to property in any one crash, \$10,000.

2. The Department of Motor Vehicles may review and approve or disapprove any application to issue, renew or revoke a license for a driving school. The Department of Motor Vehicles may, at any time, inspect a licensed driving school and may recommend that its license be suspended or revoked. The *Deputy* Administrator shall investigate and recommend to the Commission the appropriate action.

Sec. 32. NRS 394.550 is hereby amended to read as follows:

394.550 If any postsecondary educational institution operating in this state discontinues or proposes to discontinue its operation, the chief administrative officer of the institution shall file with the *Deputy* Administrator original or true copies of all academic records of the institution specified by regulations of the Commission. The records must include, as a minimum, academic information customarily required by colleges when considering students for transfer or advanced study; and, as a separate document, the academic record of each former student. If the *Deputy* Administrator establishes the likelihood that academic records of an institution discontinuing its operations are in danger of being destroyed, secreted, mislaid or otherwise made unavailable to the Commission, the *Deputy* Administrator may obtain a court order permitting the seizure of such records. The *Deputy* Administrator shall receive and maintain a file of such records in the *Deputy* Administrator's possession.

Sec. 33. NRS 394.553 is hereby amended to read as follows:

394.553 1. The Account for Student Indemnification is hereby created in the State General Fund. The existence of the Account does not create a right in any person to receive money from the Account. The *Deputy*

Administrator shall administer the Account in accordance with regulations adopted by the Commission.

2. Except as otherwise limited by subsection 3, the money in the Account may be used to indemnify any student or enrollee who has suffered damage as a result of:

(a) The discontinuance of operation of a postsecondary educational institution licensed in this state; or

(b) The violation by such an institution of any provision of NRS 394.383 to 394.560, inclusive, or the regulations adopted pursuant thereto.

3. If a student or enrollee is entitled to indemnification from a surety bond pursuant to NRS 394.480, the bond must be used to indemnify the student or enrollee before any money in the Account may be used for indemnification.

4. In addition to the expenditures made for indemnification pursuant to subsection 2, the *Deputy* Administrator may use the money in the Account to pay extraordinary expenses incurred to investigate claims for indemnification or resulting from the discontinuance of the operation of a postsecondary educational institution licensed in this state. Money expended pursuant to this subsection must not exceed, for each institution for which indemnification is made, 15 percent of the total amount expended for indemnification pursuant to subsection 2 or \$10,000, whichever is less.

5. No expenditure may be made from the Account if the expenditure would cause the balance in the Account to fall below \$10,000.

6. Interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

7. The money in the Account does not lapse to the State General Fund at the end of any fiscal year.

Sec. 34. NRS 394.557 is hereby amended to read as follows:

394.557 1. Except as otherwise provided in subsection 2, each postsecondary educational institution licensed in this state shall pay to the *Deputy* Administrator a fee of \$5 for each student the institution initially enrolls in a program for which the student pays a tuition or registration fee. On or before January 1, April 1, July 1 and October 1 of each year, each institution shall transmit to the *Deputy* Administrator the fees required by this subsection for the immediately preceding quarter. The *Deputy* Administrator shall deposit the money in the State Treasury for credit to the Account for Student Indemnification.

2. The *Deputy* Administrator shall notify each postsecondary educational institution licensed in this state if the balance in the Account is \$250,000 or more. If the balance in the Account is \$250,000 or more, a postsecondary educational institution is not required to pay the fee required by subsection 1. If the balance in the Account subsequently falls below \$250,000, the *Deputy* Administrator shall notify each postsecondary educational institution licensed in this state that the fee must be paid until the balance in the Account is \$250,000 or more.

Sec. 35. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to ~~{394.550,}~~ **394.560**, inclusive, *and section 1 of this act* is guilty of a gross misdemeanor. Each day's failure to comply with the provisions of these sections is a separate offense.

Sec. 36. NRS 394.630 is hereby amended to read as follows:

394.630 A person, firm, association, partnership or corporation shall not award, bestow, confer, give, grant, convey or sell to another person a degree or honorary degree upon which is inscribed, in any language, the word "associate," "bachelor," "baccalaureate," "master," "doctor" or "fellow," or any abbreviation thereof, unless it is a school, academy, institute, community college, junior college, college, university or other educational organization or entity located in the State of Nevada or operating from a place of business in this state that offers courses of instruction or study wherein credits may be earned toward an academic or professional degree in a field of endeavor beyond the secondary school level, and:

1. Is accredited; or
2. Has filed and kept current with appropriate amendments, in the office of the *Deputy* Administrator, an affidavit by each president of two separate accredited colleges or universities stating that the majority of the course credits offered by the unaccredited institution are generally acceptable or transferable to the accredited college or university which each president represents.

Sec. 37. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 38 and 39 of this act.

Sec. 38. 1. *The Director may accept, and adopt regulations or establish policies for the disbursement of, money appropriated by any Act of Congress and apportioned to the State of Nevada for use in connection with the workforce development and adult education programs of this State.*

2. *In accepting the benefits of the Acts of Congress referred to in subsection 1, the State of Nevada agrees to comply with all of their provisions and observe all of their requirements.*

Sec. 39. *The Employment Security Division of the Department consists of the Administrator of the Division and the Commission on Postsecondary Education.*

Sec. 40. NRS 232.900 is hereby amended to read as follows:

232.900 As used in NRS 232.900 to 232.960, inclusive, *and sections 38 and 39 of this act*, unless the context otherwise requires:

1. "Department" means the Department of Employment, Training and Rehabilitation.
2. "Director" means the Director of the Department.

Sec. 41. NRS 232.920 is hereby amended to read as follows:

232.920 The Director:

1. Shall:

(a) Organize the Department into divisions and other operating units as needed to achieve the purposes of the Department;

(b) Upon request, provide the Director of the Department of Administration with a list of organizations and agencies in this State whose primary purpose is the training and employment of persons with disabilities;

(c) Except as otherwise provided by a specific statute, direct the divisions to share information in their records with agencies of local governments which are responsible for the collection of debts or obligations if the confidentiality of the information is otherwise maintained under the terms and conditions required by law; and

(d) Provide the employment and wage information to the Board of Regents of the University of Nevada for purposes of the reporting required of the Board of Regents by subsection 4 of NRS 396.531.

2. Is responsible for the administration, through the divisions of the Department, of the provisions of NRS **394.383 to 394.560, inclusive**, 426.010 to 426.720, inclusive, 426.740, 426.790 and 426.800, and chapters 612 and 615 of NRS, and all other provisions of law relating to the functions of the Department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as otherwise provided by specific statute.

3. May employ, within the limits of legislative appropriations, such staff as is necessary for the performance of the duties of the Department.

Sec. 42. Chapter 612 of NRS is hereby amended by adding thereto the provisions set forth as sections 43 and 44 of this act.

Sec. 43. *“Deputy Administrator” means the Deputy Administrator of the Division.*

Sec. 44. 1. *The Commission on Postsecondary Education is administered by the Deputy Administrator, who is appointed by and serves at the pleasure of the Administrator.*

2. *Subject to the provisions of NRS 394.383 to 394.560, inclusive, the Deputy Administrator:*

(a) *Is in the unclassified service of the State.*

(b) *Serves ex officio as a member of the Commission.*

(c) *Has full administrative authority with respect to the operation and functions of the Commission, subject to the administrative supervision of the Administrator.*

(d) *Shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.*

(e) *Is responsible for the administration of the provisions of this section, NRS 394.383 to 394.560, inclusive, and all other provisions of law relating to the functions of the Commission.*

Sec. 45. NRS 612.015 is hereby amended to read as follows:

612.015 As used in this chapter, unless the context clearly requires otherwise, the words and terms defined in NRS 612.016 to 612.200, inclusive, **and section 43 of this act** have the meanings ascribed to them in those sections.

Sec. 46. NRS 612.220 is hereby amended to read as follows:

612.220 The Administrator:

1. Shall administer this chapter.
2. ***Is responsible for the administration, through the Deputy Administrator and the Commission on Postsecondary Education, of the provisions of NRS 394.383 to 394.560, inclusive.***

3. Has power and authority to adopt, amend or rescind such rules and regulations, to employ, in accordance with the provisions of this chapter, such persons, make such expenditures, require such reports, make such investigations, and take such other action as the Administrator deems necessary or suitable to that end.

~~§~~ 4. Shall determine his or her own organization and methods of procedure for the Division in accordance with the provisions of this chapter.

Sec. 47. NRS 612.230 is hereby amended to read as follows:

612.230 1. For the purpose of ensuring the impartial selection of personnel on the basis of merit, the Administrator shall fill all positions in the Division, except the ~~post~~ ***posts*** of Administrator ~~and Deputy Administrator~~, from registers prepared by the Division of Human Resource Management of the Department of Administration, in conformity with such rules, regulations and classification and compensation plans relating to the selection of personnel as may be adopted or prescribed by the Administrator.

2. The Administrator shall select all personnel either from the first five candidates on the eligible lists as provided in this chapter, or from the highest rating candidate within a radius of 60 miles of the place in which the duties of the position will be performed. The Administrator may fix the compensation and prescribe the duties and powers of such personnel, including such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of the duties under this chapter, and may delegate to any such person such power and authority as the Administrator deems reasonable and proper for its effective administration.

3. The Administrator shall classify positions under this chapter and shall establish salary schedules and minimum personnel standards for the positions so classified. The Administrator shall devise and establish fair and reasonable regulations governing promotions, demotions and terminations for cause in accordance with such established personnel practices as will tend to promote the morale and welfare of the organization.

4. The Administrator may grant educational leave stipends to officers and employees of the Division if all of the cost of the educational leave stipends may be paid from money of the Federal Government.

Sec. 48. The term of the member of the Commission on Postsecondary Education:

1. Appointed pursuant to paragraph (d) of subsection 1 of NRS 394.385;
 2. Who is incumbent on June 30, 2017; and
 3. Whose term, but for this section, would otherwise have expired first after that date,
- ↪ expires on June 30, 2017.

Sec. 49. Notwithstanding any provision of this act to the contrary, the Administrator of the Commission on Postsecondary Education who is incumbent on June 30, 2017:

1. May be appointed Deputy Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to section 44 of this act;
2. If so appointed, is entitled to remain in the classified service or serve in the unclassified service of the State, at his or her election, until he or she vacates the position of Deputy Administrator; and
3. If so appointed, has all the powers and duties vested in the Deputy Administrator by the provisions of this act or as otherwise provided by law.

Sec. 50. The Legislative Counsel shall, in preparing the Nevada Revised Statutes or any supplements to the Nevada Administrative Code, use the authority set forth in subsection 10 of NRS 220.120 to change appropriately the name of any agency, officer or instrumentality of the State whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate agency, officer or instrumentality.

Sec. 51. NRS 394.007 is hereby repealed.

Sec. 52. 1. This section and sections 48 and 49 of this act become effective upon passage and approval.

2. Sections 1 to 47, inclusive, and 50 and 51 of this act become effective on July 1, 2017.

TEXT OF REPEALED SECTION

394.007 “Administrator” defined. “Administrator” means the Administrator of the Commission on Postsecondary Education.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 78 and 484 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 336, 395, and 468 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 114, 297, and 452 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 79 removes the designation of the Las Vegas Valley Water District and the Southern Nevada Water Authority as the exclusive providers of water service for the Garnet Valley Ground Water Basin in Clark County, Nevada.

Roll call on Assembly Bill No. 79:

YEAS—40.

NAYS—Titus.

EXCUSED—Carrillo.

Assembly Bill No. 79 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252.

Bill read third time.

Remarks by Assemblywomen Titus and Carlton.

ASSEMBLYWOMAN TITUS:

Assembly Bill 252 relates to alternate addresses on peace officers' drivers' licenses. Assembly Bill 252 authorizes a peace officer or a retired peace officer to request the display of an alternate address on his or her driver's license, identification card, commercial driver's license, or commercial learner's permit instead of displaying his or her principal residence address. A peace officer must use as an alternate address his or her employer's address. A retired peace officer must provide the DMV [Department of Motor Vehicles] an alternate address at the time he or she submits the request. Lastly, the bill requires a peace officer or a retired peace officer to provide the DMV an address of principal residence or mailing address for the purpose of recordkeeping and mailing. This measure is effective upon passage and approval for the purpose of adopting regulations and on July 1, 2017, for all other purposes.

ASSEMBLYWOMAN CARLTON:

I would like to ask the sponsor of the bill how this varies from the procedures that are already in effect for current officers and retired officers. I do know that your address can be removed from the phone book and a number of other different ways. I believe there are provisions already on the books that allow this to happen, so I would like to understand what we are changing.

ASSEMBLYWOMAN TITUS:

Thank you for that question Assemblywoman from the south. I, too, had looked into that before. It is my understanding, when I spoke to DMV, that although they have a policy, there is nothing in statute that actually requires them to do so, as far as requiring alternate addresses and

where they put that address. What this bill specifically does is make them use the address of their previous place of employment if they have to put a physical address on the driver's license.

Roll call on Assembly Bill No. 252:

YEAS—40.

NAYS—Carlton.

EXCUSED—Carrillo.

Assembly Bill No. 252 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 337.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 337 changes the law. Under existing law we have the Nevada National Guard who has employment protection. However, there are often cross border situations where someone is employed in this state but is in the National Guard of a different state. This ropes them in under existing law.

Roll call on Assembly Bill No. 337:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 337 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 396.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 396 revises provisions governing lobbying of state legislators and financial disclosure statements filed by public officers and candidates. The bill revises certain terms that are defined in the Nevada Lobbying Disclosure Act, including the following terms: "Gift" is revised to provide an exception for a "de minimis" gift given to a legislator, family member, or staff. The term is further revised to exclude income from investment property, business transactions conducted at prices available to the public, payments in the context of employment or contract, and payments resulting from judgments, arbitration, or settlements. "Educational or informational meeting, event, or trip" is revised to exclude occasions undertaken as part of employment or contract and an event to which all legislators are invited, even if no speech or presentation is given, and "lobbyist" is revised to exclude a person who employs a lobbyist.

A public officer or candidate is required to disclose certain items of value received from an "interested person." This term is restricted to mean a person that the public officer or candidate should reasonably have known to hold a substantial interest in the actions of the officer or candidate. The officer or candidate is not required to disclose financial information for a full year if the officer or candidate was not a public officer during that calendar year.

Roll call on Assembly Bill No. 396:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 451.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Assembly Bill 451 requires each person who is elected or appointed to serve as a member of the board of trustees of a school district to complete training for professional development in the first and third years of his or her term. The training must include at least six hours of instruction covering certain topics delineated in the bill.

The bill further requires each school district board member to provide certification of completion of the training. If a member fails to complete the training or provide certification, a notice of noncompliance must be posted online and provided to the other board members.

Roll call on Assembly Bill No. 451:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 461.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 461 designates the third week in January as “Peace Week” in the state of Nevada and requires the Governor to issue annually a proclamation encouraging the observance of “Peace Week.”

Peace Week is not new to Nevada. Years ago in Clark County, there were unofficial Peace Week celebrations that were always commenced the day after the observation of Dr. Martin Luther King, Jr. Day. According to the Peace Alliance, which are organizers and advocates for peace, there are five cornerstones to peace: (1) empowering community peace building; (2) teaching peace in schools; (3) humanizing justice systems; (4) cultivating personal peace; and (5) fostering international peace. This is a great opportunity to create a culture of peace in Nevada. I would appreciate your support.

Roll call on Assembly Bill No. 461:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 464.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Assembly Bill 464 repeals a number of provisions relating to obsolete or redundant reports mandated by the Legislature but ensures that the information provided by certain reports will remain publicly available on pertinent websites.

Roll call on Assembly Bill No. 464:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 465.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 465 authorizes the Secretary of State to appoint fewer than nine members to the Advisory Committee on Participatory Democracy. The bill also shortens the term of the members from three years to two years, revises the quorum requirements to conform to the decrease in the number of members, and reduces the number of meetings the Committee is required to hold in a calendar year.

Roll call on Assembly Bill No. 465:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 466.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 466 allows a former state employee who is not receiving benefits under the Public Employees' Retirement System to enter into a contract for services with a former employing agency within two years of the date of termination of employment.

Roll call on Assembly Bill No. 466:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 476.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 476 makes various changes to the provisions governing electronic notaries public. Specifically, this bill clarifies that an appointment as an electronic notary public does not authorize the electronic notary public to perform notarial acts in another state; removes a requirement for a notary public to file an additional bond and take an additional oath in order to become an electronic notary; makes a person's term of an appointment as an electronic notary public coterminous with that person's term of appointment as a traditional notary public; revises certain course requirements to become an electronic notary public; revises records requirements applicable upon resignation, revocation, or expiration of an appointment as an electronic notary public; revises provisions concerning an electronic signature or electronic seal that has been stolen, lost, damaged, or otherwise rendered incapable of affixing a legible image; and makes various changes to provisions concerning authentication by the Secretary of State to verify that the electronic signature of the electronic notary public on an electronic document is genuine and that the electronic notary public holds the office indicated on the electronic document.

Roll call on Assembly Bill No. 476:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 476 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 482.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 482 makes changes related to programs of career and technical education [CTE]. The bill provides that not more than 5 percent of state money appropriated for these programs may be distributed to student organizations for career and technical education. It allows grants to be awarded for improving existing CTE programs in addition to expanding existing programs or developing new programs. It also removes requirements that grant awards must be based on certain criteria and instead requires the grants to be awarded based on criteria established by regulation of the State Board of Education. The bill is effective upon passage and approval for the purpose of adopting regulations and performing administrative tasks and on January 1, 2018, for all other purposes.

Roll call on Assembly Bill No. 482:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 488.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYMAN CARLTON:

Assembly Bill 488 revises the provisions of Chapter 534, Section 83 of the 2015 *Statutes of Nevada* that appropriated Highway Funds to the Interim Finance Committee for allocation to the System Modernization account within the Department of Motor Vehicles for the cost of software

implementation for the system modernization project. Assembly Bill 488 authorizes the sum of \$811,183 of the appropriation made to the Interim Finance Committee for allocation in Fiscal Year 2017 to the Department of Motor Vehicles that is unallocated or unexpended at the end of Fiscal Year 2017 to be carried forward into the 2017-2019 biennium to make any remaining payments to the vendor for software implementation work that was retained pending satisfactory completion of the work. Assembly Bill 488 requires that any remaining balance of these funds must not be committed for expenditure after June 30, 2019, and must not be spent after September 20, 2019, and reverts to the State Highway Fund after September 20, 2019. This bill becomes effective upon passage and approval.

Roll call on Assembly Bill No. 488:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 490.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 490 authorizes the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources, with the approval of the Director, to expend up to \$2 million per biennium in principal and interest from the Account for Maintenance of State Park Facilities and Grounds.

Roll call on Assembly Bill No. 490:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 1:08 p.m.

ASSEMBLY IN SESSION

At 5:02 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblywomen Bustamante Adams and Joiner as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Dina Titus.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 107, 119, 180, 228, 459, 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 173, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Joint Resolutions Nos. 4, 10, 11, and 13; Assembly Joint Resolution 10 of the 78th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:08 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Kieckhefer, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Carrillo, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Atkinson and Assemblywoman Carlton to wait upon Representative Titus and escort her to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Dina Titus, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Titus and invited her to deliver her message.

Representative Titus delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-NINTH SESSION, 2017

Governor, nice to see you. Speaker Frierson, Leader Ford, what a pleasure it is to be here, to see colleagues on both sides of the aisle and both sides of the bar. Thank you for inviting me back.

I walk in this building and it kind of tugs at my heart. I have some real special memories dating back almost 30 years. It is hard to admit that it has been that long, but it really has. I think about the people who made such a mark on our lives personally and on the lives of everybody in the state. Many of them are gone, unfortunately. I think about Bill Raggio. I remember when I was inducted into the Hall of Fame and people were standing up and being so nice, saying I had been their mentor. Well, that is what you say about somebody who has been around a long time. Then Bill Raggio gets up and says You may have been their mentor, but you were my tormentor for 20 years. It brought the house down and I will never forget that. There was Jack Vergiels, who was the head of both of these houses during his colorful career. Others who are gone—think about Tom Hickey, Jim Spinello, Virgil Getto, Joe Dini, Jan Evans, Debbie Smith, among others—those who left their mark in this building. And some in the lobby corps that we miss: Jim Joyce, Marie Soldo, Gary Gray, J. J. Jackson, and Wayne Frediani. They walked these halls and helped to shape policy. They all made it a better place and a better process.

But, you know, times change, people leave for different reasons, and they are replaced by new leaders who come and do their best for the state of Nevada. In fact, there are only two members of the Senate who are still here who were here when I was here: Joyce Woodhouse, who is our education maven, and my dear friend Maggie Carlton. Mags, way to go taking over the purse strings of this state. We are counting on you to do that. Of all the members of the Assembly, I think there are only seven, and two of them are now in the Senate: David Parks and Mark Manendo. It is very nice for me to look out here and see the daughters of two of my former colleagues who are carrying on their fathers' legacies. Joe Neal's daughter Dina [Neal]—Joe was the best orator this state has ever known—and of course Jim Bilbray, whose seat I took, has Shannon [Bilbray-Axelrod] here. Those generations continue. I still have a few students wandering the halls of this building. Jennifer Simich, I think is around, Richard Perkins was a student, Warren Hardy was a student, and even Senator Scott Hammond. I did not teach him enough, apparently. I know you must miss some of the LCB [Legislative Counsel Bureau] staffers: Don Williams and Bob Erickson were such stalwarts and always were so great in giving me the information that I needed. Thank goodness Brenda Erdoes is still here to help you all. And then in the press corps, Cy Ryan and Brendon Riley—where are you when we really need you? So those are the kinds of things that I remember and the people that I think about so fondly. Our roots run deep and our bonds are very strong.

I did not come tonight to tell you what is happening in Washington. That is really not necessary because we are working in tandem on so many different issues. In fact, I believe that our relationship, our communication, our collaboration is stronger now than it has ever been. I look at the agenda there—that is what I am concerned about—and I see how much you all have done here on that. For example, I have been working with Yvanna [Cancela] and Sandra [Jauregui] on the Pink Tax. Congratulations, I know that is moving here. Preacher Pat [Spearman], we have been working on women's veterans issues; thank you for that. Chris Brooks on solar energy, certainly a long time priority; with Nicole [Cannizzaro] on financial literacy; Mark Manendo on animal protection; John Hambrick on human trafficking; the Hispanic Caucus on comprehensive immigration reform; and with Tick Segerblom, I am a member of the cannabis caucus. We want to protect that marijuana industry—Tick, Tick, are you there? I am counting on you. Puff, puff, pass that bill.

A lot has happened in Nevada since we were hit so hard by the recession. Thanks to your leadership, unemployment has dropped considerably and the housing market has come back. We now have Tesla here; we have the Golden Knights; we are getting the Raiders; we have the designation, if not the funding for I-11, but that should come. UNLV hosted the last presidential debate and our LGBT friends can now get married with no problems. We have protected Gold Butte and Basin and Range for future generations. We have a new medical school in the south and several high-tech drone testing centers here in the state. So indeed, I think Nevada is on the march.

We really cannot be complacent about our accomplishments because there are forces that are coming down the pike that are really going to threaten the state and the way that we appreciate our progress, and we are going to have to deal with them. It is going to take all of us working together to make that happen. It is not going to be easy. I mentioned Bill Raggio—for 16 years I sat across the table from him and we went toe-to-toe on some very serious issues ranging from collective bargaining for state employees to giving southern Nevada its fair share. We always did it—and I think I can speak for him when I say this—with a great deal of respect and civility. Unfortunately, those days are over.

I am not going to lie to you. The halls of Congress are rife with partisanship. The rhetoric is very intense. The nation is divided and the wounds of the last election really have not scabbed over yet. Every bill seems to pass through Congress along partisan lines as the new majority attempts to roll back the protections that were put in place for consumers and the environment during the last Administration. The situation in Washington is really pretty much chaos. If you think about it, one day it is Obamacare repeal, the next it is on to tax reform. First it is infrastructure investment, and then it is back to building a wall. Yesterday NATO was obsolete, today not so much. For a while the President was in bed with Putin; now he is calling him out on Twitter. We are leaving Assad in place because we are not the policemen of the world, and now we are sending him a message with 59 cruise missiles. China is a currency manipulator; well, no, not today. The Export/Import Bank is bad; nope, now it is good. We dropped the mother of all bombs on Afghanistan and hey, North Korea, we may do the same thing to you because you are not behaving. The first 100 days of this Administration have been like scenes from bad political movies. First it was *Bulworth*, then it was *Wag the Dog*, and now I am afraid it is *Dr. Strangelove*.

I serve on the Foreign Affairs Committee. It is very interesting and very timely to be there now. In just one week, I was visited by the Brazilian Ambassador, a French Senator, a German member of the Bundestag, a group of Mongolian legislators, and the Ambassador of Greece. This is quite a diverse group, I think you will agree. Yet, they all had the same concerns; they were worried that there was so much uncertainty and so much instability that could lead to mistakes that would have long-lasting geopolitical and economic ramifications all around the world. This comes against the backdrop of a proposed 30 percent cut to the State Department budget.

It is not just people from around the world who are concerned. Here at home we see a coming together in ways that we have not witnessed in a long time. There are rallies, there are protests, there are neighborhood events. We have had a women's march, a tax march, and there is a science march. We have seen coverage of raucous town hall meetings and demonstrations on college campuses that have turned violent. It is because people want to know what is going on. They want to know what is going to happen to the programs that help those that are the most vulnerable, like Meals on Wheels for seniors; like life-saving medical research at the NIH [National Institutes of Health]; programs for hungry children and the disabled; Planned Parenthood; and Title II school programs. What about the arts and climate studies? People want answers. Where are the President's tax returns? Did Russia collude with the Trump campaign to affect our elections? What about tax breaks for the middle class and where are all those American jobs that were promised? These are the questions that people are asking. You put all this together, and yes, these are difficult times. I commend you for taking on the challenge of dealing with policy in these circumstances.

I believe if Nevada is going to succeed in this scenario, we are going to just have to suck it up, hold hands, and work together on some issues that I think will shape our future. The three

issues that I would like to focus on, that I think are most important are, Yucca Mountain, Medicaid expansion, and keeping our tourism industry strong.

First, we do not want to go from being the Silver State to being a nuke dump, but that is a possibility if we do not stand together. Representative Shimkus of Illinois is pushing Yucca Mountain so he can get rid of the spent fuel rods that are in his state. Mr. Mulvaney, who is the head of OMB [Office of Management and Budget], is from South Carolina. He wants to do the same thing; that is why he put the funding into the skinny budget for Yucca Mountain. The Attorney General of Texas is filing suit against the NRC [Nuclear Regulatory Commission] to try to push a decision on the repository. The Secretary of Energy, at his confirmation hearing, waffled when asked about my bill requiring consent from Nevada before it is put here. His subsequent trip to Yucca Mountain further signaled that this remains a viable option with the Administration. Furthermore, there is no love lost between President Trump and Nevada, where elected Republicans endorsed his opponents in the primary and where the voters went for Hillary Clinton in the general. So it is going to take all we have got, and then some, to block this boondoggle that was based on bad science and worse politics. Right now the best thing we have going for us is that it costs so much money, and this is money that conservatives do not want to spend. Furthermore, no one should be fooled into thinking that they are going to give Nevada some little sweetener for taking this dump because they do not even have the money to finish the project much less give us a bonus. So that is the first challenge.

Second, the challenge is expanding Medicaid coverage. I thank you and commend you, Governor, for doing that for the state of Nevada. Together, we have to oppose any attempt at so-called health care reform that eliminates that federal support for expanded Medicaid. If they do, it will put a tremendous financial burden on the state. It will result in tens of thousands losing their health care coverage; it will be 44,000 in District 1 alone. It will increase the burden on emergency rooms; it will raise the cost of indigent care; it will result in the loss of health care jobs; and it will jack up premiums for those who have insurance to pay for those who do not.

Third, we have got to keep our tourism industry strong. This covers a whole range of issues from comprehensive immigration reform to substantial investment in infrastructure, from increased UASI [Urban Areas Security Initiative] funding so our visitors will feel safe when they come, to maintaining control over Internet gaming at the state level. It also means opposing the xenophobic policies of this Administration. Travel bans and extreme vetting send a message to the rest of the world that the United States no longer welcomes visitors. International visitors are our growth market here in Nevada. They stay longer and they spend more. They contributed over \$6.3 billion to the state's economy last year alone. This is not just tourists. We are talking about business travelers, as well, who come to our international conferences. Since the first travel ban was announced, international searches for Las Vegas have dropped by double digits. Flights from Mexico—and I talked to both the Reno airport and the Las Vegas one—have dropped by over 20 percent. If this continues, I can tell you, as cochair of the Caucus for Travel and Tourism in Congress, it is going to take a lot more than Brand USA to attract those international visitors to our tourist destinations.

There are clearly other areas of importance. We have got to provide a quality education for our children; we have got to protect our natural resources. But I believe that if we come together—somebody once said we are stronger together—if we come together on these three priorities that I mentioned, I believe that Nevada's other challenges can be more easily met.

As you wind down this session—and I know you have a lot of work to do—I hope you will think of me as a friend and a partner. I hope you will call on me any time as these issues evolve here at the state level as well as in Washington. I want to thank you all for your hard work, for your commitment to public service, and for the sacrifice that you make when you leave your families and your careers to come up here and try to do the right thing for our state. By doing that you make Nevada a better place for all of us to live and work and play. Thank you very much.

Senator Gansert moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Titus for her timely, able, and constructive message.

Seconded by Assemblyman Edwards.

Motion carried.

The Committee on Escort escorted Representative Titus to the bar of the Assembly.

Assemblywoman Cohen moved that the Joint Session be dissolved.

Seconded by Senator Manendo.

Motion carried.

Joint Session dissolved at 5:32 p.m.

ASSEMBLY IN SESSION

At 5:33 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Johnny Engh.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan Hartmann.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Troy Young.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Gaskell.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Samuel Gaskell.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Evan Gray.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Gray.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Jameson Rice and Jeffrey Rice.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Jackpot High School: Melanie Barrus,

Guadalupe Blanco, Laura Cortes, Asia Eboli, Corina Jensen, Martin Martinez, Isaac Messmer, Zachary Overby, Stephanie Saltas, Gabriel Santos, Dylan Velis, Jacob White, Eduardo Avila, Cynthia Bautista, Ricardo Castaneda, Tanya Flores, Ragel Garcia, William Huber, Javier Leon, Veronica Martinez, Carlos Mata, Angelica Mora-Camacho, Daniel Salas, Angel Torres-Cruz, Oscar Torres-Cruz, and Ari Erickson.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan Grube.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Keller.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Austin Engh.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Gil Schmidt.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to John Wagstaff.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Joshua Wagstaff, Jonathan Hartmann, Troy Young, Matthew Gaskell, Samuel Gaskell, Evan Gray, Jason Gray, Jameson Rice, Ari Erickson, Jonathan Grube, Matthew Keller, Austin Engh, Gil Schmidt, John Wagstaff, Joshua Wagstaff, Robert Andrew Ross, Michael Tanner, Timothy Wooster, Dane Piazza, Evan Frossard, Austin Hawkins, Alexander Wood, Patrick Riegel, Zachary Mahler, Nicolas Mahler, Dragan Welton, Cory Enke, Adolfas Stankus, Jacob Bake, Josh Evans, Zane Bogdanowicz, Will Swisher, Keaton Williams, Brad Barton, Chris Jeppesen, Lucas Ellis, Luke Amato, Christopher Amato, Nicholas Schroetlin, Ryan Soulier, Preston Emborsky, and Zachary Forrest.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Andrew Ross and Svetlana Ross.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Timothy Wooster.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Evan Frossard.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Austin Hawkins.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, April 19, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:34 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly