

**THE SIXTY-SIXTH DAY**

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CARSON CITY (Wednesday), April 12, 2017

Senate called to order at 11:25 a.m.

President pro Tempore Denis presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor JJ Tuttle.

This morning we gather to serve our community, to use our resources wisely and well, to represent all members of our community fairly, to make decisions that promote the common good. We recognize our responsibility to the past and the future and the rights and needs of both individuals and community. As trusted servants, we seek blessings on our deliberations and on our efforts here, today. May we act wisely and well.

Today, may I be open to others' ideas and beliefs, respectful of our differences, not threatened by them. May I grow in understanding of my own motives, knowing that people often act out of their own fears. May I be a force for replacing fear with insight, helping us all to be patient and kind as we talk. Strength, real strength, can always find compromise. Working together, may we find a common ground, enable us to move forward with a shared purpose. May we see what is truly important and what unites us, focusing on that, to banish roadblocks of ego and fear.

Today, may I be open to others' ideas and beliefs.

AMEN.

Pledge of Allegiance to the Flag.

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

**REPORTS OF COMMITTEES**

*Mr. President pro Tempore:*

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 196, 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

*Mr. President pro Tempore:*

Your Committee on Education, to which was referred Senate Bill No. 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 248, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

Also, your Committee on Education, to which was referred Senate Bill No. 301, 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 were referred Senate Bills Nos. 178, 506, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

MOISES DENIS, *Chair*

*Mr. President pro Tempore:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 25, 57, 191, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

*Mr. President pro Tempore:*

Your Committee on Health and Human Services, to which was referred Senate Bill No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

*Mr. President pro Tempore:*

Your Committee on Legislative Operations and Elections, to which was referred Senate Concurrent Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

NICOLE J. CANNIZZARO, *Chair*

*Mr. President pro Tempore:*

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 513, 514; Senate Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

YVANNA D. CANCELA, *Chair*

*Mr. President pro Tempore:*

Your Committee on Revenue and Economic Development, to which were referred Senate Bills Nos. 179, 363, 415, 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 54, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

*Mr. President pro Tempore:*

Your Committee on Senate Parliamentary Rules and Procedures has approved the consideration of: Amendment No. 212 to Senate Bill No. 140.

KELVIN ATKINSON, *Chair*

#### WAIVERS AND EXEMPTIONS

##### NOTICE OF EXEMPTION

April 12, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bill No. 410.

Also, Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 205, 280, 286, 355, 414, 430, 436, 451, 453, 459, 478, 479, 487, 498.

MARK KRMPOTIC  
*Fiscal Analysis Division*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 248, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Woodhouse moved that Senate Bill No. 178, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Woodhouse moved that Senate Bill No. 506, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Woodhouse moved that Senate Bill No. 501 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

Senator Ford moved that Senate Bills Nos. 2, 12, 27, 31, 39, 40, 41, 51, 60, 75, 76, 101, 118, 119, 125, 127, 128, 130, 138, 141, 156, 159, 160, 163, 165, 171, 176, 206, 237, 251, 256, 258, 279, 283, 313, 320, 399, 412, 422; Senate Joint Resolution No. 17 of the 78th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 19.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 13.

SUMMARY—Revises provisions relating to dual credit courses. (BDR 34-227)

AN ACT relating to education; prescribing the requirements for a pupil to enroll in a dual credit course; providing that the State Board of Education must not unreasonably limit the number of dual credit courses in which a pupil may enroll; requiring the board of trustees of each school district to provide written notice identifying the dual credit courses available to pupils enrolled in the district; requiring each school district and charter school to enter into a cooperative agreement with one or more community colleges, state colleges and universities to provide dual credit courses to pupils enrolled in the school district or charter school; providing that an academic plan for a pupil who is enrolled in a dual credit course must include certain information; providing that a pupil who successfully completes a program of workforce development must be allowed to apply any credit received for the completion of the program toward the total number of credits required for a related credential, certificate or degree; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a pupil enrolled in high school may earn college credit for a dual credit course taken in high school and apply the credit received for such a course to the total number of credits required for graduation from his or her high school. (NRS 389.160) Section 3 of this bill provides that a pupil who wishes to enroll in a dual credit course must: (1) apply to the superintendent of the school district or his or her designee or the administrator of the charter school, in which the pupil is enrolled; and (2) satisfactorily complete the prerequisites for the course before enrolling in the course. Section 4 of this bill requires each school district and charter school to enter

into cooperative agreements with one or more community colleges, state colleges and universities to offer dual credit courses to pupils enrolled in the school district or charter school. Section 4 requires a cooperative agreement to include an explanation of the manner in which the tuition for each dual credit course will be paid. Section 4 also requires: (1) a community college, state college or university that provides a dual credit course to provide a copy of the cooperative agreement to the Nevada System of Higher Education and the Department of Education; and (2) the System and Department to retain a copy of each such cooperative agreement. Section 5 of this bill prohibits the State Board of Education from unreasonably limiting the number of dual credit courses in which a pupil may enroll.

Existing law requires each public high school to develop an academic plan for each pupil that sets forth the educational goals the pupil intends to achieve before graduation from high school. (NRS 388.205) Section 1 of this bill requires the plan for a pupil who is enrolled in dual credit courses additionally to address how the dual credit course will enable the pupil to achieve his or her postgraduation goals.

Existing law requires the board of trustees of each school district to provide certain notice regarding the courses, programs and services available to pupils enrolled in the school district. (NRS 392.018) Section 6 of this bill requires the board of trustees to prepare a written notice which identifies the dual credit courses available to pupils enrolled in the school district and, to the extent information is available, to pupils enrolled in charter schools within the school district.

Existing law requires the Office of Economic Development to develop and implement one or more programs to provide customized workforce development services to persons that create and expand certain businesses in this State and relocate businesses to this State. (NRS 231.055) Section 7 of this bill provides that a student who successfully completes a program of workforce development that is provided by an institution within the Nevada System of Higher Education or a private postsecondary educational institution must be allowed to apply the credit received for the completion of the program toward the total number of credits required for a related credential, certificate or degree from that institution. Section 7 also provides that such a student may be enrolled in a dual credit course at a public high school.

WHEREAS, The attainment of a post-secondary credential, certificate or degree is an essential component for success in the modern economy and promotes competitiveness in the job market; and

WHEREAS, The expansion of opportunities for pupils in this State to pursue and successfully attain a post-secondary credential, certificate or degree is a strategic priority for this State; and

WHEREAS, Dual enrollment programs, whereby a pupil in high school may earn college credit for courses taken while in high school, directly support increases in the number of persons who obtain a post-secondary credential, certificate or degree; and

WHEREAS, Statewide coordination of dual enrollment programs is necessary to maximize the benefits of such programs and align them with the needs and realities of today's economy; and

WHEREAS, Expanding the opportunity to participate in dual enrollment programs will allow such programs to serve a broader range of pupils in this State, particularly pupils representing underserved or at-risk communities and communities with historically low college participation rates; and

WHEREAS, Dual enrollment programs represent an essential strategy in the statewide effort to develop a skilled and competitive workforce by increasing the number of Nevadans who are ready for college or a career upon graduation from high school and who successfully attain a post-secondary credential, certificate or degree; and

WHEREAS, Dual enrollment programs support the unified state plan submitted by the Governor to the Secretary of Labor pursuant to 29 U.S.C. § 3112; and

WHEREAS, Successful implementation of dual enrollment programs requires partnership and collaboration between public high schools, including charter schools, and the Nevada System of Higher Education; now, therefore,

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

Section 1. NRS 388.205 is hereby amended to read as follows:

388.205 1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.

2. The policy may ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are provided with, to the extent practicable, the following information:

(a) The advanced placement courses, honors courses, international baccalaureate courses, dual credit courses, career and technical education courses, including, without limitation, career and technical skills-building programs, and any other educational programs, pathways or courses available to the pupil which will assist the pupil in the advancement of his or her education;

(b) The requirements for graduation from high school with a diploma and the types of diplomas available;

(c) The requirements for admission to the Nevada System of Higher Education and the eligibility requirements for a Governor Guinn Millennium Scholarship; and

(d) The charter schools within the school district.

3. The policy required by subsection 1 must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

- (a) Be notified of opportunities to work in consultation with a school counselor to develop and review an academic plan for the pupil;
- (b) Sign the academic plan; and
- (c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

4. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

5. *If an academic plan for a pupil includes enrollment in a dual credit course, the plan must address how the dual credit course will enable the pupil to achieve his or her postgraduation goals.*

6. An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if the pupil otherwise satisfies the requirements for a diploma.

Sec. 2. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *1. Except as otherwise provided in this subsection, a pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school, who wishes to enroll in a dual credit course must, at least 60 days before the last day of the semester that immediately precedes the semester in which the pupil intends to enroll in a dual credit course, submit an application on the form prescribed pursuant to subsection 2 to the superintendent of schools of the school district or his or her designee or the administrator of the charter school, as applicable. The superintendent or his or her designee or the administrator of a charter school, as applicable, may, in his or her discretion, waive the period for submitting an application prescribed by this subsection.*

*2. The board of trustees of a school district or the governing body of a charter school shall create, publish and make publicly available an application for enrollment in a dual credit course. The application must, without limitation:*

- (a) Provide for enrollment in more than one dual credit course using a single application;*
- (b) Specify the dual credit course or courses in which the applicant seeks to concurrently enroll; and*
- (c) Be consistent with any regulations adopted by the State Board.*

*3. The superintendent of schools of a school district or his or her designee or the administrator of a charter school, as applicable, shall approve or*

disapprove each application submitted pursuant to subsection 1 and provide notice of the approval or disapproval to the applicant.

4. A pupil must satisfactorily complete the prerequisites for a dual credit course before ~~the student~~ he or she may enroll in the course. If a pupil does not satisfactorily complete the prerequisites for a dual credit course, the community college, state college or university that provides the dual credit course may allow the pupil to enroll in another course for which the pupil has satisfactorily completed the prerequisites without requiring the pupil to submit a new application.

Sec. 4. 1. Each school district and charter school shall enter into cooperative agreements with one or more community colleges, state colleges and universities to offer dual credit courses to pupils enrolled in the school district or charter school.

2. Each cooperative agreement entered into pursuant to this section must include, without limitation:

(a) Provisions specifying the amount of credit to be awarded for the successful completion of the dual credit course;

(b) A requirement that any credits earned by a pupil for the successful completion of a dual credit course must be applied toward earning a credential, certificate or degree, as applicable, at the community college, state college or university that provides the dual credit course;

(c) ~~A requirement that the school district or charter school pay the tuition for each dual credit course in an amount agreed to by the school district or charter school and the community college or university that provides the dual credit course;~~ An explanation of the manner in which the tuition for the dual credit course will be paid, including, without limitation, whether:

(1) The school district or charter school will pay all or a portion of the tuition for the dual credit course;

(2) A pupil is responsible for paying all or a portion of the tuition for the dual credit course;

(3) Grants from the Department are available and will be applied to pay all or a portion of the tuition for the dual credit course; and

(4) Any other funding source, including federal funding sources or sources from private entities, will be applied by the school district or charter school to pay all or a portion of the tuition for the dual credit course;

(d) A requirement that the school district or charter school establish an academic program for each pupil enrolled in the dual credit course that includes, as applicable, the academic plan developed for the pupil pursuant to NRS 388.205;

(e) Assignment by the school district or charter school of a unique identification number to each pupil who is enrolled in the dual credit course;

(f) A requirement that the community college, state college or university that provides the dual credit course retain the unique identification number assigned to each pupil pursuant to paragraph (e);

(g) A written consideration and identification of the ways in which a pupil who is enrolled in a dual credit course can remain eligible for interscholastic activities; and

(h) Any other financial or other provisions that the school district or charter school and the community college, state college or university that provides the dual credit course deem appropriate.

3. A community college, state college or university that offers a dual credit course shall provide to the Nevada System of Higher Education and the Department a copy of each cooperative agreement entered into by the community college, state college or university pursuant to subsection 1.

4. The Nevada System of Higher Education and the Department shall retain a copy of each cooperative agreement entered into pursuant to this section.

Sec. 5. NRS 389.160 is hereby amended to read as follows:

389.160 1. A pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school or a pupil enrolled in a program designed to meet the requirements of an adult standard diploma, who successfully completes a course of education offered by a community college, state college or university in this State which has been approved pursuant to subsection 2, must be allowed to apply the credit received for the course so completed to the total number of credits required for graduation from the high school or the charter school in which the pupil is enrolled or the credits required for receipt of an adult standard diploma, as applicable.

2. With the approval of the State Board, the board of trustees of each county school district and the governing body of each charter school shall prescribe the courses for which credits may be received pursuant to subsection 1, including occupational courses for academic credit, and the amount of credit allowed for the completion of those courses.

3. *The State Board must not unreasonably limit the number of dual credit courses in which a pupil may enroll or for which a pupil may receive credit.*

Sec. 6. NRS 392.018 is hereby amended to read as follows:

392.018 1. The board of trustees of each school district shall prepare a written notice which identifies all the advanced placement courses, honors courses, international baccalaureate courses, *dual credit courses*, special education services, gifted and talented programs and any other educational programs available to pupils enrolled in the school district, including, without limitation, to the extent information is available, programs, *including, without limitation, dual credit courses*, offered by charter schools within the school district, which will assist in the advancement of the education of those pupils. The notice must:

(a) Specify where those courses, services and programs are available within the school district;

(b) Identify the grade level of pupils for which those courses, services and programs are available; and



(c) Be posted on the Internet website maintained by the school district.

2. Each public school shall:

(a) Prepare a written notice which identifies the courses, services and programs identified pursuant to subsection 1 that are available at that public school;

(b) Post in one or more conspicuous places at the school a notice indicating the availability and location of a complete list of the courses, services and programs:

(1) Available within the school district, as identified pursuant to subsection 1; and

(2) Available at that public school, as identified pursuant to paragraph (a); and

(c) Ensure that the notices prepared pursuant to this section are made available to the parents and legal guardians of pupils enrolled in the school:

(1) At the beginning of each school year or upon a pupil's enrollment in public school, as applicable, including, without limitation, at meetings of parent organizations at the school and by distribution with other information that is sent home with pupils.

(2) At parent-teacher conferences.

3. The notices prepared pursuant to subsection 1 and paragraph (a) of subsection 2 must be made available in such languages as the board of trustees of the school district deems necessary.

Sec. 7. Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:

*An institution within the Nevada System of Higher Education or a private postsecondary educational institution in this State that is an authorized provider shall allow a student, including, without limitation, a student who is enrolled in a dual credit course at a public high school, who successfully completes a program of workforce development that is provided by the institution to apply the credit received for the completion of the program toward the total number of credits required for a related credential, certificate or degree from that institution.*

Sec. 8. NRS 231.141 is hereby amended to read as follows:

231.141 As used in NRS 231.141 to 231.152, inclusive, and section 7 of this act, unless the context otherwise requires, the words and terms defined in NRS 231.1415 and 231.146 have the meanings ascribed to them in those sections.

Sec. 9. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 13 to Senate Bill No. 19 adds the term "state college"; clarifies the definition of a "student"; specifies the four primary options for financing dual-credit courses; clarifies that a

district or charter school may elect to pay all or part of the tuition costs for dual enrollment, and their decision must be clearly articulated in their agreement with the higher education institution.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 26.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 198.

SUMMARY—Makes certain changes concerning governmental entities that contract with or invest in companies that boycott Israel. (BDR 27-418)

AN ACT relating to governmental financial administration; prohibiting certain governmental entities , under certain circumstances, from contracting with companies that boycott Israel; requiring the Public Employees' Retirement Board to identify and prepare a report concerning investments of money from the Public Employees' Retirement System in certain companies that boycott Israel; requiring the State Treasurer to prepare similar reports with respect to investments of money from public funds administered by the State Treasurer; limiting the ability of the State Treasurer, under certain circumstances, to invest in companies that boycott Israel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes contracts between governing bodies of a local government or state agencies within the Executive Branch of the State Government and private contractors and sets forth requirements for the procurement of goods and services by those governing bodies and state agencies. (Chapters 332 and 333 of NRS) Sections 5 and 11 of this bill prohibit the governing ~~(bodies)~~ body of a local government (~~and~~) and the Administrator of the Purchasing Division of the Department of Administration (~~and state agencies~~) from entering into (~~a contract~~) certain contracts with a company unless the contract includes a written certification that the company is not engaged in, and agrees for the duration of the contract, not to engage in, a boycott of Israel.

Sections 20 and 30 of this bill define a "scrutinized company" as a company that engages in a boycott of Israel. Section 31 of this bill requires the State Treasurer to identify scrutinized companies in which a public fund administered by the State Treasurer has either direct or indirect holdings. Section 32 of this bill further requires the State Treasurer to prepare an annual report of investment of money from such a public fund in those scrutinized companies. The report must be submitted to the Governor and the Legislature on or before February 1 of each year. Section 33 of this bill requires, with certain exceptions, that the State Treasurer: (1) divest all direct holdings of scrutinized companies from the assets under his or her management; and (2) request the manager of the indirect holdings of a public fund administered by

the State Treasurer to consider divesting from such a scrutinized company. The State Treasurer is not required to take any action described in section 33 unless he or she determines that the action is consistent with the fiduciary responsibilities of the State Treasurer.

Sections 21 and 22 of this bill similarly require the Public Employees' Retirement Board to identify scrutinized companies and to prepare an annual report of investment of money from the Public Employees' Retirement System in those scrutinized companies. However, the identification and report of such scrutinized companies by the Board only applies to companies in which the System has direct holdings.

WHEREAS, The Nevada Legislature finds and declares that boycotts and related tactics have become a tool of economic warfare that threaten the sovereignty and security of key allies and trade partners of the United States; and

WHEREAS, The State of Israel is the most prominent target of such boycott activity, beginning with the Arab League Boycott adopted in 1945, even before Israel's declaration of independence as the reestablished national state of the Jewish people; and

WHEREAS, Companies that refuse to deal with United States trade partners such as Israel, or entities that do business with or in such countries, make discriminatory decisions on the basis of national origin that impair those companies' commercial soundness; and

WHEREAS, It is the public policy of the United States, as enshrined in several federal acts, including 50 U.S.C. § 4607, to oppose such boycotts, and Congress has concluded as a matter of national trade policy that cooperation with Israel materially benefits United States companies and improves American competitiveness; and

WHEREAS, Israel in particular is known for its dynamic and innovative approach in many business sectors, and a company's decision to discriminate against Israel, Israeli entities or entities that do business with Israel or in Israel is an unsound business practice making the company an unduly risky contracting partner or vehicle for investment; and

WHEREAS, The State of Nevada seeks to implement the policy proposed in H.R. 825, which is pending before the 114th Session of Congress, of "examining a company's promotion or compliance with unsanctioned boycotts, divestment from or sanctions against Israel as part of its consideration awarding grants and contracts and supports the divestment of State assets from companies that support or promote actions to boycott, divest from, or sanction Israel"; now, therefore,

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

Section 1. Chapter 332 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. 1. *"Boycott of Israel" means, except as otherwise provided in subsection 2, refusing to deal or conduct business with, abstaining from dealing or conducting business with, terminating business or business activities with or performing any other action that is intended to limit commercial relations with:*

(a) *Israel; or*

(b) *A person or entity doing business in Israel or in territories controlled by Israel, if such an action is taken in a manner that discriminates on the basis of nationality, national origin or religion.*

2. *The term does not include an action that is described in subsection 1 if the action:*

(a) *Is based on a bona fide business or economic reason;*

(b) *Is taken pursuant to a boycott against a public entity of Israel if the boycott is applied in a nondiscriminatory manner; or*

(c) *Is taken in compliance with or adherence to calls for a boycott of Israel if that action is authorized in 50 U.S.C. § 4607 or any other federal or state law.*

Sec. 4. *"Company" means any domestic or foreign sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited-liability partnership, limited-liability company, or other domestic or foreign entity or business association, including, without limitation, any wholly owned subsidiary, majority owned subsidiary, parent company or affiliate of such an entity or business association, that exists for the purpose of making a profit.*

Sec. 5. *A governing body or its authorized representative shall not enter into a contract described in paragraph (a) of subsection 1 of NRS 332.039 with a company unless the contract includes a written certification that the company is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel.*

Sec. 6. NRS 332.045 is hereby amended to read as follows:

332.045 1. The advertisement required by paragraph (a) of subsection 1 of NRS 332.039 must be by notice to bid and must be published:

(a) *In a newspaper qualified pursuant to chapter 238 of NRS that has a general circulation within the county wherein the local government, or a major portion thereof, is situated at least once and not less than 7 days before the opening of bids; and*

(b) *On the Internet website of the local government, if the local government maintains an Internet website, every day for not less than 7 days before the opening of bids.*

2. The notice must state:

(a) *The nature, character or object of the contract.*

(b) If plans and specifications are to constitute part of the contract, where the plans and specifications may be seen.

(c) The time and place where bids will be received and opened.

(d) *That a written certification is a required part of the contract pursuant to section 5 of this act.*

(e) Such other matters as may properly pertain to giving notice to bid.

Sec. 7. Chapter 333 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 11, inclusive, of this act.

Sec. 8. *As used in sections 8 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 9 and 10 of this act have the meanings ascribed to them in those sections.*

Sec. 9. 1. *"Boycott of Israel" means, except as otherwise provided in subsection 2, refusing to deal or conduct business with, abstaining from dealing or conducting business with, terminating business or business activities with or performing any other action that is intended to limit commercial relations with:*

(a) *Israel; or*

(b) *A person or entity doing business in Israel or in territories controlled by Israel, if such an action is taken in a manner that discriminates on the basis of nationality, national origin or religion.*

2. *The term does not include an action that is described in subsection 1 if the action:*

(a) *Is based on a bona fide business or economic reason;*

(b) *Is taken pursuant to a boycott against a public entity of Israel if the boycott is applied in a nondiscriminatory manner; or*

(c) *Is taken in compliance with or adherence to calls for a boycott of Israel if that action is authorized in 50 U.S.C. § 4607 or any other federal or state law.*

Sec. 10. *"Company" means any domestic or foreign sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited-liability partnership, limited-liability company, or other domestic or foreign entity or business association, including, without limitation, any wholly owned subsidiary, majority owned subsidiary, parent company or affiliate of such an entity or business association, that exists for the purpose of making a profit.*

Sec. 11. 1. *The Administrator ~~for a using agency~~ shall not enter into a contract with a company unless the contract includes a written certification that the company is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel.*

2. *The Administrator shall adopt regulations as necessary to carry out the provisions of this section.*

Sec. 12. NRS 333.310 is hereby amended to read as follows:

333.310 1. An advertisement must contain a general description of the classes of commodities or services for which a bid or proposal is wanted and must state:

(a) The name and location of the department, agency, local government, district or institution for which the purchase is to be made.

(b) Where and how specifications and quotation forms may be obtained.

(c) If the advertisement is for bids, whether the Administrator is authorized by the using agency to be supplied to consider a bid for an article that is an alternative to the article listed in the original request for bids if:

(1) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(2) The purchase of the alternative article results in a lower price; and

(3) The Administrator deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(d) Notice of the preference set forth in NRS 333.3366.

(e) *Notice of the written certification required pursuant to section 11 of this act.*

(f) The date and time not later than which responses must be received by the Purchasing Division.

~~[(f)]~~ (g) The date and time when responses will be opened.

→ The Administrator or a designated agent of the Administrator shall approve the copy for the advertisement.

2. Each advertisement must be published:

(a) In at least one newspaper of general circulation in the State. The selection of the newspaper to carry the advertisement must be made in the manner provided by this chapter for other purchases, on the basis of the lowest price to be secured in relation to the paid circulation; and

(b) On the Internet website of the Purchasing Division.

Sec. 13. NRS 333.311 is hereby amended to read as follows:

333.311 1. Each request for proposals must include ~~{minimum}~~ :

(a) *Minimum* requirements that the successful bidder must meet for the awarding of a contract pursuant to the provisions of this chapter ~~[(a)]~~; and

(b) *Notice of the written certification required pursuant to section 11 of this act.*

2. A contract may not be awarded to a bidder who does not comply with the requirements set forth in the request for proposals.

Sec. 14. Chapter 286 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 22, inclusive, of this act.

Sec. 15. *As used in sections 15 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 16 to 20, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 16. 1. *"Boycott of Israel" means, except as otherwise provided in subsection 2, refusing to deal or conduct business with, abstaining from dealing or conducting business with, terminating business or business activities with or performing any other action that is intended to limit commercial relations with:*

(a) *Israel; or*

(b) A person or entity doing business in Israel or in territories controlled by Israel, if such an action is taken in a manner that discriminates on the basis of nationality, national origin or religion.

2. The term does not include an action that is described in subsection 1 if the action:

(a) Is based on a bona fide business or economic reason;

(b) Is taken pursuant to a boycott against a public entity of Israel if the boycott is applied in a nondiscriminatory manner; or

(c) Is taken in compliance with or adherence to calls for a boycott of Israel if that action is authorized in 50 U.S.C. § 4607 or any other federal or state law.

Sec. 17. "Company" means any domestic or foreign sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited-liability partnership, limited-liability company, or other domestic or foreign entity or business association, including, without limitation, any wholly owned subsidiary, majority owned subsidiary, parent company or affiliate of such an entity or business association, that exists for the purpose of making a profit.

Sec. 18. "Direct holdings" means all publicly traded equity securities of a company that are held directly by the public fund or in an account or fund in which the public fund owns all shares or interests.

Sec. 19. "Public fund" means a trust fund administered by the Board pursuant to this chapter.

Sec. 20. "Scrutinized company" means any company that engages in a boycott of Israel.

Sec. 21. 1. The Board shall identify each scrutinized company in which the System has direct holdings. In making the identification, the Board shall review and rely on publicly available information regarding which companies are engaging in a boycott of Israel, including, without limitation, information provided by nonprofit organizations, research firms, international organizations and governmental entities.

2. The Board shall create a list of all scrutinized companies identified pursuant to subsection 1.

3. The Board shall update the list on an annual basis with the information provided by and received from those entities listed in subsection 1.

Sec. 22. 1. The Board shall prepare an annual report of investments of money from the System in scrutinized companies as identified pursuant to section 21 of this act. The report must include the amount of money allocated in such investments and other data and statistics designed to explain the past and current extent to which funds from the System are invested in scrutinized companies.

2. The Board shall submit to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature on or before February 1 of each year a copy of the report which must cover all investments during the immediately preceding calendar year.

Sec. 23. Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 34, inclusive, of this act.

Sec. 24. *As used in sections 24 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 25 to 30, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 25. 1. *"Boycott of Israel" means, except as otherwise provided in subsection 2, refusing to deal or conduct business with, abstaining from dealing or conducting business with, terminating business or business activities with or performing any other action that is intended to limit commercial relations with:*

*(a) Israel; or*

*(b) A person or entity doing business in Israel or in territories controlled by Israel, if such an action is taken in a manner that discriminates on the basis of nationality, national origin or religion.*

2. *The term does not include an action that is described in subsection 1 if the action:*

*(a) Is based on a bona fide business or economic reason;*

*(b) Is taken pursuant to a boycott against a public entity of Israel if the boycott is applied in a nondiscriminatory manner; or*

*(c) Is taken in compliance with or adherence to calls for a boycott of Israel if that action is authorized in 50 U.S.C. § 4607 or any other federal or state law.*

Sec. 26. *"Company" means any domestic or foreign sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited-liability partnership, limited-liability company, or other domestic or foreign entity or business association, including, without limitation, any wholly owned subsidiary, majority owned subsidiary, parent company or affiliate of such an entity or business association, that exists for the purpose of making a profit.*

Sec. 27. *"Direct holdings" means all publicly traded equity securities of a company that are held directly by the public fund or in an account or fund in which the public fund owns all shares or interests.*

Sec. 28. *"Indirect holdings" means all publicly traded securities of a company that are held by the State Treasurer in an account or fund which is managed by one or more persons who are not employed by the State Treasurer and in which the public fund owns shares or interests, together with other investors who are not subject to sections 24 to 34, inclusive, of this act.*

Sec. 29. *"Public fund" means a trust fund administered by the State Treasurer.*

Sec. 30. *"Scrutinized company" means any company that engages in a boycott of Israel.*

Sec. 31. 1. *The State Treasurer shall identify each scrutinized company in which a public fund has either direct holdings or indirect holdings. In*



making the identification, the State Treasurer shall review and rely on publicly available information regarding companies which are engaging in a boycott of Israel, including, without limitation, information provided by nonprofit organizations, research firms, international organizations and governmental entities.

2. The State Treasurer shall create a list of all scrutinized companies identified pursuant to subsection 1.

3. The State Treasurer shall update the list on an annual basis with the information provided by and received from those entities listed in subsection 1.

Sec. 32. 1. The State Treasurer shall prepare an annual report of investments of money from a public fund in scrutinized companies as identified pursuant to section 31 of this act. The report must include the amount of money allocated in such investments and other data and statistics designed to explain the past and current extent to which public funds are invested in scrutinized companies.

2. The State Treasurer shall submit to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature on or before February 1 of each year a copy of the report which must cover all investments during the immediately preceding calendar year.

Sec. 33. 1. Except as otherwise provided in subsection 2, the State Treasurer:

(a) Shall sell, redeem, divest or withdraw all direct holdings of a scrutinized company from the assets under his or her management within 3 months after preparing a list of scrutinized companies pursuant to section 31 of this act which includes that scrutinized company.

(b) Shall, on or before June 30 of each year, post on the Internet website of the State Treasurer a list that includes each investment that was sold, redeemed, divested or withdrawn pursuant to subsection 1.

(c) Shall not acquire securities of a scrutinized company as part of the direct holdings of the Office of the State Treasurer.

(d) Shall request that the manager of the indirect holdings of any public fund consider selling, redeeming, divesting or withdrawing holdings of a scrutinized company from the assets under his or her management.

2. Nothing in this section shall require the State Treasurer to take action as described in this section unless the State Treasurer determines and adopts findings, in good faith and based on credible information available to the public, that the action described in this section is consistent with the fiduciary responsibilities of the State Treasurer.

Sec. 34. The State Treasurer shall adopt regulations:

1. Establishing a process for giving notice to a company of the inclusion of that company on the list of scrutinized companies created pursuant to section 31 of this act;

2. Establishing the process for the removal of a company from the list of scrutinized companies created pursuant to section 31 of this act; and

3. *Deemed necessary by the State Treasurer to carry out the provisions of sections 24 to 34, inclusive, of this act.*

Sec. 35. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 36. This act becomes effective on passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2018, for all other purposes.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 198 to Senate Bill No. 26 clarifies that a written certification applies to any contract that has been formally solicited by a governing body or its authorized representative of a local government, specifically contracts over \$50,000, and limits the bill's application to contracts entered into by the Purchasing Division, Department of Administration, not contracts entered into by individual using agencies or departments.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 53.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 129.

SUMMARY—Revises provisions relating to the installation, operation and maintenance of telecommunications facilities. (BDR 18-234)

AN ACT relating to telecommunications facilities; revising the duties of the Director of the Office of Science, Innovation and Technology relating to broadband services, telehealth services, fiber infrastructure and the fiber conduit trade policy; authorizing the Department of Transportation to grant longitudinal access and wireless access to certain rights-of-way owned by the Department to certain telecommunications providers to construct and install telecommunications facilities; requiring certain telecommunications providers to enter into agreements with the Department to fairly compensate the Department for longitudinal access and wireless access to certain rights-of-way; providing for monetary and in-kind compensation to the Department for longitudinal access and wireless access to certain rights-of-way; authorizing the Department to enter into agreements with certain telecommunications providers for the use of spare conduit and related facilities owned by the Department; establishing procedures for the valuation of certain types of in-kind compensation paid by certain telecommunications providers; creating the Telecommunications Advisory Council within the Department; authorizing the Department to adopt regulations relating to the granting of longitudinal access and wireless access to certain rights-of-way to telecommunications providers; and providing other matters properly relating thereto.

## Legislative Counsel's Digest:

Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor and sets forth the duties of the Director of the Office of Science, Innovation and Technology. (NRS 223.600, 223.610) Section 1 of this bill revises the duties of the Director to include, without limitation: (1) developing a strategic plan for the use of broadband services in this State; (2) applying for state and federal funding to expand broadband services in this State; (3) expanding telehealth services to increase access to health care in this State; (4) expanding fiber infrastructure in this State for the benefit of public safety; and (5) administering the fiber trade policy for fiber optic infrastructure in this State.

Existing law generally provides the Department of Transportation authority to construct, improve and maintain highways in this State. (Chapter 408 of NRS) Section 17 of this bill authorizes the Department to grant longitudinal access and wireless access to a Department right-of-way ~~owned by the Department~~ to a telecommunications provider for the installation, operation and maintenance of a telecommunications facility. Sections 17 and 23 of this bill require a telecommunications provider seeking longitudinal access or wireless access to such a right-of-way to enter into an agreement with the Department ~~Specifically,~~ that is approved by the Telecommunications Advisory Council created by section 25 of this bill and obtain a permit from the Department. In addition, section 17 requires that a telecommunications provider fairly compensate the Department for access to the right-of-way, either monetarily or by in-kind compensation.

Section 22 of this bill sets forth the types of in-kind compensation that may be paid to the Department of Transportation, as well as how the value of each type of in-kind compensation is calculated. Section 18 of this bill prohibits the Department from granting any longitudinal access or wireless access to a right-of-way if it would compromise the safe use of any roadway in this State. Section 20 of this bill requires that any monetary compensation collected by the Department be credited to the State Highway Fund. Section 26 of this bill authorizes the Department to adopt regulations: (1) relating to the installation, operation and maintenance of telecommunications facilities constructed in a right-of-way owned by the Department; (2) establishing policies and procedures for agreements entered into between the Department and telecommunications providers; and (3) establishing rates of compensation for longitudinal access to rights-of-way owned by the Department.

Section 21 of this bill authorizes the Department of Transportation to grant a telecommunications provider the use of and access to spare conduit and related facilities of the Department if the Department: (1) determines that such spare conduit ~~is~~ and related facilities are not needed for highway purposes; ~~and~~ (2) is fairly compensated for such use of and access to the spare conduit and related facilities ~~;~~ ; and (3) offers such use and access in a competitively neutral and nondiscriminatory manner to all similarly situated telecommunications providers. Section 21 also requires that any compensation

paid to the Department for use of its spare conduit and related facilities be detailed in the agreement entered into between the Department and the telecommunications provider.

Section 28 of this bill requires the Director of the Department of Transportation to coordinate with telecommunications providers for the efficient installation and maintenance of telecommunications facilities in rights-of-way owned by the Department based on the type of highway on which the right-of-way exists.

Section 25 of this bill creates the Telecommunications Advisory Council within the Department of Transportation. Section 25 also establishes the membership of the Council, as well as its duties within the Department relating to telecommunications services in this State.

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

Section 1. NRS 223.610 is hereby amended to read as follows:

223.610 The Director of the Office of Science, Innovation and Technology shall:

1. Advise the Governor and the Executive Director of the Office of Economic Development on matters relating to science, innovation and technology.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for economic development and diversification in this State in the areas of science, innovation and technology.

3. As directed by the Governor, identify, recommend and carry out policies related to science, innovation and technology.

4. Report periodically to the Executive Director of the Office of Economic Development concerning the administration of the policies and programs of the Office of Science, Innovation and Technology.

5. Coordinate activities in this State relating to the planning, mapping and procurement of broadband service ~~+~~ in a competitively neutral and nondiscriminatory manner, which must include, without limitation:

(a) *Development of a strategic plan to improve the delivery of broadband services in this State to schools, libraries, providers of health care, transportation facilities, prisons and other community facilities;*

(b) *Applying for state and federal grants on behalf of eligible entities and managing state matching money that has been appropriated by the Legislature;*

(c) *Coordinating and processing applications for state and federal money relating to broadband services;*

(d) *Prioritizing construction projects which affect or involve the expansion or deployment of broadband services in this State;*

(e) *In consultation with providers of health care from various health care settings, the expansion of telehealth services to reduce health care costs and increase health care quality and access in this State, especially in rural, unserved and underserved areas of this State;*

(f) *Expansion of the fiber optic infrastructure in this State for the benefit of the public safety radio and communications systems in this State;*

(g) *Collection and storage of data relating to agreements and contracts entered into by the State for the provision of fiber optic assets in this State; and*

(h) *Administration of the trade policy for fiber optic infrastructure in this State.*

6. Provide support to the Advisory Council on Science, Technology, Engineering and Mathematics and direct the implementation in this State of plans developed by the Council concerning, without limitation, workforce development, college preparedness and economic development.

7. In carrying out his or her duties pursuant to this section, consult with the Executive Director of the Office of Economic Development and cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

8. Administer such grants as are provided by legislative appropriation.

Sec. 2. NRS 239C.060 is hereby amended to read as follows:

239C.060 "Information system" means any ~~computer~~ equipment, facility, structure, tower, cable, line, fiber, wire, computer hardware or software, procedures or technology used to *transmit, receive, produce*, collect, process, distribute or store information that is related to the protection of homeland security.

Sec. 3. NRS 239C.210 is hereby amended to read as follows:

239C.210 1. A document, record or other item of information described in subsection 2 that is prepared and maintained for the purpose of preventing or responding to an act of terrorism is confidential, not subject to subpoena or discovery, not subject to inspection by the general public and may only be inspected by or released to:

(a) Public safety and public health personnel; and

(b) Except as otherwise provided in this subsection, the Legislative Auditor conducting a postaudit pursuant to NRS 218G.010 to 218G.555, inclusive, if the Governor determines, by executive order, that the disclosure or release of the document, record or other item of information would thereby create a substantial likelihood of compromising, jeopardizing or otherwise threatening the public health, safety or welfare. Any information that is inspected by or released to the Legislative Auditor pursuant to this subsection is not subject to the exception from confidentiality set forth in NRS 218G.130. The Legislative Auditor may confirm that vulnerability assessments have been submitted to or are in the possession of a state agency that is the subject of a postaudit, but the assessments must not be inspected by or released to the Legislative Auditor. An employee of the Audit Division of the Legislative Counsel Bureau who is conducting a postaudit that includes access to documents or information subject to the provisions of this section must be properly cleared through federal criteria or state or local background investigation and instructed,

trained or certified, as applicable, regarding the security sensitivity of the documents or information.

2. The types of documents, records or other items of information subject to executive order pursuant to subsection 1 are as follows:

(a) Assessments, plans or records that evaluate or reveal the susceptibility of fire stations, police stations and other law enforcement stations to acts of terrorism or other related emergencies.

(b) Drawings, maps, plans or records that reveal the critical infrastructure of primary buildings, facilities and other structures used for storing, transporting or transmitting water or electricity, natural gas or other forms of energy ~~[-]~~, *fiber optic cables, microwave towers or other vertical assets used for the transmission or receipt of data or communications used by response agencies and public safety and public health personnel.*

(c) Documents, records or other items of information which may reveal the details of a specific emergency response plan or other tactical operations by a response agency and any training relating to such emergency response plans or tactical operations.

(d) Handbooks, manuals or other forms of information detailing procedures to be followed by response agencies in the event of an act of terrorism or other related emergency.

(e) Documents, records or other items of information that reveal information pertaining to specialized equipment used for covert, emergency or tactical operations of a response agency, other than records relating to expenditures for such equipment.

(f) Documents, records or other items of information regarding *critical telecommunications facilities and the infrastructure and security of radio frequencies for ~~radio~~ transmissions used by response agencies, including, without limitation:*

(1) Access codes, passwords or programs used to ensure the security of *radio frequencies for ~~radio~~ transmissions used by response agencies;*

(2) Procedures and processes used to ensure the security of *radio frequencies for ~~radio~~ transmissions used by response agencies; and*

(3) Plans used to re-establish security and service with respect to *radio frequencies for ~~radio~~ transmissions used by response agencies after security has been breached or service has been interrupted.*

(g) Vulnerability assessments and emergency response plans of utilities, public entities and private businesses in this State. As used in this paragraph, "public entities" means departments, agencies or instrumentalities of the State, any of its political subdivisions or tribal governments. The term includes general improvement districts.

3. If a person knowingly and unlawfully discloses a document, record or other item of information subject to an executive order issued pursuant to subsection 1 or assists, solicits or conspires with another person to disclose such a document, record or other item of information, the person is guilty of:

(a) A gross misdemeanor; or

(b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

4. The Governor shall review the documents, records and other items of information determined by executive order pursuant to subsection 1 to be confidential every 10 years to assess the continued need for the documents, records and other items of information to remain confidential.

5. As used in this section, "public safety and public health personnel" includes:

(a) State, county, city and tribal emergency managers;

(b) Members and staff of terrorism early warning centers or fusion intelligence centers in this State;

(c) Employees of fire-fighting or law enforcement agencies, if the head of the agency has designated the employee as having an operational need to know of information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism; and

(d) Employees of a public health agency, if the agency is one that would respond to a disaster and if the head of the agency has designated the employee as having an operational need to know of information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism. As used in this paragraph, "disaster" has the meaning ascribed to it in NRS 414.0335.

Sec. 4. NRS 338.161 is hereby amended to read as follows:

338.161 As used in NRS 338.161 to 338.168, inclusive, unless the context otherwise requires, "transportation facility" means a road, railroad, bridge, tunnel, overpass, *conduit or other infrastructure for conveying telecommunications cable, line, fiber or wire*, airport, mass transit facility, parking facility for vehicles or similar commercial facility used for the support of or the transportation of persons, *information* or goods, including, without limitation, any other property that is needed to operate the facility. The term does not include a toll bridge or toll road.

Sec. 5. NRS 338.168 is hereby amended to read as follows:

338.168 The public body may take any action necessary to obtain federal, state or local assistance for a transportation facility that it approves and may enter into any contracts required to receive such assistance. The public body shall, by resolution, determine if it serves the public purpose for all or a portion of the costs of the transportation facility to be paid, directly or indirectly, *through an approved trade or other consideration or* from the proceeds of a grant or loan made by the local, state or Federal Government or any agency or instrumentality thereof.

Sec. 6. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 26, inclusive, of this act.

Sec. 7. *As used in sections 7 to 26, inclusive, of this act, the words and terms defined in sections 8 to 16, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 8. *"Council" means the Telecommunications Advisory Council created by section 25 of this act.*

Sec. 9. *"Longitudinal access" means access to or the use of any part of a right-of-way that extends generally parallel to the right-of-way. ~~[for not more than 30 linear meters.]~~*

Sec. 10. *"Permit" means an encroachment permit issued by the Director pursuant to NRS 408.423 that specifies the requirements and conditions for performing work in a right-of-way.*

Sec. 11. *"Right-of-way" means land, property or any interest therein acquired or controlled by the Department for transportation facilities or other transportation purposes.*

Sec. 12. *"Statewide telecommunications purposes" means the development of the statewide network that meets the telecommunications needs of state agencies or serves another public purpose.*

Sec. 13. *"Telecommunications facility" means any cable, line, fiber, wire, conduit, innerduct, access manhole, handhole, tower, hut, pedestal, pole, box, transmitting equipment, receiving equipment, power equipment or other equipment, system or device that is used to transmit, receive, produce or distribute a signal for telecommunications purposes via wireless, wireline, electronic or optical means.*

Sec. 14. *"Telecommunications provider" means a telecommunications provider:*

1. *As defined in NRS 704.027;*
2. *That meets Federal Communications Commission and industry carrier class service guidelines; or*
3. *That is a political subdivision that has statutory authority to provide telecommunications services.*

Sec. 15. *"Utility facility" has the meaning ascribed to it in 23 C.F.R. § 645.207.*

Sec. 16. *"Wireless access" means access to and use of ~~[any part of]~~ a right-of-way ~~[owned by the Department]~~ for the purpose of constructing, installing, maintaining, using or operating telecommunications facilities for wireless telecommunications.*

Sec. 17. 1. *Except as otherwise provided in section 18 of this act, in addition to granting access to a right-of-way pursuant to NRS 408.423, the Department may grant to a telecommunications provider longitudinal access or wireless access to a right-of-way for the installation, operation and maintenance of a telecommunications facility.*

2. *Before granting longitudinal access or wireless access to a right-of-way pursuant to subsection 1, the Department must first enter into an agreement*



*with a telecommunications provider that is competitively neutral and nondiscriminatory as to other telecommunications providers and issue a permit granting such access ~~for~~ under this section. Such an agreement must ~~for~~ be approved by the Council pursuant to section 25 of this act, and, without limitation:*

*(a) Specify the terms and conditions for renegotiation of the agreement;*  
*(b) Set forth the maintenance requirements for each telecommunications facility;*

*(c) Be nonexclusive; and*  
*(d) Be for a term of not more than 30 years.*

*3. Unless specifically provided for in an agreement entered into pursuant to subsection 2, the Department may not grant a property interest in a right-of-way pursuant to sections 7 to 26, inclusive, of this act.*

*4. A telecommunications provider must compensate the Department for use of spare conduit or related facilities of the Department as part of any longitudinal access or wireless access granted to a right-of-way pursuant to this section. Such compensation must be, without limitation:*

*(a) Fair and reasonable;*  
*(b) Competitively neutral;*  
*(c) Nondiscriminatory;*  
*(d) Open to public inspection;*  
*(e) Measured to promote access by multiple telecommunications providers;*  
*(f) Calculated based on the geographic region of this State, taking into account the population ~~and the number of telecommunications subscribers~~ and the impact on private right-of-way users in the region;*

*(g) Set at an amount that encourages the deployment of digital infrastructure within this State;*

*(h) Paid in cash or with in-kind compensation, or a combination of cash and in-kind compensation; and*

*(i) Paid in a lump-sum payment or in annual installments, as decided by the telecommunications provider.*

*5. For the purpose of determining the amount of compensation a telecommunications provider must pay the Department for the use of spare conduit or excess conduit or related facilities of the Department as part of any longitudinal access or wireless access granted to a right-of-way pursuant to this section, the Department shall:*

*(a) Conduct an analysis once every 5 years, in accordance with the regulations of the Department, to determine the fair and reasonable value of a right-of-way to which access has been granted pursuant to this section; and*

*(b) If compensation is paid in-kind, in consultation with the Council, determine the value of any such in-kind compensation based on the incremental costs to the Department for the installation of conduit and related facilities, or the costs to the telecommunications provider for the installation of conduit and related facilities, as applicable.*

↪ The value of in-kind compensation or a combination of money and in-kind compensation must be equal to or greater than the amount of monetary compensation that the Department would charge if the compensation were paid solely with money.

6. Before obtaining a permit for the construction or installation of a telecommunications facility in a right-of-way, a telecommunications provider must enter into an agreement with the Department pursuant to this section.

Sec. 18. 1. The Department shall not grant any longitudinal access or wireless access pursuant to section 17 of this act if such access would compromise the safe, efficient and convenient use of any road, route, highway or interstate in this State for the traveling public.

2. Notwithstanding any other provision of law, any longitudinal access or wireless access to a right-of-way granted by the Department ~~shall not pay any costs for the relocation of a telecommunications facility owned by a telecommunications provider which has been granted longitudinal access or wireless access to a right of way~~ pursuant to section 17 of this act ~~and~~ does not abrogate, limit, supersede or otherwise affect such access granted or authorized pursuant to chapter 711 of NRS.

Sec. 19. 1. The Department shall provide for the proportionate sharing of costs between the Department and a telecommunications provider for joint trenching or trench sharing based on the amount of conduit innerduct space or excess conduit that is authorized in the agreement entered into pursuant to section 17 of this act.

2. If two or more telecommunications providers are required to share a single trench, each provider in the trench must share the cost and benefits of the trench in a fair, reasonable, competitively neutral and nondiscriminatory manner.

Sec. 20. 1. All monetary compensation collected by the Department pursuant to sections 17 and 21 of this act must be deposited in the State Highway Fund.

2. Any in-kind compensation received by the Department pursuant to sections 17 and 21 of this act must be used exclusively for statewide telecommunications purposes and may not be sold or leased in competition with telecommunications providers or Internet service providers. Fair and reasonable valuation of facilities owned by either the Department or a telecommunications provider offered as part of in-kind compensation must be determined by the Department and approved by the Council.

Sec. 21. 1. The Department may offer a telecommunications provider use of and access to its spare conduit and related facilities if the Department:

(a) Determines the spare conduit ~~is~~ and related facilities are not and will not be needed for highway purposes; ~~and~~

(b) Receives fair compensation for the use of and access to the spare conduit ~~and~~ and related facilities; and

(c) Offers such use and access in a competitively neutral and nondiscriminatory manner as to all similarly situated telecommunications providers.

2. The Department shall establish rates of compensation for the use of and access to its spare conduit to ensure that the Department receives fair compensation for the value of its underground installations of conduit and related facilities. The compensation must be fair and reasonable to both the Department and the telecommunications provider, and charged in a competitively neutral and nondiscriminatory manner to all similarly situated telecommunications providers.

3. Any compensation charged pursuant to this section must be set forth in an agreement entered into between the Department and the telecommunications provider.

4. The Department shall:

(a) Determine the annual compensation to be paid by each telecommunications provider for use of its conduit and related facilities based on the present value of the estimated, reasonable cost to the Department of trenching to place conduit, fiber and other related facilities; and

(b) Conduct an analysis every 5 years to determine if there are any changes in the value of its spare conduit and related facilities. If the Department determines that the value of its spare conduit or related facilities has changed, the Department must apply the new values to each agreement executed thereafter.

5. The Department may accept in-kind compensation for the use of and access to its spare conduit and related facilities in accordance with the valuation procedures set forth in subsection 2 of section 22 of this act.

Sec. 22. 1. In-kind compensation paid to the Department under an agreement entered into pursuant to section 17 or 21 of this act may include, without limitation:

(a) Conduit or excess conduit;

(b) Innerduct;

(c) Dark fiber;

(d) Access points;

(e) Telecommunications equipment or services;

(f) Bandwidth; and

(g) Other telecommunications facilities.

2. The Department shall value any in-kind compensation as follows:

(a) Electronic equipment, conduit, fiber and other telecommunications hardware and software must be valued on a present value basis at the estimated, reasonable cost to the telecommunications provider for procuring and installing such hardware and software.

(b) Excess conduit, fiber and other related facilities must be valued on a present value basis of the estimated, reasonable cost to the Department for procuring and installing such facilities.

(c) *The present value of the estimated, reasonable cost to the telecommunications provider of joint trenching for placing conduit, excess conduit, fiber and other related facilities for the provider and the Department must be proportionately allocated to the Department as a component of the present value of the trenching. The proportion allocated to the Department pursuant to this paragraph must equal the total estimated, reasonable cost of the trenching work multiplied by a fraction. The numerator of the fraction must equal the amount of conduit, excess conduit or innerduct space contributed to the Department under the agreement entered into pursuant to section 17 or 21 of this act. The denominator of the fraction must equal the total amount of conduit space that the telecommunications provider is authorized to install under the agreement entered into pursuant to section 17 or 21 of this act. In measuring conduit space, single-duct conduit must be measured using the planned diameter of the conduit, and multi-duct conduit must be measured by adding the planned diameters of each innerduct in the conduit.*

(d) *The present value of the estimated, reasonable cost to a telecommunications provider for providing any other telecommunications facility which is shared jointly by the provider and the Department must be proportionately allocated to the Department as a component of the present value of the in-kind compensation. The Department shall determine the proportion to be allocated to the Department pursuant to this paragraph based on the percentage of use or benefit to which each party is entitled under the agreement entered into pursuant to section 17 or 21 of this act.*

(e) *The Department shall determine the present value of warranties of equipment, conduit, fiber or other components and software, maintenance covenants and operating covenants, based on the reasonable, estimated cost of purchasing such warranties and covenants from manufacturers or other third parties.*

(f) *The total present value of the in-kind compensation is the sum of the present values determined in paragraphs (a) to (e), inclusive.*

3. *In determining the value of any in-kind compensation, the Department shall consider any valuation or cost information provided by the telecommunications provider.*

Sec. 23. 1. *If the Department enters into an agreement with two or more telecommunications providers, a consortium or other entity whose members, partners or other participants are two or more telecommunications providers, or, if the Department requires two or more telecommunications providers to share a single trench, the agreements entered into pursuant to section 17 or 21 of this act must require that the telecommunications providers share the obligation of compensating the Department on a fair, reasonable and equitable basis, taking into consideration the proportionate uses and benefits to be derived by each telecommunications provider from the trench, conduits and other telecommunications facilities installed under the agreements.*

2. *The provisions of subsection 1 do not prevent the Department from requiring every participating telecommunications provider from bearing joint*

and several liability for the obligations owed to the Department under the agreements.

3. Any agreement requiring two or more telecommunications providers to share the obligation of compensating the Department must provide the Department the right to review and audit the records and contracts of and among the participating providers to ensure compliance with subsection 1.

Sec. 24. 1. The requirements set forth in sections 7 to 26, inclusive, of this act do not alter existing policies and procedures relating to other utility facilities within a right-of-way or for accommodating utility facilities or other facilities under the control of the Department.

2. The Department may consider the financial and technical qualifications of a telecommunications provider when determining specific insurance requirements for contractors authorized to enter a right-of-way to construct, install, inspect, test, maintain or repair telecommunications facilities with longitudinal access or wireless access to the right-of-way.

3. If the Department authorizes longitudinal access, wireless access or the use of and access to conduit or related facilities of the Department for construction and installation of a telecommunications facility, the Department may require an approved telecommunications provider to install the telecommunications facility in the same general location as similar facilities already in place, coordinate their planning and work with other contractors performing work in the same geographic area, install in a joint trench when two or more telecommunications providers are performing installations at the same time and equitably share costs between such providers.

4. The placement, installation, maintenance, repair, use, operation, replacement and removal of telecommunications facilities with longitudinal access or wireless access to a right-of-way or that use or access conduit or related facilities of the Department must be accommodated only when in compliance with NRS 408.423 and any regulations adopted pursuant to this chapter.

5. Access to a right-of-way must be administered in compliance with the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161, as amended.

Sec. 25. 1. The Telecommunications Advisory Council is hereby created.

2. The Council consists of ~~the Governor, or his or her designee, and six~~ seven members appointed by the Governor. The Governor shall appoint to the Council:

(a) One member from the Office of Science, Innovation and Technology in the Office of the Governor;

(b) One member from the Department of Transportation;

(c) One member from the Department of Education;

(d) One member from the Nevada Office of Rural Health;

(e) One member from the Department of Public Safety;

(f) One member from the Nevada System of Higher Education; and

~~##~~ (g) One member from the Division of Enterprise Information Technology Services of the Department of Administration.

3. The ~~Governor or his or her designee~~ member appointed from the Office of Science, Innovation and Technology in the Office of the Governor shall serve as the Chair of the Council.

4. The Council shall meet as necessary at the call of the Chair.

5. The Director of the Office of Science, Innovation and Technology in the Office of the Governor shall provide staff support to the Council.

6. A majority of the members of the Council constitutes a quorum for the transaction of business.

7. The members of the Council receive no compensation for their services, but are entitled to be reimbursed for all travel and other expenses actually and necessarily incurred by them in the performance of their duties, within the limits of money available to the Council.

8. The members of the Council may request assistance from technical advisors as the Council deems necessary.

9. The Council shall:

(a) Provide information, advice, strategic plans, priorities and recommendations to assist the Department in administering access to rights-of-way to telecommunications providers for statewide telecommunications purposes;

(b) Assist the Department in valuing in-kind compensation pursuant to sections 7 to 26, inclusive, of this act, and approve or deny any valuation thereof;

(c) Seek input from telecommunications providers and the public relating to broadband access;

(d) Coordinate and exchange information with other entities of this State and its political subdivisions relating to technology and telecommunications;

(e) Approve or deny any agreement between the Department and a telecommunications provider proposed pursuant to section 17 of this act, if the Council finds that the agreement is competitively neutral and nondiscriminatory; and

~~##~~ (f) Provide other assistance as requested by the Department.

Sec. 26. The Department shall adopt:

1. Regulations that:

(a) Govern the installation, operation and maintenance of a telecommunications facility by a telecommunications provider which has been granted longitudinal access or wireless access to a right-of-way pursuant to section 17 of this act;

(b) Specify the procedures for the Department to enter into an agreement with a telecommunications provider to be granted longitudinal access or wireless access to a right-of-way;

(c) Establish a methodology for valuing a right-of-way, excess conduit or related transportation facilities;

(d) Provide for the relocation or removal of a telecommunications facility if:

(1) The Department needs to make any necessary changes to any road, route, highway or interstate;

(2) An agreement between the Department and a telecommunications provider expires; or

(3) A telecommunications provider breaches its agreement with the Department;

(e) Provide a process for a telecommunications provider to apply for longitudinal access or wireless access within open right-of-way segments; and

(f) Establish a schedule of rates of compensation for longitudinal access or wireless access granted pursuant to section 17 of this act; and

2. Any other regulations deemed necessary to carry out the provisions of sections 7 to 26, inclusive, of this act.

Sec. 27. NRS 408.070 is hereby amended to read as follows:

408.070 "Highway" means roads, bridges, structures, culverts, curbs, drains, conduit infrastructure for conveying telecommunications cable, line, fiber and wire, and all buildings, communication facilities, services and works incidental to highway construction, improvements and maintenance required, laid out, constructed, improved or maintained as such pursuant to constitutional or legislative authorization.

Sec. 28. NRS 408.200 is hereby amended to read as follows:

408.200 1. The Director shall investigate and determine the methods of highway construction best adapted to the various sections of the State, and shall establish standards and specifications for the construction and maintenance of the highways, giving due regard to the topography, natural conditions, character and availability of road-building materials.

2. The Director shall coordinate with telecommunications providers, as defined in section 14 of this act, for the reasonable, efficient and cost effective installation, maintenance, operation, relocation and upgrade of telecommunications facilities within rights-of-way for state highways as follows:

(a) For rights-of-way not on an interstate, the Department may place additional conduit and related facilities within such rights-of-way for use by telecommunications providers based on the potential use by such providers, as determined by the Department. The Department may grant use of such conduit and related facilities by telecommunications providers in exchange for a trade value, as determined by the Department, for such use from such providers. A telecommunications provider is not entitled to compensation for its expenses to relocate from the conduit infrastructure of the Department unless such provider has a right of occupancy in its current location because it holds a compensable real property interest.

(b) For rights-of-way on an interstate, the Department may grant longitudinal access to such rights-of-way in accordance with sections 7 to 26, inclusive, of this act.

3. The Director may construct, reconstruct, operate and maintain materials testing and research laboratory facilities as may be necessary to establish and maintain such standards and specifications.

~~{3.}~~ 4. The Director may be consulted by county officials, including members of regional transportation commissions, having authority over streets and highways within their respective counties relative to any question involving such streets and highways; and the Director may, in like manner, obtain from such county officials all such information or assistance as they may render in the performance of the Director's duties with their county, and such county officials shall supply such information when requested by the Director.

Sec. 29. NRS 408.5471 is hereby amended to read as follows:

408.5471 As used in NRS 408.5471 to 408.549, inclusive, unless the context otherwise requires, "transportation facility" ~~{means a road, railroad, bridge, tunnel, overpass, conduit infrastructure for conveying telecommunications cable, line, fiber or wire, airport, mass transit facility, parking facility for vehicles or similar commercial facility used for the support of or the transportation of persons or goods, including, without limitation, any other property that is needed to operate the facility. The term does not include a toll bridge or toll road.}~~ has the meaning ascribed to it in NRS 338.161.

Sec. 30. This act becomes effective:

1. Upon passage and approval for the purpose of appointing members of the Telecommunications Advisory Council created by section 25 of this act, adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Amendment No. 129 to Senate Bill No. 53 makes various changes. It amends the definitions of "Longitudinal access" and "Wireless access"; adds language clarifying that certain duties and activities of the Office of Science, Innovation and Technology and the Department of Transportation must be carried out in a way that is competitively neutral; amends language clarifying that any longitudinal access or wireless access granted pursuant to this measure is not intended to conflict with, abrogate, supersede or otherwise affect any such access granted or authorized pursuant to Chapter 711 of NRS; and removes the Governor or his or her designee as a member of the Telecommunications Advisory Council and adds one member from the Nevada System of Higher Education and one member from the Office of Science, Innovation and Technology.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 55.

Bill read second time and ordered to third reading.

Senate Bill No. 121.

Bill read second time.



The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 125.

SUMMARY—Directs the Legislative Commission to appoint a committee to conduct an interim study concerning issues regarding the behavioral and cognitive care needs of older persons. (BDR S-63)

AN ACT relating to health care; directing the Legislative Commission to appoint a committee to conduct an interim study concerning issues regarding the behavioral and cognitive care needs of older persons in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning issues regarding the behavioral and cognitive care needs of older persons in this State.

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

Section 1. The Legislature hereby finds and declares that:

1. Older persons, including those with behavioral and cognitive health issues, are among the most treasured and vulnerable assets of this State.

2. The proportion of the population of the United States and of this State that consists of older persons continues to grow.

3. As the proportion of our population grows to consist increasingly of older persons, information and knowledge pertaining to behavioral and cognitive diseases prevalent in older persons becomes ever more crucial.

4. At present, many of the persons who care for older persons with behavioral and cognitive health issues are unable to readily obtain the information and training necessary to care for their loved ones in the most beneficial manner.

5. It is increasingly more important to identify gifts, grants, programs and other sources of money that may be used for the benefit of older persons in this State with behavioral and cognitive health issues.

6. It is progressively more imperative that natural persons, agencies and other resources within this State be knowledgeable and aware concerning behavioral and cognitive diseases prevalent in older persons.

Sec. 2. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the needs related to the behavioral and cognitive care of older persons in this State.

2. The interim committee appointed by the Legislative Commission to conduct the study must be composed of six Legislators as follows:

(a) Two members appointed by the Majority Leader of the Senate;

(b) Two members appointed by the Speaker of the Assembly;

(c) One member appointed by the Minority Leader of the Senate; and

(d) One member appointed by the Minority Leader of the Assembly.

3. The Legislative Commission shall appoint a Chair and a Vice Chair from among the members of the interim committee.

4. In conducting the study, the interim committee shall consult with and solicit input from natural persons and organizations with expertise in matters relevant to the behavioral and cognitive care of older persons in this State, including, without limitation:

(a) An employee or other person selected or otherwise designated by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) A representative from an association that provides services to persons with Alzheimer's disease.

(c) A medical professional with expertise in cognitive disorders ~~and~~, including without limitation, a neurologist, gerontologist, geropsychiatrist or geropsychologist.

(d) A representative of the Nevada System of Higher Education with expertise in cognitive disorders.

(e) A representative from a nonprofit community agency that provides caregiver support and services to older persons in this State with behavioral or cognitive health issues ~~and~~, including without limitation, a representative with experience or knowledge of suicide awareness, education and prevention as it relates to suicide among older persons.

(f) The Administrator of the Aging and Disability Services Division of the Department of Health and Human Services or other person from the Division designated by the Administrator.

5. The interim committee shall examine, research and identify:

(a) Potential sources of state funding available to support evidence-based statewide community programs to aid caregivers who are caring for older persons with behavioral and cognitive health issues, including, without limitation:

(1) Offering information about programs and services designed to aid caregivers who are caring for older persons with behavioral and cognitive health issues;

(2) The provision of training in select evidence-based community programs for caregivers, social service providers, health care workers and family members;

(3) The creation of a sliding fee scale to address the affordability of mental health services;

(4) Providing a substitute caregiver to ensure the safety and well-being of an older person who has behavioral or cognitive health issues while the family attends training; and

(5) The creation of a sliding fee scale to address the affordability of respite services;

(b) Potential sources of state funding to assist Nevada Care Connection and Nevada 2-1-1 in the creation of a "No Wrong Door" program to assist caregivers of older persons with behavioral and cognitive health issues;

(c) The potential for establishing a higher rate of reimbursement by Medicaid for nursing facilities prepared and trained to support older

persons with behavioral and cognitive health issues, thereby allowing such older persons to remain in their own communities rather than being placed in out-of-state facilities; and

(d) The provision of education and training for health care professionals in the screening, diagnosis and treatment of behavioral and cognitive diseases prevalent in older persons.

6. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 80th Session of the Nevada Legislature.

Sec. 3. The Department of Health and Human Services shall provide technical assistance to the interim committee appointed pursuant to section 2 of this act.

Sec. 4. This act becomes effective on July 1, 2017.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 125 to Senate Bill No. 121 specifies that the interim study, when consulting with "a medical professional with expertise in cognitive disorders," may include among such professionals a neurologist, gerontologist, geropsychiatrist or a geropsychologist; and provides that the consultation with a representative from a nonprofit community agency may include a person with experience or knowledge of suicide awareness, education, and prevention among older persons.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 132.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 113.

SUMMARY—Revises provisions relating to public high schools.  
(BDR 34-47)

AN ACT relating to education; providing for the establishment of an individual graduation plan for certain pupils to allow them to remain in high school for an additional period to work towards graduation; requiring the Superintendent of Public Instruction to determine certain requirements for eligibility for such a plan; revising provisions relating to academic plans for high school pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to prescribe the criteria for a pupil to receive a standard high school diploma. (NRS 390.600) Section 1 of this bill requires the board of trustees of each school district and allows the governing body of a charter school that operates as a high school and is in good standing with its sponsor to adopt a policy to authorize the establishment of individual graduation plans for pupils enrolled in a high school within the school district or operated by the charter school, as applicable, who: (1) are not likely to graduate on time; or (2) have scored poorly on the college and career

readiness assessment. Section 1 requires the Superintendent of Public Instruction to establish certain requirements for eligibility for such a plan. Section 1 further allows a pupil with an individual graduation plan to remain enrolled in high school for up to ~~18 months~~ 3 semesters after the date on which he or she was otherwise scheduled to graduate. The school district or charter school, as applicable, may withdraw an individual graduation plan if the pupil is not making adequate progress as outlined in the plan or for other good cause. Section 1 provides that a pupil for whom an individual graduation plan has been established must not be counted when calculating the graduation rates of pupils for the year in which the pupil was scheduled to graduate. Instead, section 1 requires that the pupil be counted when calculating the graduation rates for the year in which the pupil is scheduled to graduate pursuant to the pupil's individual graduation plan. Section 1 also requires a pupil with an individual graduation plan who receives below a prescribed score on the college and career readiness assessment to enroll in ~~a minimum of six~~ the maximum number of units of credit per semester ~~is~~ allowed by the public school in which he or she is enrolled unless his or her individual graduation plan provides otherwise.

Existing law requires the board of trustees of each school district to adopt a policy to develop a 4-year academic plan for pupils in high school. (NRS 388.205) Section 2 of this bill requires each public school within the school district to provide each pupil with this plan at the beginning of the pupil's ninth grade year. Section 2 also requires: (1) a school counselor to establish and annually revise specific educational goals for each pupil in consultation with the pupil's parent or legal guardian; and (2) the policies adopted by the board of trustees of each school district to ensure that each pupil and the pupil's parent or legal guardian are provided with certain information regarding postsecondary and vocational education.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The board of trustees of each school district shall, and the governing body of each charter school that operates as a high school ~~shall~~ and is in good standing with its sponsor may, adopt a policy to authorize the establishment of individual graduation plans for pupils enrolled in a high school within the school district or operated by the charter school, as applicable, who:*

(a) *Are deficient in credits and not likely to graduate according to schedule;*  
or  
(b) *Have performed poorly on the college and career readiness assessment administered pursuant to NRS 390.610.*

2. *In addition to the conditions set forth in paragraphs (a) and (b) of subsection 1, the Superintendent of Public Instruction may establish other conditions for a pupil to be eligible for an individual graduation plan.*

3. An individual graduation plan must establish an academic plan for a pupil to allow the pupil to graduate with a standard high school diploma not later than ~~18 months~~ 3 semesters after the date on which the pupil was otherwise scheduled to graduate. The individual graduation plan must include any conditions to which a pupil must agree to comply to remain enrolled in the high school. Such conditions may include, without limitation, any subjects that must be completed, the minimum number of units of credit in which the pupil must enroll each semester, the minimum grade point average that must be maintained by the pupil and any other conditions necessary to ensure that the pupil makes adequate progress to obtain a standard high school diploma within the time allowed.

4. The Superintendent of Public Instruction shall make a determination each year concerning:

(a) The number of credits by which a pupil must be deficient to be eligible for an individual graduation plan;

(b) The maximum score on the college and career readiness assessment administered pursuant to NRS 390.610 that a pupil may receive to be eligible for an individual graduation plan; and

(c) Any other conditions that must be met for participation in an individual graduation plan.

5. An individual graduation plan may be withdrawn by the school district or charter school if the pupil is not making adequate progress as outlined in the individual graduation plan or for other good cause.

6. A pupil for whom an individual graduation plan has been established must not be counted when calculating the graduation rates of pupils in the annual report of accountability for the school district or charter school in which the pupil is enrolled pursuant to NRS 385A.070 and the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 for the year in which the pupil was scheduled to graduate ~~+~~ and the graduation rates of pupils used to determine whether the sponsor of a charter school may take certain actions concerning the charter school pursuant to NRS 388A.330.

7. If a pupil for whom an individual graduation plan has been established:

(a) Obtains a standard high school diploma within the time allowed by the individual graduation plan, the pupil must be counted as having received a standard high school diploma when calculating the graduation rates of pupils for the purposes of NRS 388A.330, if applicable, in the annual report of accountability for the school district or charter school in which the pupil is enrolled pursuant to NRS 385A.070 and the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 for the year in which the pupil graduates.

(b) Fails to obtain a standard high school diploma within the time allowed by the individual graduation plan, the pupil must be counted as having failed to receive a standard high school diploma when calculating the graduation rates of pupils for the purpose of NRS 388A.330, if applicable, in the annual report of accountability for the school district or charter school in which the

pupil is enrolled pursuant to NRS 385A.070 and the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 for the year in which the pupil was scheduled to graduate pursuant to his or her individual graduation plan.

8. Any pupil for whom an individual graduation plan has been established who receives a score on the college and career readiness assessment that is less than the score prescribed by the Superintendent of Public Instruction pursuant to paragraph (b) of subsection 4 must , unless his or her individual graduation plan provides otherwise, enroll in ~~in a minimum of six~~ the maximum number of units of credit per semester ~~+~~ allowed by the public school in which the pupil is enrolled.

9. The State Board shall prescribe by regulation the standards and criteria to be used by the sponsor of a charter school to determine whether the charter school is in good standing for the purposes of this section.

Sec. 2. NRS 388.205 is hereby amended to read as follows:

388.205 1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. *Except as otherwise provided in subsection 4, the policy must require each public school to provide each pupil with an academic plan at the beginning of the pupil's ninth grade year.* The academic plan must set forth the specific educational goals ~~{that the pupil}~~ established pursuant to subsection 6 each year and the steps that the pupil intends to take in order to achieve ~~{before graduation from high school.}~~ those goals. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.

2. The policy ~~{may}~~ must ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are provided with, to the extent practicable, ~~{the following}~~ information ~~{+}~~ regarding:

(a) The advanced placement courses, honors courses, international baccalaureate courses, dual credit courses, career and technical education courses, including, without limitation, career and technical skills-building programs, and any other educational programs, pathways or courses available to the pupil which will assist the pupil in the advancement of his or her education;

(b) The requirements for graduation from high school with a diploma and the types of diplomas available;

(c) The requirements for admission to the Nevada System of Higher Education, *including, without limitation, the average score on the college and career readiness assessment administered pursuant to NRS 390.610 of students admitted to each community college, state college or university in the Nevada System of Higher Education,* and the eligibility requirements for a Governor Guinn Millennium Scholarship; ~~{and}~~

(d) *The Free Application for Federal Student Aid and advice concerning how to finance enrollment in an institution that provides postsecondary and vocational education; and*

(e) The charter schools within the school district.

3. The policy required by subsection 1 must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) Be notified of opportunities to work in consultation with a school counselor to develop and review an academic plan for the pupil;

(b) Sign the academic plan; and

(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

4. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil *as soon as reasonably practicable* with appropriate modifications for the grade level of the pupil.

5. An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if the pupil otherwise satisfies the requirements for a diploma.

6. *Except as otherwise provided in subsection 4, a school counselor shall establish specific educational goals for each pupil in consultation with the pupil and the parent or legal guardian of the pupil, to the extent practicable, at the beginning of each pupil's ninth grade year and as a part of the review conducted pursuant to paragraph (c) of subsection 3.*

Sec. 3. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be approved by the court.

(c) A copy of ~~an~~ *any academic plan or individual graduation plan* developed for the child pursuant to NRS 388.155, 388.165 or 388.205 ~~or~~ *section 1 of this act.*

(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in this subsection and subsection 5 of NRS 432B.520, notice of the hearing must be given by registered or certified mail to:

(a) All the parties to any of the prior proceedings;

(b) Any persons planning to adopt the child;

(c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to NRS 127.171 and his or her attorney, if any; and

(d) Any other relatives of the child or providers of foster care who are currently providing care to the child.

7. The notice of the hearing required to be given pursuant to subsection 6:

(a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of NRS 127.171;



(b) Must not include any confidential information described in NRS 127.140; and

(c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040.

8. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 a right to be heard at the hearing.

9. The court or panel shall review:

(a) The continuing necessity for and appropriateness of the placement;

(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child; and

(d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship.

10. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 4. This act becomes effective on July 1, ~~2017~~ 2018.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 113 to Senate Bill No. 132 changes the duration of a graduation plan from 18 months to 3 semesters; ensures students needing remediation enroll in sufficient credits during their senior year; makes technical clarifications related to the use of graduation plans in charter schools; and extends the effective date of the bill by one year, to July 1, 2018.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and re-referred to the Committee on Finance.

Senate Bill No. 149.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 106.

SUMMARY—Revises provisions governing regional transportation commissions. (BDR 22-318)

AN ACT relating to regional transportation commissions; authorizing a regional transportation commission to ~~participate in transit-oriented developments;~~ provide grants of money for the research, development or implementation of transportation projects that use new technologies;

authorizing a regional transportation commission to enter into agreements with private entities for certain projects; authorizing a regional transportation commission to recommend the imposition of certain taxes to fund the transportation projects of the commission; authorizing the board of county commissioners to submit the recommendation for the imposition of such taxes to the voters of the county; requiring the board of county commissioners to adopt an ordinance imposing any such taxes that are approved by the voters; revising provisions governing the composition of regional transportation commissions; authorizing a regional transportation commission to develop and maintain high-capacity transit systems; authorizing a regional transportation commission to adopt rules for the parking of unauthorized vehicles at facilities of the commission and the imposition of fees for the use of services or facilities of the commission; repealing provisions requiring certain regional transportation commissions to establish a regional rapid transit authority; revising various provisions relating to the powers and duties of regional transportation commissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a county may, by ordinance, create a regional transportation commission if a streets and highways plan has been adopted by the county or regional planning commission. (NRS 277A.170) Existing law also provides a regional transportation commission the exclusive right to operate a system of public transportation within its jurisdiction, as well as enter into contracts, leases and agreements with state agencies and local governments to perform its functions. (NRS 277A.270)

Section 3 of this bill authorizes a regional transportation commission to :(1) provide grants of money to conduct research for and otherwise develop and implement certain transportation projects; and (2) enter into joint development agreements [including, without limitation, agreements relating to transit-oriented developments,] with private entities for certain transportation projects in accordance with federal law. [Section 3 defines a transit-oriented development as a mixed-use residential or commercial area that is designed to promote access to public transit.]

Section 13 of this bill authorizes a regional transportation commission to construct, develop and operate a high-capacity transit system [, as well as] with the approval of the county or city which owns any public right-of-way. Section 3.5 of this bill requires a regional transportation commission to enter into [contracts] agreements with other local governments to coordinate and collaborate on the development of a project or high-capacity transit system and to share the costs related to [transportation] such projects. If a regional transportation commission enters into such [a cost-sharing] an agreement, section 4 of this bill requires the commission to create and administer an account that will hold any money appropriated by the commission or a local government in accordance with the [cost-sharing] agreement. Section 14 of this bill authorizes a regional transportation commission to use a turnkey

procurement process or competitive negotiation process in connection with a high-capacity transit project.

Sections 5 and 6 of this bill provide that a regional transportation commission in certain larger counties (currently Clark and Washoe Counties) may recommend the imposition of ~~one or more of the following taxes: (1) an additional tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, and (2) an additional property tax in the county.~~ The recommendations of the commission must specify the rate ~~for rates for each~~ of the recommended ~~taxes,~~ tax, the period during which the recommended ~~taxes,~~ tax will be imposed and the transportation projects the recommended ~~taxes,~~ tax would support, if the commission submits its recommendations to the board of county commissioners, the board of county commissioners ~~is required to~~ may submit a question to the voters at the next general election asking whether ~~any of~~ the ~~taxes,~~ tax recommended by the commission should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved ~~taxes,~~ tax at the rate specified in the question submitted to the voters. ~~If a majority of the voters approve the imposition of an additional property tax, the additional rate is exempt from the partial abatement of property taxes on certain property and the requirement that taxes ad valorem not exceed \$3.64 on each \$100 of assessed valuation.~~ Section 7 of this bill provides that the proceeds resulting from the imposition of such taxes must be remitted to the commission for its use in accordance with the provisions of existing law governing regional transportation commissions.

Existing law generally sets forth the authority and powers of a regional transportation commission. (NRS 277A.160, 277A.210, 277A.250) Section 10 of this bill requires that the provisions of existing law governing regional transportation commissions be liberally construed as to allow a regional transportation commission to meet any of its objectives. ~~Section 11 of this bill designates a regional transportation commission as a political subdivision of the State, but does not authorize a commission to levy or collect taxes or special assessments. Section 12 of this bill authorizes a regional transportation commission to acquire and own easements, as well as grant such easements to other persons or entities.~~

Existing law requires a regional transportation commission in certain larger counties (currently Clark and Washoe Counties) to be composed of members of the board of county commissioners and the governing body of each city in the county. Section 10.5 of this bill provides that if a mayor of a city in such a county is not a member of the governing body of the city, the governing body may appoint the mayor to be a member of the regional transportation commission.

Section 12 of this bill authorizes a regional transportation commission to impose: (1) civil penalties for the unauthorized parking of a vehicle at a transportation facility; and (2) fees for the use of commission services or facilities.

Existing law requires the regional transportation commission in any county whose population is 700,000 or more (currently Clark County) to establish a regional rapid transit authority. Section 18 of this bill repeals that provision.

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

Section 1. Chapter 277A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *"High-capacity transit" means a public transit system ~~of transportation services which uses and occupies a separate right-of-way or rails exclusively for public transportation~~ that may provide a ~~substantially~~ higher level of passenger capacity by increasing, without limitation, the number of vehicles utilized by the system, the size of the vehicles, the frequency of vehicle rides, travel speed or any combination thereof ~~and~~, and that operates in conjunction with public transit stations. The term includes, without limitation, bus rapid ~~bus~~ transit, fixed guideway, light rail transit, ~~community~~ commuter rail, streetcar and heavy rail.*

Sec. 3. ~~1.~~ A commission may:

~~(a)~~ 1. Provide grants of money to conduct research for and otherwise develop and implement transportation projects that promote innovative transportation and transit technology, including, without limitation, autonomous technology as defined in NRS 482A.025.

~~(b)~~ 2. Enter into ~~joint development agreements, including, without limitation,~~ agreements ~~for transit-oriented developments,~~ in accordance with 49 U.S.C. § 5315 and any guidelines adopted pursuant thereto.

~~2. As used in this section, "transit-oriented development" means a mixed use residential or commercial area that is designed to maximize access to a public transit system.~~

Sec. 3.5. 1. Except as otherwise provided in subsection 2, before constructing a transportation project or high-capacity transit system, a commission shall enter into agreements with any county, city, town and other political subdivision to coordinate and collaborate on the development of the transportation project or high-capacity transit system, including, without limitation, the use of public rights-of-way and the sharing of costs related to such a project.

2. A commission may make changes to bus schedules and bus routes and relocate bus stops within the public right-of-way without executing an agreement pursuant to subsection 1.

Sec. 4. If a commission enters into an agreement with a county, city, town or other political subdivision to share costs relating to a transportation project pursuant to ~~paragraph (g) of subsection 1~~ section 3.5 of ~~NRS 277A.270,~~ this act, the commission shall create an account administered by the commission and deposit into such account any money appropriated by each participating entity in accordance with the amounts established under the agreement. The money in the account, including any interest and income earned on the money in the account, must not be transferred to any other fund

or account or used for any purpose other than the purposes set forth in the agreement entered into pursuant to ~~paragraph (c) of subsection 1~~ section 3.5 of ~~(NRS 277A.270.)~~ this act.

Sec. 5. 1. In a county whose population is 100,000 or more, a commission may:

(a) Prepare recommendations for the imposition of ~~one or more of the taxes~~ the tax described in section 6 of this act in the county to provide funding for the commission for the purposes set forth in this chapter. The recommendations must specify the proposed rate ~~for rates~~ for ~~each of~~ the recommended ~~taxes,~~ tax, the period during which ~~one or more of~~ the recommended ~~taxes~~ tax will be imposed and the type of transportation project the recommended tax ~~or taxes~~ will support.

(b) Submit the recommendations to the board of county commissioners.

2. Upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners ~~shall,~~ may, at the next general election, submit a question to the voters of the county asking whether the recommended tax ~~or taxes~~ should be imposed in the county. The question submitted to the voters of the county must specify the proposed rate ~~for rates~~ for ~~each of~~ the recommended ~~taxes,~~ tax, the period during which the recommended tax ~~or taxes~~ will be imposed, if the period was specified in the recommendations submitted pursuant to subsection 1, and the type of transportation project the recommended tax ~~or taxes~~ will support.

3. ~~If the question submitted to the voters pursuant to subsection 2 asks the voters of the county whether to levy a tax on the assessed valuation of taxable property within the county, the question must contain the rate of the proposed additional property tax stated in dollars and cents per \$100 assessed valuation, the type of transportation project the proposed additional property tax will support, the duration of the proposed additional property tax, which may not exceed 20 years, and an estimate established by the governing body of the increase in the amount of property taxes that an owner of a new home with a fair market value of \$100,000 will pay per year as a result of the passage of the question. The question must also state that any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.~~

~~4.~~ If a majority of the voters voting on the question submitted to the voters pursuant to subsection 2 vote affirmatively on the question:

(a) The board of county commissioners shall impose the recommended tax ~~or taxes~~ in accordance with the provisions of section 6 of this act at the rate ~~for rates~~ specified in the question submitted to the voters pursuant to subsection 2.

(b) The tax ~~or taxes~~ must be imposed notwithstanding the provisions of any specific statute to the contrary and, except as otherwise specifically provided in this section and sections 6 and 7 of this act, such tax ~~or taxes are~~ is not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such tax ~~, for taxes,~~ including,

without limitation, any limitations on the maximum rate ~~for rates~~ which may be imposed or the duration of the period during which such tax ~~for taxes~~ may be imposed.

Sec. 6. ~~1.~~ Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 5 of this act recommending the imposition of a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county, the board of county commissioners shall impose a tax by ordinance on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county. The tax must be imposed throughout the county, including all cities within the county, upon all retailers in the business of selling tangible personal property. Any ordinance enacted under this subsection must include provisions in substance as follows:

~~(a)~~ 1. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

~~(b)~~ 2. A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the ordinance.

~~(c)~~ 3. A provision that the county shall, before the effective date of the ordinance, contract with the Department to perform all functions incident to the administration or operation of the tax in the county.

~~(d)~~ 4. A provision that a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property, entered into on or before the effective date of the tax or the increase in the tax, or for which a binding bid was submitted before the date if the bid was afterward accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax or the increase in the tax.

~~2. Upon approval of the registered voters in a county voting on a question presented to the voters pursuant to section 5 of this act recommending the levy of a tax on the assessed valuation of taxable property within the county, the board of county commissioners shall levy a tax on the assessed valuation of taxable property within the county in the amount described in the question presented to the voters pursuant to section 5 of this act. The ordinance levying such a tax shall provide for the imposition and collection of the tax in accordance with the provisions of chapter 361 of NRS, insofar as applicable. A tax levied pursuant to this subsection is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724, and the provisions of NRS 361.453 do not apply to any such tax.~~

Sec. 7. The proceeds of any tax ~~for taxes~~ imposed pursuant to sections 5 and 6 of this act must be remitted by the Department of Taxation ~~for county~~

~~treasurer, as applicable,~~ to the commission for use in accordance with the provisions of this chapter.

Sec. 8. NRS 277A.020 is hereby amended to read as follows:

277A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 277A.030 to 277A.150, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 9. NRS 277A.120 is hereby amended to read as follows:

277A.120 "Public transit system" means a system employing motor buses, rails, *high-capacity transit* or any other means of conveyance, by whatever type of power, operated for public use in the conveyance of persons.

Sec. 10. NRS 277A.160 is hereby amended to read as follows:

277A.160 This chapter, *being necessary to secure and preserve the public health, safety, convenience and welfare*, shall be so interpreted and *liberally* construed as to ~~make~~:

1. *Make* uniform so far as possible the laws and regulations of this State and other states and of the government of the United States having to do with the subject of transportation ~~[-]~~; and

2. *Effect any other purpose and objective for which this chapter is intended.*

Sec. 10.5. NRS 277A.180 is hereby amended to read as follows:

277A.180 1. In counties whose population is 100,000 or more, the commission must be composed of representatives selected by the following entities: ~~[-from among their members;-]~~

(a) Two by the board ~~[-]~~ from among its members.

(b) Two by the governing body of the largest city in the county ~~[-]~~ from among its members or, if the mayor of the city is not a member of the governing body, from among its members and the mayor of the city.

(c) One by the governing body of each additional city in the county ~~[-]~~ from among its members or, if the mayor of the city is not a member of the governing body, from among its members and the mayor of the city.

2. In counties whose population is less than 100,000, the commission must be composed of representatives selected as follows:

(a) If the county contains three or more cities:

(1) Two by the board.

(2) One by the governing body of the largest city.

(b) If the county contains only two cities:

(1) Three by the board, at least one of whom is a representative of the public who is a resident of the county.

(2) One by the governing body of each city in the county.

(c) If the county contains only one city:

(1) Two by the board.

(2) One by the governing body of the city.

(d) If the county contains no city, the board shall select:

(1) Two members of the board; and

(2) One representative of the public, who is a resident of the largest town, if any, in the county.

3. In Carson City, the commission must be composed of representatives selected by the Board of Supervisors as follows:

(a) Two members of the Board of Supervisors, one of whom must be designated by the commission to serve as chair of the commission.

(b) Three representatives of the city at large.

4. The first representatives must be selected within 30 days after passage of the ordinance creating the commission, and, except as otherwise provided in subsections 5, 6 and 7, must serve until the next ensuing December 31 of an even-numbered year. The representative of any city incorporated after passage of the ordinance must be selected within 30 days after the first meeting of the governing body, and, except as otherwise provided in subsection 7, must serve until the next ensuing December 31 of an even-numbered year. Their successors must serve for terms of 2 years, and vacancies must be filled for the unexpired term.

5. In Carson City:

(a) One representative of the commission who is a member of the Board of Supervisors and one representative of the commission who is a representative of the city at large must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative of the commission who is a member of the Board of Supervisors and two representatives of the commission who are representatives of the city at large must serve until the next ensuing December 31 of an odd-numbered year.

6. In counties whose population is 100,000 or more, but less than 700,000:

(a) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an odd-numbered year.

7. In counties whose population is 700,000 or more, the first representatives and the representative of any city incorporated after passage of the ordinance must serve until the next ensuing June 30 of an odd-numbered year.

Sec. 11. NRS 277A.210 is hereby amended to read as follows:

277A.210 1. A commission may:

~~1.~~ (a) Sue and be sued.

~~2.~~ (b) Prepare and approve budgets for the regional street and highway fund, the public transit fund and money it receives from any source.

~~3.~~ (c) Adopt bylaws for the administration of its affairs and rules for the administration and operation of facilities under its control.

~~4.~~ (d) Conduct studies, develop plans and conduct public hearings to establish and approve short-range and regional plans for transportation.



~~{5.}~~ (e) Purchase insurance or establish a reserve or fund for self-insurance, or adopt any combination of these, to insure against loss by reason of:

~~{(a)}~~ (1) Damages resulting from fire, theft, accident or other casualty; or

~~{(b)}~~ (2) The commission's liability for other damages to persons or property which occur in the construction or operation of facilities or equipment under its control or in the conduct of its activities.

2. A commission shall ~~f=~~

~~(a) Be deemed to be a public body corporate and politic, and an instrumentality, local government and political subdivision of the State, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out the purposes and provisions of this chapter, but not the power to levy or collect taxes or special assessments.~~

~~(b) Have} have a perpetual succession, subject to termination in accordance with statute.~~

Sec. 12. NRS 277A.250 is hereby amended to read as follows:

277A.250 A commission may:

1. Acquire and own both real and personal property ~~± land easements therein.~~

2. Exercise the power of eminent domain, if the city or county which has jurisdiction over the property approves, for the acquisition, construction, repair or maintenance of public roads, or for any other purpose related to public mass transportation.

3. Sell, lease or convey or otherwise dispose of rights, interests or properties ~~± or grant easements, licenses, or any other rights or privileges therein.~~

4. Adopt regulations for:

(a) Financing eligible activities; ~~{and}~~

(b) ~~{Parking}~~ Unauthorized parking of vehicles at a transportation facility within the jurisdiction of the commission, including, without limitation, the imposition of a civil penalty for a violation of such regulations; ~~{and}~~

(c) The imposition of fees for the use of the facilities or services of the commission and the use of such fees for the construction or operation of transportation facilities; and

(d) The operation of systems or services provided by the commission.

Sec. 13. NRS 277A.270 is hereby amended to read as follows:

277A.270 1. A commission may:

(a) Operate , develop and maintain a system of public transportation, including, without limitation, a high-capacity transit system, to the exclusion of any other publicly owned system of transportation within its area of jurisdiction.

(b) ~~Construct , develop, maintain and operate high-capacity transit systems ~~{}~~ in the county or a city within the county which owns a public right-of-way if the county or city within the county approves of such construction.~~

(c) Use streets, roads, highways and other public rights-of-way for public transportation.

~~[(e)]~~ (d) Enter into agreements for the joint use of facilities, installations and properties and the joint exercise of statutory powers.

~~[(d)]~~ (e) Prohibit the use of any facility, installation or property owned, operated or leased by the commission, including, without limitation, a transit stop or bus turnout, by any person other than the commission or its agents.

~~[(e)]~~ (f) Enter into contracts, leases and agreements with and accept grants and loans from federal and state agencies, counties, cities, towns, other political subdivisions, public or private corporations and other persons, and may perform all acts necessary for the full exercise of the powers vested in the commission.

~~[(g) Enter into agreements with counties, cities, towns and other political subdivisions to coordinate and collaborate on the development of transportation projects, including, without limitation, the sharing of costs related to such a project.]~~

2. The powers and duties of a commission set forth in this chapter do not apply to any monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695.

3. As used in this section, "bus turnout" means a fixed area that is:

(a) Adjacent or appurtenant to, or within a reasonable proximity of, a public highway; and

(b) To be occupied exclusively by buses in receiving or discharging passengers.

Sec. 14. NRS 277A.280 is hereby amended to read as follows:

277A.280 1. A commission, a county whose population is less than 100,000 or a city within such a county may establish or operate a public transit system consisting of:

(a) Regular routes and fixed schedules to serve the public;

(b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in NRS 435.176, if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or a city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

2. A commission may lease vehicles to or from or enter into other contracts with a private operator for the provision of such a system.

3. In a county whose population is less than 700,000, such a system may also provide service which includes:

(a) Minor deviations from the regular routes and fixed schedules required by paragraph (a) of subsection 1 on a recurring basis to serve the public

transportation needs of passengers. The deviations must not exceed one-half mile from the regular routes.

(b) The transporting of persons other than those specified in paragraph (b), (c) or (d) of subsection 1 upon request without regard to regular routes or fixed schedules, if the service is provided by a common motor carrier which has a certificate of public convenience and necessity issued by the Nevada Transportation Authority pursuant to NRS 706.386 to 706.411, inclusive, and the service is subject to the rules and regulations adopted by the Nevada Transportation Authority for a fully regulated carrier.

4. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a commission may utilize a turnkey procurement process to select a person to design, build, *finance*, operate and maintain, or any combination thereof, a *high-capacity transit* ~~for fixed guideway~~ system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a *high-capacity transit* ~~for fixed guideway~~ project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost-effective method of constructing the project on schedule and in satisfaction of its transportation objectives.

5. Notwithstanding the provisions of chapter 332 of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a *high-capacity transit* ~~for fixed guideway~~ project, rolling stock for a public transit system, facilities and any other equipment that is related to public transportation. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

6. If a commission develops a ~~fixed guideway~~ *high-capacity transit* project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.

7. As used in this section:

(a) "Fully regulated carrier" means a common carrier or contract carrier of passengers or household goods who is required to obtain from the Nevada Transportation Authority a certificate of public convenience and necessity or a contract carrier's permit and whose rates, routes and services are subject to regulation by the Nevada Transportation Authority.

(b) "Minimum operable segment" means the shortest portion of a *high-capacity transit* ~~for fixed guideway~~ system that is technically capable of providing viable public transportation between two end points.

(c) "Turnkey procurement" means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a *high-capacity transit* ~~for fixed guideway~~ system, or a

portion thereof, in accordance with performance criteria and technical specifications established by the commission.

Sec. 15. ~~[NRS 295.121 is hereby amended to read as follows:~~

~~295.121 1. For each initiative, referendum, advisory question or other question to be placed on the ballot by:~~

~~—(a) The board, including, without limitation, pursuant to NRS 295.115, 295.160 or 295.230;~~

~~—(b) The governing body of a school district, public library, regional transportation commission or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the county; or~~

~~—(c) A metropolitan police committee on fiscal affairs authorized by law to submit questions to some or all of the qualified electors or registered voters of the county, the board shall, in consultation with the county clerk pursuant to subsection 5, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.~~

~~2. If, after consulting with the county clerk pursuant to subsection 5, the board is unable to appoint three persons who are willing to serve on a committee, the board may appoint fewer than three persons to that committee, but the board must appoint at least one person to each committee appointed pursuant to this section.~~

~~3. With respect to a committee appointed pursuant to this section:~~

~~—(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.~~

~~—(b) Members of the committee serve without compensation.~~

~~—(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.~~

~~4. The county clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The county clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:~~

~~—(a) Make recommendations pursuant to subsection 5; and~~

~~—(b) Appoint members to a committee pursuant to subsection 6.~~

~~5. Before the board appoints a committee pursuant to this section, the county clerk shall:~~

~~—(a) Recommend to the board persons to be appointed to the committee; and~~

- ~~—(b) Consider recommending pursuant to paragraph (a):~~
- ~~—(1) Any person who has expressed an interest in serving on the committee; and~~
- ~~—(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.~~
- ~~—6. If the board fails to appoint a committee as required pursuant to this section, the county clerk shall, in consultation with the district attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the county clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.~~
- ~~—7. A committee appointed pursuant to this section:~~
- ~~—(a) Shall elect a chair for the committee;~~
- ~~—(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;~~
- ~~—(c) May seek and consider comments from the general public;~~
- ~~—(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;~~
- ~~—(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;~~
- ~~—(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):~~
- ~~—(1) The anticipated financial effect of the initiative, referendum or other question;~~
- ~~—(2) The environmental impact of the initiative, referendum or other question; and~~
- ~~—(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and~~
- ~~—(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the county clerk not later than the date proscribed by the county clerk pursuant to subsection 8.~~
- ~~—8. The county clerk shall provide, by rule or regulation:~~
- ~~—(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and~~
- ~~—(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the county clerk.~~
- ~~—9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the county clerk:~~

~~—(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and~~

~~—(b) Shall reject each statement in the argument or rebuttal that the county clerk believes is libelous or factually inaccurate.~~

~~→ The decision of the county clerk to reject a statement pursuant to this subsection is a final decision for purposes of judicial review. Not later than 5 days after the county clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection by filing a complaint in district court. The court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.~~

~~—10. The county clerk shall place in the sample ballot provided to the registered voters of the county each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The county clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.~~

~~—11. Except as otherwise provided in this subsection, if a question is to be placed on the ballot by an entity described in paragraph (b) or (c) of subsection 1, the entity must provide a copy and explanation of the question to the county clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the county clerk is governed by subsection 3 of NRS 293.481.~~

~~—12. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.] (Deleted by amendment.)~~

Sec. 16. ~~{NRS 361.453 is hereby amended to read as follows:~~

~~—361.453 1. Except as otherwise provided in this section and NRS 354.705, 354.723, 387.3288 and 450.760, and section 6 of this act, the total ad valorem tax levy for all public purposes must not exceed \$3.64 on each \$100 of assessed valuation, or a lesser or greater amount fixed by the State Board of Examiners if the State Board of Examiners is directed by law to fix a lesser or greater amount for that fiscal year.~~

~~—2. Any levy imposed by the Legislature for the repayment of bonded indebtedness or the operating expenses of the State of Nevada and any levy imposed by the board of county commissioners pursuant to NRS 387.195 that is in excess of 50 cents on each \$100 of assessed valuation of taxable property within the county must not be included in calculating the limitation set forth in subsection 1 on the total ad valorem tax levied within the boundaries of the county, city or unincorporated town, if, in a county whose population is less than 45,000, or in a city or unincorporated town located within that county.~~

~~—(a) The combined tax rate certified by the Nevada Tax Commission was at least \$3.50 on each \$100 of assessed valuation on June 25, 1998;~~

~~—(b) The governing body of that county, city or unincorporated town proposes to its registered voters an additional levy ad valorem above the total ad valorem tax levy for all public purposes set forth in subsection 1;~~

~~—(c) The proposal specifies the amount of money to be derived, the purpose for which it is to be expended and the duration of the levy; and~~

~~—(d) The proposal is approved by a majority of the voters voting on the question at a general election or a special election called for that purpose.~~

~~—3. The duration of the additional levy ad valorem levied pursuant to subsection 2 must not exceed 5 years. The governing body of the county, city or unincorporated town may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition set forth in subsection 2.~~

~~—4. A special election may be held pursuant to subsection 2 only if the governing body of the county, city or unincorporated town determines, by a unanimous vote, that an emergency exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the county, city or unincorporated town to prevent or mitigate a substantial financial loss to the county, city or unincorporated town or to enable the governing body to provide an essential service to the residents of the county, city or unincorporated town.] (Deleted by amendment.)~~

Sec. 17. ~~[NRS 361.4726 is hereby amended to read as follows:~~

~~—361.4726 1. Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to ~~NRS 361.4722, 361.4723 and 361.4724.~~~~

~~—2. The amount of any tax imposed pursuant to NRS 354.705 and 387.3288 and section 6 of this act is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.~~

~~—3. For the purposes of this section, "taxing entity" does not include the State.] (Deleted by amendment.)~~

Sec. 18. NRS 277A.345 is hereby repealed.

Sec. 19. This act becomes effective upon passage and approval.

#### TEXT OF REPEALED SECTION

277A.345 Counties whose population is 700,000 or more: Establishment of regional rapid transit authority; development of plan for establishment of regional rapid transit system by authority.

1. In a county whose population is 700,000 or more, the commission shall establish a regional rapid transit authority. The membership of the regional rapid transit authority must consist of:

- (a) The general manager of the commission, who shall act as chair of the authority;
- (b) One member appointed by the board of county commissioners;
- (c) Three members, one from each of the three largest cities within the county, who are appointed by the respective governing bodies of each city;
- (d) One member selected by the association of gaming establishments whose membership collectively paid the most gaming license fees to the State pursuant to NRS 463.370 in the county in the preceding year;
- (e) One member who is selected by the economic development authority in the county;
- (f) One member selected by the Department of Transportation; and
- (g) One member who has expertise in urban planning and design or architecture selected by the Nevada Arts Council.

2. The regional rapid transit authority shall develop a plan for the establishment of a regional rapid transit system:

- (a) In cooperation with economic development, engineering, planning, tourism and utility interests in the county; and
- (b) With the goal of quantifying the implications of introducing an exclusive rapid transit system in identified corridors in the county.

3. In carrying out its duties pursuant to subsection 2, the regional rapid transit authority shall:

- (a) Hold public meetings to, without limitation:
  - (1) Evaluate the need for and desirability of a regional rapid transit system;
  - (2) Assess corridor and route feasibility and desirability; and
  - (3) Review existing mass transit options to determine how to incorporate such options into a regional rapid transit system;
- (b) Undertake an analysis of various considerations involved with introducing and implementing a regional rapid transit system in the county, including, without limitation:
  - (1) An assessment of the available rapid transit technologies, including, without limitation, technologies that use solar power or other renewable energy sources to minimize or eliminate the use of carbon-based fuels;
  - (2) An assessment of the opportunities, costs and constraints of corridor options, including, without limitation:
    - (I) An examination and evaluation of existing rail corridors and transit routes for inclusion in the regional rapid transit system;
    - (II) An evaluation of potential sites for stations and facilities for the regional rapid transit system; and
    - (III) Identification of locations in the county that would benefit most from proximity to a regional rapid transit system, including, without limitation,



airports and existing or proposed special event venues such as stadiums and racetracks;

- (3) Estimates as to capital and operating costs;
- (4) An assessment of potential ridership and passenger demand;
- (5) An assessment of the environmental impact;
- (6) A potential project schedule; and
- (7) An assessment of financing options and funding sources, including,

without limitation:

- (I) Processes for securing federal funding; and
- (II) The potential for voter approval for bonds to support any portion

of the regional rapid transit system.

4. On or before February 1 of each year, the regional rapid transit authority shall submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature.

The report must set forth, without limitation:

- (a) The activities and meetings of the authority;
- (b) Any findings made by the authority regarding the analysis required by subsection 3; and
- (c) The plan or current draft of the plan developed by the authority pursuant to subsection 2.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Amendment No. 106 to Senate Bill No. 149 makes various changes, including: allowing, rather than requiring, a board of county commissioners in Clark or Washoe Counties to submit a question from an RTC to voters concerning a possible sales tax increase and removing the property tax portion; clarifying that mayors can be a member of an RTC in larger counties; changing the definition of "high-capacity transit"; substituting "high-capacity transit" in place of "fixed guideway" in relation to using a turnkey procurement process or competitive negotiation process; changing provisions regarding commissions entering agreements concerning high-capacity transit with other political subdivisions; and adding Senator Hammond as a sponsor.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 115.

SUMMARY—Requires cameras to be installed in certain classrooms ~~and other locations~~ within a public school which are used for special education. (BDR 34-477)

AN ACT relating to education; requiring public schools to install cameras in certain classrooms ~~for other locations~~ within a school which are used for special education; limiting the length of time such a recording may be retained; specifying the circumstances under which such a recording ~~from such a camera~~ may be released; and providing other matters properly relating thereto.

## Legislative Counsel's Digest:

Existing law makes it a crime to engage in surreptitious electronic surveillance on the property of a public school without the knowledge of the person being observed, unless for law enforcement purposes or as part of an installed system of security. (NRS 393.400) Section 1 of this bill requires each public school, including, without limitation, a charter school, to install, operate and maintain one or more video cameras that are capable of recording audio in each classroom ~~for other location~~ within the school in which a majority of the pupils in regular attendance: (1) receive special education; (2) have speech and language ~~impairments;~~ delays which render the pupils unable to communicate effectively; and (3) are assigned to the classroom ~~for other location within the school~~ to receive special education for at least 50 percent of the instructional day. Section 1 provides that a video camera may only be used to record a classroom during a regular school day. Section 1 also requires that written notice of the video camera be provided to each person likely to be recorded by the video camera, including, without limitation, the parent or legal guardian of a pupil receiving such special education at the school. In addition, before assigning an employee of a public school to a classroom ~~for other location~~ in the school where a video camera is installed, section 1 requires the principal of a public school to ensure that the employee receives certain training. Section 1 further provides that ~~such~~ a recording made pursuant to section 1 is confidential and may only be viewed, released or used if consent is obtained from all persons who appear in the recording, or: (1) based on certain complaints or investigations; (2) based on possible criminal activity; or (3) for use by the parent or legal guardian of a pupil in a legal proceeding. Finally, section 1 requires a recording to be retained by the public school for not more than 60 days or until the disposition of a complaint, whichever is longer, unless required to retain the recording for a longer period by a court order, subpoena or other provision of law. Sections 2 and 3 of this bill make conforming changes.

Section 4.5 of this bill provides for the required installation of video cameras over a period of time. Public elementary schools are allowed to begin installing video cameras where required on July 1, 2018, and must complete such installations by June 30, 2020. Public middle schools, junior high schools and high schools may begin installing video cameras where required on July 1, 2020, and must complete such installations by June 30, 2022.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each school district and the governing body of each charter school, as applicable, shall provide equipment, including, without limitation, one or more video cameras with the capability of recording sound, to each public school which has a classroom ~~for other location within the public school~~ in*

which a majority of the pupils who regularly are present in the classroom ~~;~~ ~~for other location.~~

(a) Receive special education pursuant to the provisions of this section and NRS 388.417 to 388.469, inclusive;

(b) Have speech and language ~~impairments;~~ delays which render the pupils unable to communicate effectively; and

(c) Are assigned to the classroom ~~for other location within the school~~ to receive special education pursuant to the provisions of this section and NRS 388.417 to 388.469, inclusive, for at least 50 percent of the instructional day.

2. A video camera installed pursuant to subsection 1 must record ~~all~~ :

(a) The classroom only during a regular school day; and

(b) All areas of the classroom, ~~for other location,~~ except that the video camera must not record the interior of a bathroom or any other area in which a pupil may change or remove his or her clothing.

3. The principal of a public school shall provide written notice that a video camera has been or will be installed pursuant to this section to each parent or legal guardian of a pupil who receives such special education at the school and to any other person likely to be recorded by the video camera, including, without limitation, an employee of the school who will be in the classroom ~~,~~ ~~for other location.~~

4. Before assigning any employee who provides services to pupils at a public school to provide such services in a classroom ~~for other location within the school~~ in which a video camera has been installed pursuant to subsection 1, the principal of the school shall ensure that the employee has received appropriate training concerning the use of the video camera, the rights and responsibilities of the employee regarding the video camera and the other provisions of this section.

5. A public school shall not allow the regular monitoring of a recording made by a video camera pursuant to this section by any person and shall retain any recording that is made for ~~at least 120~~ not more than 60 days or until the disposition of a complaint, whichever is longer, unless required to do so for a longer period by a court order, subpoena or pursuant to law.

6. The board of trustees of a school district and the governing body of a charter school may solicit or accept gifts, grants or donations from any person to support the installation of video cameras in public schools pursuant to this section.

7. A recording made pursuant to this section is confidential and is not a public book or record within the meaning of NRS 239.010. Except as otherwise provided in subsection 8, a recording may not be viewed, released or used by any person unless the board of trustees of the school district or the governing body of the charter school that made the recording obtains the written consent of each person who appears in the recording, including, without limitation, the parent or legal guardian of a pupil who appears in the recording.

8. *A public school shall release a recording made pursuant to this section to:*

(a) *The parent or legal guardian of a pupil or an employee of the school, as applicable, who appears in a recording relating to a complaint filed with the Department.*

(b) *An employee designated by the Department to investigate a complaint relating to the recording.*

(c) *An agency which provides child welfare services as defined in NRS 432B.030 as part of an investigation of a report concerning the abuse or neglect of a child.*

(d) *A peace officer as part of a criminal investigation.*

(e) *A parent or legal guardian of a pupil who appears in the recording, for use in a legal proceeding.*

9. *This section does not:*

(a) *Create a cause of action; or*

(b) *Waive any immunity from liability or limitation on liability of a school district or a charter school, or an officer or employee of a school district or charter school that is otherwise provided by law.*

10. *The State Board may adopt such regulations as it deems necessary to carry out the provisions of this section.*

11. *As used in this section, "complaint" means a complaint filed with the Department pursuant to 20 U.S.C. § 1415, 34 C.F.R. §§ 300.151 et seq. and NRS 388.463.*

*Sec. 1.5. NRS 388.417 is hereby amended to read as follows:*

*388.417 As used in NRS 388.417 to 388.515, inclusive ~~##~~, and section 1 of this act:*

1. "Communication mode" means any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading;

and

(e) Communication with assistive technology devices.

2. "Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.

3. "Dyslexia intervention" means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

7. "Pupil with a disability" means a "child with a disability," as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

8. "Response to scientific, research-based intervention" means a collaborative process which assesses a pupil's response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

9. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 2. NRS 393.400 is hereby amended to read as follows:

393.400 1. Except as otherwise provided in subsection 2, it is unlawful for a person to engage in any kind of surreptitious electronic surveillance on any property of a public school without the knowledge of the person being observed.

2. Subsection 1 does not apply to any electronic surveillance:

(a) Authorized by a court order issued to a public officer, based upon a showing of probable cause to believe that criminal activity is occurring on the property of the public school under surveillance;

(b) By a law enforcement agency pursuant to a criminal investigation;

(c) By a peace officer pursuant to NRS 289.830;

(d) By a uniformed peace officer of the Nevada Highway Patrol Division of the Department of Public Safety pursuant to NRS 480.365;

(e) Which is necessary as part of a system of security used to protect and ensure the safety of persons on the property of the public school ~~to~~, *including, without limitation, a video camera installed, operated and maintained pursuant to section 1 of this act*; or

(f) Of a class or laboratory when authorized by the teacher of the class or laboratory.

Sec. 3. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,

87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300,

645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 1 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 4. 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. 4.5. Notwithstanding the provisions of section 1 of this act:

1. The video cameras required to be installed in an elementary school pursuant to section 1 of this act may be installed on or after July 1, 2018, but must be installed by not later than June 30, 2020.

2. The video cameras required to be installed in a middle school, junior high school or high school pursuant to section 1 of this act may be installed on or after July 1, 2020, but must be installed by not later than June 30, 2022.

Sec. 5. This act becomes effective ~~on July 1, 2017,~~ upon passage and approval for the purpose of adopting any regulations and performing any preliminary administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2018, for all other purposes.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 115 to Senate Bill No. 224 limits the school locations in which cameras must be installed, the length of time that a recording must be saved and allows for a phase-in of the bill's provisions.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and re-referred to the Committee on Finance.

Senate Bill No. 242.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 117.

SUMMARY—Revises provisions governing college savings plans. (BDR 31-360)

AN ACT relating to college savings plans; authorizing the Board of Trustees of the College Savings Plans of Nevada to delegate certain powers and duties relating to the Nevada Higher Education Prepaid Tuition Program to the State Treasurer; authorizing certain qualified beneficiaries to apply unused prepaid tuition benefits toward graduate-level studies; revising provisions governing the authorized investments of property of the Nevada Higher Education Prepaid Tuition Trust Fund; transferring the duty to adopt regulations governing the Nevada College Savings Program from the State Treasurer to the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Board of Trustees of the College Savings Plans of Nevada was created under existing law to oversee the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program. (NRS 353B.001-353B.370) Under existing law, the Board is required to develop and maintain the Nevada Higher Education Prepaid Tuition Program for the prepayment of the tuition of the beneficiary of a prepaid tuition contract at an eligible in-state or out-of-state public or private university, college or



community college. The tuition paid under the contract is at a guaranteed rate based on an annual actuarial study for undergraduate studies at a university, state college or community college that is a member of the Nevada System of Higher Education. (NRS 353B.090) Existing law also: (1) creates the Nevada Higher Education Prepaid Tuition Trust Fund for deposit of payments under prepaid tuition contracts and other sources of money for the Program and requires the State Treasurer to administer the Trust Fund; and (2) sets forth certain powers and duties of the Board relating to promotion, investment and contracting services for the Program and the Trust Fund. (NRS 353B.010-353B.190)

Section 1 of this bill authorizes the Board to delegate to the State Treasurer those powers and duties necessary for the efficient and effective administration of the Nevada Higher Education Prepaid Tuition Program and the Trust Fund. Under existing law, the Board is authorized to make such a delegation to the State Treasurer with respect to the Nevada College Savings Program and the Nevada College Savings Program Trust Fund. (NRS 353B.320) Sections 3 and 4 of this bill expand the authorized use of benefits under a prepaid tuition contract to allow a qualified beneficiary to apply any unused prepaid tuition benefits after his or her graduation with an undergraduate degree toward his or her graduate-level studies. Section 3 also specifically requires the Board to adopt requirements for a master agreement for the Program by regulation. Section 7 of this bill requires the Board to amend the master agreement for the Program to make the expanded authorization for graduate-level studies applicable to existing prepaid tuition contracts. (NAC 353B.140)

Existing law requires the Board of Trustees of the College Savings Plans of Nevada to develop policies for investment to be followed by the State Treasurer in investing in the property of the Nevada Higher Education Prepaid Tuition Trust Fund. (NRS 353B.160) Section 5.5 of this bill expands the list of authorized investments for the Fund to include: (1) certain bonds, notes and other obligations that are issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation or Inter-American Development Bank, which are supranational entities; and (2) certain bonds, notes and other obligations, commonly called "Yankee bonds," that are issued by a foreign financial institution, corporation or government.

Existing law requires the State Treasurer to adopt regulations to establish and carry out the Nevada College Savings Program, which offers tax-free investment plans for saving money for the costs of higher education. (NRS 353B.310) Section 6 of this bill transfers the duty to adopt regulations for the Nevada College Savings Program from the State Treasurer to the Board. The Board has the authority under existing law to adopt regulations to implement the Nevada Higher Education Prepaid Tuition Program. (NRS 353B.090)

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

Section 1. Chapter 353B of NRS is hereby amended by adding thereto a new section to read as follows:

*The Board may delegate to the State Treasurer any of its administrative powers and duties specified in NRS 353B.010 to 353B.190, inclusive, if the Board determines that such delegation is necessary for the efficient and effective administration of the Nevada Higher Education Prepaid Tuition Program and the Trust Fund.*

Sec. 2. NRS 353B.010 is hereby amended to read as follows:

353B.010 As used in NRS 353B.010 to 353B.190, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 353B.030 to 353B.070, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 353B.090 is hereby amended to read as follows:

353B.090 1. The Board shall develop the Nevada Higher Education Prepaid Tuition Program for the prepayment of tuition *for a qualified beneficiary for:*

*(a) Undergraduate studies at:*

- (1) A university, state college or community college that is a member of the System;*
- (2) An accredited college or university in this State that is not a member of the System; or*
- (3) An accredited community college, college or university in another state.*

*(b) If any money paid into the Trust Fund under a prepaid tuition contract is remaining after a qualified beneficiary has graduated with an undergraduate degree, for graduate-level studies at:*

- (1) A university, state college or community college that is a member of the System;*
- (2) An accredited college or university in this State that is not a member of the System; or*
- (3) An accredited community college, college or university in another state.*

2. *The amount of the tuition under a prepaid tuition contract must be at a guaranteed rate which is established based on the annual actuarial study required pursuant to NRS 353B.190 for undergraduate studies at a university, state college or community college that is a member of the System.*

~~{2-}~~ 3. The Board shall adopt regulations for the implementation of the Program, including, without limitation, regulations setting forth requirements for:

- (a) Residency;
- (b) A limit on the number of qualified beneficiaries;
- (c) The termination, withdrawal and transfer of money paid into the Trust Fund;

(d) A payment received by the Trust Fund as a matching contribution made as described in NRS 363A.137 or 363B.117 to be credited to the qualified beneficiary on whose behalf the matching contribution was made;

(e) The time within which the money paid into the Trust Fund must be used;  
~~and~~

(f) Payment schedules ~~+~~; and

(g) A master agreement for the Program.

Sec. 4. NRS 353B.100 is hereby amended to read as follows:

353B.100 1. The Board may enter into a prepaid tuition contract with a purchaser.

2. The Board shall create a prepaid tuition contract in accordance with the provisions of this section.

3. The prepaid tuition contract must include, without limitation:

(a) The terms and conditions under which the purchaser shall remit payment, including, without limitation:

(1) The amount and number of payments that are required from the purchaser on behalf of the qualified beneficiary;

(2) The date upon which each payment is due; and

(3) A provision for a reasonable penalty for a delinquent payment or default.

(b) The name and date of birth of the qualified beneficiary on whose behalf the prepaid tuition contract is drawn.

(c) The terms and conditions under which another person may be substituted as the qualified beneficiary.

(d) The terms and conditions under which the purchaser, or another person designated by the purchaser, may terminate the prepaid tuition contract, receive a refund of money that he or she has paid into the Trust Fund or withdraw money that he or she has paid into the Trust Fund, including, without limitation, a provision allowing the Board to impose a fee that amounts to more than a de minimis penalty.

(e) A provision that the Board shall, after making a reasonable effort to contact the purchaser, report any money that has been deposited under a prepaid tuition contract that has not been terminated and has not been used within a specified period to the State Treasurer for proper disposition.

(f) The number of semesters for which the purchaser is contracting.

(g) A provision that money paid into the Trust Fund under a prepaid tuition contract may be applied toward tuition *for an undergraduate degree* at:

(1) A university, state college or community college that is a member of the System;

(2) An accredited college or university in this State that is not a member of the System; or

(3) An accredited community college, college or university in another state.

↪ Payments authorized pursuant to subparagraph (2) or (3) must not exceed the projected highest payment for tuition for the current academic year at a university that is a member of the System.

(h) *A provision that any money under a prepaid tuition contract that is remaining after a qualified beneficiary has graduated with an undergraduate degree may be applied toward tuition for graduate-level studies at:*

(1) *A university, state college or community college that is a member of the System;*

(2) *An accredited college or university in this State that is not a member of the System; or*

(3) *An accredited community college, college or university in another state.*

↪ *Payments authorized pursuant to this paragraph may not exceed the total amount payable under the prepaid tuition contract of the qualified beneficiary.*

(i) Any other term or condition that the Board considers necessary or proper.

Sec. 5. NRS 353B.110 is hereby amended to read as follows:

353B.110 The Board:

1. May modify the regulations for the implementation of the Program adopted pursuant to subsection ~~{2}~~ 3 of NRS 353B.090.

2. May establish agreements to fulfill its obligations under the prepaid tuition contracts.

3. May contract for any necessary good or service, including, without limitation, the power to engage financial consultants, actuaries or legal counsel.

4. May procure insurance against any loss in connection with the property, assets or activities of the Trust Fund, the State Treasurer or the Board.

5. May solicit and accept a gift, including, without limitation, a bequeathment or other testamentary gift, grant, loan or aid from any source.

6. Shall solicit answers to requests for rulings from the Internal Revenue Service regarding the tax status of fees paid to or on behalf of a purchaser or a qualified beneficiary pursuant to a prepaid tuition contract.

Sec. 5.5. NRS 353B.160 is hereby amended to read as follows:

353B.160 1. The Board shall create a comprehensive plan that specifies the policies for investment which the State Treasurer shall follow in administrating the Trust Fund.

2. The Board may authorize the State Treasurer to invest the property of the Trust Fund in:

(a) A bond, note, certificate or other general obligation of the State of Nevada, or of a county, city, general improvement district or school district of the State of Nevada.

(b) A corporate bond of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States with a rating not lower than "A" or its equivalent by a nationally recognized rating

service. The total amount invested in such bonds must not exceed 50 percent of the book value of the total fixed income investments of the Trust Fund.

(c) Commercial paper of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States or of a wholly owned subsidiary of such a corporation with a rating not lower than "A-3" or "P-3" by a nationally recognized rating service.

(d) A bond, note, debenture or other valid obligation that is issued by the Treasury of the United States.

(e) A bond, note, debenture or other security that is issued by an agency or instrumentality of the United States or that is fully guaranteed by the United States in:

- (1) The Federal Farm Credit ~~(Bank)~~ *Banks Funding Corporation*;
- (2) The Federal National Mortgage Association;
- (3) The Federal Home Loan ~~(Bank)~~ *Banks*;
- (4) The Federal Home Loan Mortgage Corporation; or
- (5) The Government National Mortgage Association.

(f) A bond, note, debenture or other security in the Student Loan Marketing Association, regardless of whether it is guaranteed by the United States.

(g) A bond, note or other obligation issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation or Inter-American Development Bank that:

- (1) Is denominated in United States dollars;
- (2) Is a senior unsecured unsubordinated obligation;
- (3) Is purchased from a registered broker-dealer;
- (4) At the time of purchase has a remaining term to maturity of 5 years or less; and
- (5) Is rated by a nationally recognized rating service as "AA" or its equivalent, or better, except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the Trust Fund as determined at the time of purchase.

(h) A bond, note or other obligation publicly issued in the United States by a foreign financial institution, corporation or government that:

- (1) Is denominated in United States dollars;
- (2) Is a senior unsecured unsubordinated obligation;
- (3) Is registered with the United States Securities and Exchange Commission in accordance with the provisions of the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., as amended;
- (4) Is publicly traded;
- (5) Is purchased from a registered broker-dealer;
- (6) At the time of purchase has a remaining term to maturity of 5 years or less; and
- (7) Is rated by a nationally recognized rating service as "AA" or its equivalent, or better, except that investments pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the Trust Fund as determined at the time of purchase.

~~(i)~~ (i) Collateralized mortgage obligations that are rated "AAA" or its equivalent by a nationally recognized rating service.

~~(h)~~ (j) Asset-backed securities that are rated "AAA" or its equivalent by a nationally recognized rating service.

~~(g)~~ (k) Money market mutual funds that:

- (1) Are registered with the Securities and Exchange Commission;
- (2) Are rated by a nationally recognized rating service as "A" or its equivalent, or better; and
- (3) Invest only in securities issued by the Federal Government or agencies of the Federal Government or in repurchase agreements fully collateralized by such securities.

↳ The total dollar amount invested in such mutual funds must not exceed 20 percent of the total dollar amount of the Trust Fund that is invested.

~~(f)~~ (l) Common or preferred stock of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States, if:

- (1) The stock of the corporation is:
  - (I) Listed on a national stock exchange; or
  - (II) Traded in the over-the-counter market, if the price quotations for the over-the-counter stock are quoted by the National Association of Securities Dealers Automated Quotations System, NASDAQ;
- (2) The outstanding shares of the corporation have a total market value of not less than \$50,000,000;
- (3) The maximum investment in stock is not greater than 60 percent of the book value of the total investments of the Trust Fund;
- (4) Except for investments made pursuant to paragraph (m), the amount of an investment in a single corporation is not greater than 3 percent of the book value of the assets of the Trust Fund; and
- (5) Except for investments made pursuant to paragraph (m), the total amount of shares owned by the Trust Fund is not greater than 5 percent of the outstanding stock of a single corporation.

~~(e)~~ (m) A covered call or put option on securities that are traded on one or more of the regulated exchanges in the United States.

~~(d)~~ (n) A pooled or commingled real estate fund or a real estate security that is managed by a corporate trustee or by an investment advisory firm that is registered with the Securities and Exchange Commission, either of which may be retained by the Board as an investment manager. The shares and the pooled or commingled fund must be held in trust. The total book value of an investment made under this paragraph must not at any time be greater than 5 percent of the total book value of all investments of the Trust Fund.

~~(c)~~ (o) Mutual funds or common trust funds that consist of any combination of the investments listed in paragraphs (a) to ~~(d)~~ (n), inclusive.

3. The State Treasurer shall exercise the standard of care in investing the property of the Trust Fund that a person of prudence, discretion and intelligence would exercise in the management of his or her own affairs, given

the prevailing circumstances, not in regard to speculation but rather to the permanent disposition of the property, considering the potential income from and the probable safety of his or her capital.

4. Subject to the terms, conditions, limitations and restrictions set forth in this section, the State Treasurer may sell, assign, transfer or dispose of the property and investments of the Trust Fund upon the approval of a majority of the Board.

5. The assets of the Trust Fund:

(a) Must be maintained, invested and expended solely for the purposes of NRS 353B.010 to 353B.190, inclusive; and

(b) Must not be loaned, transferred or otherwise used for a purpose other than the purposes of NRS 353B.010 to 353B.190, inclusive.

6. The State Treasurer shall credit any income derived from an investment or a gain from a sale or exchange of an investment to the Trust Fund.

7. The State Treasurer shall acquire each investment for the Trust Fund at a price not to exceed the prevailing market value for such an investment.

8. Each investment in the Trust Fund must be clearly marked to indicate ownership by the Trust Fund.

9. The State Treasurer, an employee of the State Treasurer, or a member or employee of the Board shall not:

(a) Have a direct or indirect interest in the income, gain or profit of an investment that the State Treasurer makes;

(b) Receive pay or emolument for his or her services in connection with an investment that the State Treasurer makes; or

(c) Become an endorser, surety or obligor for money that is borrowed from the Trust Fund.

10. If the annual actuarial study performed pursuant to NRS 353B.190 reveals that there is insufficient money to ensure the actuarial soundness of the Trust Fund, the Board shall modify the terms of subsequent prepaid tuition contracts.

11. The terms, conditions, limitations and restrictions regarding investments of the Trust Fund listed in this section apply only at the time an investment is originally acquired and must not be construed to require the liquidation of an investment at any time.

Sec. 6. NRS 353B.310 is hereby amended to read as follows:

353B.310 1. The ~~{State Treasurer}~~ Board shall adopt regulations to establish and carry out the Nevada College Savings Program, which must comply with the requirements of a qualified state tuition program pursuant to 26 U.S.C. § 529.

2. The regulations must be consistent with the provisions of the Internal Revenue Code set forth in Title 26 of the United States Code, and the regulations adopted pursuant thereto, to ensure that the Nevada College Savings Program meets all criteria for federal tax-deferred or tax-exempt benefits, or both.

3. The regulations must provide for the use of savings trust agreements and savings trust accounts to apply distributions toward qualified higher education expenses at eligible educational institutions in accordance with 26 U.S.C. § 529.

4. The regulations must set forth requirements for a payment received by the Trust Fund as a matching contribution made as described in NRS 363A.137 or 363B.117 to be credited to the savings trust account to which the contribution was made.

5. The regulations may include any other provisions not inconsistent with federal law that the ~~State Treasurer~~ Board determines are necessary for the efficient and effective administration of the Nevada College Savings Program and the Trust Fund.

Sec. 7. 1. On or before October 1, 2017, the Board of Trustees of the College Savings Plans of Nevada created by NRS 353B.005 shall amend the master agreement for the Nevada Higher Education Prepaid Tuition Program created in accordance with regulations adopted pursuant to NRS 353B.090, as amended by section 3 of this act, to authorize, pursuant to NRS 353B.090, as amended by section 3 of this act, the application of any money paid into the Nevada Higher Education Prepaid Tuition Trust Fund created pursuant to NRS 353B.140 under a prepaid tuition contract that is remaining after a qualified beneficiary has graduated with an undergraduate degree toward tuition for graduate-level studies by the qualified beneficiary at:

(a) A university, state college or community college that is a member of the System;

(b) An accredited college or university in this State that is not a member of the System; or

(c) An accredited community college, college or university in another state.

2. As used in this section:

(a) "Prepaid tuition contract" has the meaning ascribed to it in NRS 353B.030.

(b) "Qualified beneficiary" has the meaning ascribed to it in NRS 353B.050.

(c) "System" has the meaning ascribed to it in NRS 353B.004.

Sec. 8. Notwithstanding the amendatory provisions of this act transferring authority to adopt regulations from the State Treasurer to the Board of Trustees of the College Savings Plans of Nevada, any regulations adopted by the State Treasurer pursuant to NRS 353B.310 before July 1, 2017, remain in effect and may be enforced by the Board or the State Treasurer, as applicable, until the Board adopts regulations to repeal or replace those regulations.

Sec. 9. This act becomes effective on July 1, 2017.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 117 to Senate Bill No. 242 allows additional investment options for the Prepaid Tuition Trust Fund.



Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 312.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 168.

SUMMARY—Revises provisions relating to driving under certain conditions. (BDR 43-94)

AN ACT relating to drivers; revising the duties of a driver upon approaching or being approached by certain emergency vehicles and other vehicles displaying flashing lights; revising the duties of a law enforcement officer upon finding certain unattended or disabled vehicles or property; revising the duties of a driver upon approaching a traffic incident; revising the duties of the driver of a vehicle that crashes and causes only property damage to a vehicle or other property; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, upon the immediate approach of an authorized emergency vehicle or an official vehicle of a regulatory agency making use of flashing lights, the driver of every other vehicle is required to yield the right-of-way and immediately pull over ~~(as far)~~ to the right-hand edge or curb of the road and stop until the emergency vehicle or official vehicle has passed. (NRS 484B.267) Section 1 of this bill provides that, upon approaching such an emergency vehicle or official vehicle which is moving or preparing to move in any direction and making use of flashing lights, a driver shall: (1) decrease the speed of his or her vehicle; (2) proceed with caution; (3) prepare to stop; (4) not drive abreast of or overtake the emergency vehicle or official vehicle if it is moving or preparing to move in the same direction as the driver; and (5) if possible, drive in a lane that is not adjacent to the lane the emergency vehicle or official vehicle is in. Existing law makes a violation of these provisions a misdemeanor. (NRS 484A.900)

Under existing law, when a police officer finds an unattended or disabled vehicle upon a highway, bridge or causeway, or in any tunnel, where the vehicle constitutes an obstruction to traffic or interferes with the normal flow of traffic, the officer may provide for the immediate removal of the vehicle. (NRS 484B.443) Section 2 of this bill ~~requires~~ authorizes a law enforcement officer or the law enforcement agency employing the officer to provide for the immediate removal of the vehicle ~~(=)~~ and ~~also requires the officer to provide~~ for the immediate removal of any spilled cargo of a vehicle or other property that is obstructing traffic, interfering with the normal flow of traffic or otherwise endangering public safety. Section 2 also provides that a law enforcement officer , the law enforcement agency employing the officer, a unified command or a tow car operator who provides for the removal: (1) is

not liable for any damage to the vehicle, cargo or property that results from the removal; and (2) must make a reasonable attempt to notify the owner of the vehicle, cargo or property if the owner is not present at the time of removal. Section 2 also provides that the costs of the removal must be borne by the owner of the vehicle, cargo or property.

Existing law imposes certain duties upon the driver of a vehicle which is approaching an authorized emergency vehicle or tow car which is stopped and making use of flashing lights. (NRS 484B.607) Those duties include: (1) decreasing the speed of the vehicle; (2) proceeding with caution; (3) preparing to stop; and (4) if possible, driving in a lane that is not adjacent to the lane in which the emergency vehicle or tow car is stopped. A violation of those duties is a misdemeanor. (NRS 484A.900) Section 4 of this bill imposes those duties upon a driver when approaching any traffic incident, and defines "traffic incident" to mean any vehicle, person, condition or other traffic hazard which is located on or near a roadway and which poses a danger to the flow of traffic or to a person involved in, responding to or assisting with the traffic hazard.

Existing law requires the driver of any vehicle involved in a crash resulting in only damage to a vehicle or other property which is driven or attended by another person to: (1) stop his or her vehicle immediately at the scene of the crash; (2) as soon as reasonably practicable, if the driver's vehicle is obstructing traffic and can be moved safely, move the vehicle to a location nearby that does not obstruct traffic; and (3) remain at the scene and provide certain required information to the other party involved in the crash and any police officer at the scene. (NRS 484E.020, 484E.030) Existing law makes a violation of these provisions a misdemeanor. (NRS 484A.900) Section 5 of this bill provides that the driver's vehicle must be moved if it is able to be moved and is creating a hazard or obstructing traffic and must be moved out of the traffic lanes of the roadway to a safe location that does not create a hazard or obstruct traffic.

Existing law requires a driver of any vehicle involved in a crash with any vehicle or property which is unattended, resulting in damage to the other vehicle or property, to stop immediately and locate and notify the owner of the vehicle or property of the driver's name and address, or attach securely in a conspicuous place on the vehicle or property the name and address of the driver whose vehicle struck the vehicle or property. (NRS 484E.040) Existing law makes a violation of these provisions a misdemeanor. (NRS 484A.900) Section 6 of this bill imposes the same revised requirements set forth in section 5 for moving the driver's vehicle so as not to create a hazard or obstruct traffic upon the driver of a vehicle that crashes into an unattended vehicle or unattended property.

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

Section 1. NRS 484B.267 is hereby amended to read as follows:

484B.267 1. Upon the immediate approach of an authorized emergency

vehicle or an official vehicle of a regulatory agency, making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle or official vehicle has passed, except when otherwise directed by a ~~police~~ law enforcement officer.

2. *Upon approaching an authorized emergency vehicle or an official vehicle of a regulatory agency which is moving or preparing to move in any direction, including, without limitation, arriving at or leaving the scene of a crash or other incident, and making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of any other vehicle shall, except when otherwise directed by a law enforcement officer:*

(a) *Decrease the speed of his or her vehicle to a speed that is reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600;*

(b) *Proceed with caution;*

(c) *Be prepared to stop;*

(d) *If the authorized emergency vehicle or official vehicle of a regulatory agency is moving in the same direction of travel as the driver, not drive abreast of or overtake the authorized emergency vehicle or official vehicle of a regulatory agency;*

(e) *If possible, drive in a lane that is not adjacent to the lane in which the authorized emergency vehicle or official vehicle of a regulatory agency is moving, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible; and*

(f) *If the authorized emergency vehicle or official vehicle of a regulatory agency:*

(1) *Approaches the driver's vehicle, proceed as required pursuant to subsection 1; or*

(2) *Stops, proceed as required pursuant to NRS 484B.607.*

3. *As used in this section, "preparing to move" means any indication that is visible to an approaching driver that an authorized emergency vehicle or an official vehicle of a regulatory agency is about to move, including, without limitation:*

(a) *A movement of the vehicle; or*

(b) ~~*The turning of the front wheels of the vehicle;*~~

~~(c) *The activation of the directional signals on the vehicle;*~~

~~(d) *The use of hand signals by the driver of the vehicle; or*~~

~~(e) *The driver of the vehicle looking from side to side as if checking for traffic.*~~

Sec. 2. NRS 484B.443 is hereby amended to read as follows:

484B.443 1. ~~Whenever~~ *Except as otherwise provided in subsection 2, whenever any ~~police~~ law enforcement officer finds a vehicle standing upon a highway in violation of any of the provisions of chapters 484A to 484E, inclusive, of NRS, the officer may move the vehicle, or require the driver or*

person in charge of the vehicle to move it, to a position off the paved, improved or main-traveled part of the highway.

2. Whenever any ~~police~~ law enforcement officer finds a vehicle , the cargo of a vehicle or other property unattended , ~~or~~ disabled or spilled upon any highway, bridge or causeway, or in any tunnel, where the vehicle , cargo or property constitutes an obstruction to traffic , ~~or~~ interferes with the normal flow of traffic ~~or~~ otherwise endangers public safety, the officer or the law enforcement agency employing the officer, in coordination with unified command, if applicable, may ~~shall~~ provide for the immediate removal of the vehicle ~~or~~ , cargo or property to a position where the vehicle, cargo or property no longer constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety.

3. ~~Any police~~ Except as otherwise provided in subsection 2, any law enforcement officer may, subject to the requirements of subsection 4, remove any vehicle or part of a vehicle found on the highway, or cause it to be removed, to a garage or other place of safekeeping if:

(a) The vehicle has been involved in a crash and is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(b) The person driving or in actual physical control of the vehicle is arrested for any alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; or

(c) The person in charge of the vehicle is unable to provide for its custody or removal within:

(1) Twenty-four hours after abandoning the vehicle on any freeway, United States highway or other primary arterial highway.

(2) Seventy-two hours after abandoning the vehicle on any other highway.

4. Unless a different course of action is necessary to preserve evidence of a criminal offense, a ~~police~~ law enforcement officer who wishes to have a vehicle or part of a vehicle removed from a highway pursuant to subsection 3 shall, in accordance with any applicable protocol such as a rotational schedule regarding the selection and use of towing services, cause the vehicle or part of a vehicle to be removed by a tow car operator. The tow car operator shall, to the extent practicable and using the shortest and most direct route, remove the vehicle or part of a vehicle to the garage of the tow car operator unless directed otherwise by the ~~police~~ officer. The tow car operator is liable for any loss of or damage to the vehicle or its contents that occurs while the vehicle is in the possession or control of the tow car operator.

5. A person or entity, including a law enforcement officer, the law enforcement agency employing the law enforcement officer, unified command or a tow car operator who provides for the removal of a vehicle, the cargo of a vehicle or other property pursuant to subsection 2:

(a) Is not liable for any loss of or damage to the vehicle, the contents of the vehicle, the cargo or the property that is removed; and

(b) Must make a reasonable attempt, as soon as practicable, to notify the owner of the vehicle, cargo or property as to the location of the vehicle, cargo or property if the owner of the vehicle or property is not present at the time of removal and the owner of the vehicle, cargo or property is ascertainable by the officer.

6. All costs incurred under the provisions of subsection 2 must be borne by the owner of the vehicle, cargo or property.

7. As used in this section:

(a) "Traffic incident" has the meaning ascribed to it in NRS 484B.607.

(b) "Unified command" means a group of law enforcement officers or other persons organized to provide a coordinated response to a traffic incident which requires two or more responding entities within a jurisdiction or which requires responding entities from two or more jurisdictions. The responding entities may include, without limitation, police, fire or emergency medical personnel, a tow car operator, or a state or local governmental entity responsible for roadway or other infrastructure repair or maintenance.

Sec. 3. NRS 484B.447 is hereby amended to read as follows:

484B.447 Whenever any ~~{police}~~ law enforcement officer provides for the removal of any vehicle pursuant to NRS 484B.443 and has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, the ~~{police}~~ officer shall take such steps as may be required by law and reasonably necessary to preserve the evidence, including but not limited to safe storage, until the evidence is released to the owner or otherwise disposed of according to law.

Sec. 4. NRS 484B.607 is hereby amended to read as follows:

484B.607 1. Upon approaching ~~{an authorized emergency vehicle which is stopped and is making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480 or a tow car which is stopped and is making use of flashing amber warning lights meeting the requirements of NRS 484B.748,}~~ any traffic incident, the driver of the approaching vehicle shall, in the absence of other direction given by a ~~{peace}~~ law enforcement officer:

(a) Decrease the speed of the vehicle to a speed that is ~~{-~~  
~~{(1) Reasonable}~~ reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600; ~~{and~~

~~{(2) Less than the posted speed limit, if a speed limit has been posted;}~~

(b) Proceed with caution;

(c) Be prepared to stop; and

(d) If possible, drive in a lane that is not adjacent to the lane ~~{in which the emergency vehicle or tow car is stopped,}~~ or lanes where the traffic incident is located unless roadway, traffic, weather or other conditions make doing so unsafe or impossible.

2. A person who violates subsection 1 is guilty of a misdemeanor.

3. *As used in this section, "traffic incident" means any vehicle, person, condition or other traffic hazard which is located on or near a roadway and which poses a danger to the flow of traffic or to a person involved in, responding to or assisting with the traffic hazard. The term includes, without limitation:*

*(a) An authorized emergency vehicle which is stopped and is making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480;*

*(b) A tow car which is stopped and is making use of flashing amber warning lights meeting the requirements of NRS 484B.748;*

*(c) An authorized vehicle used by the Department of Transportation which is stopped or moving at a speed slower than the normal flow of traffic and which is making use of flashing amber warning lights meeting the requirements of subsection 1 of NRS 484D.185 or lamps that emit nonflashing blue light meeting the requirements of NRS 484D. 200;*

*(d) A public utility vehicle which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.195;*

*(e) An authorized vehicle of a local governmental agency which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.185;*

*(f) Any vehicle which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.185;*

*(g) A crash scene;*

*(h) A stalled vehicle;*

*(i) Debris on the roadway; or*

*(j) A person who is out of his or her vehicle attending to a repair of the vehicle.*

Sec. 5. NRS 484E.020 is hereby amended to read as follows:

484E.020 The driver of any vehicle involved in a crash resulting only in damage to a vehicle or other property which is driven or attended by any person shall:

1. Immediately stop his or her vehicle at the scene of the crash; and

2. ~~{As soon as reasonably practicable, if}~~ *If the driver's vehicle is creating a hazard or obstructing traffic and can be moved safely, move the vehicle or cause the vehicle to be moved out of the traffic lanes of the roadway to a safe location [as close thereto as possible] that does not create a hazard or obstruct traffic and [return to and remain at the scene of the crash until the driver has fulfilled], if applicable, safely fulfill the requirements of NRS 484E.030.*

Sec. 6. NRS 484E.040 is hereby amended to read as follows:

484E.040 ~~{The}~~

1. *Except as otherwise provided in subsection 2, the driver of any vehicle which is involved in a crash with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall*

immediately stop and shall then and there locate and notify the operator or owner of such vehicle or other property of the name and address of the driver and owner of the vehicle striking the unattended vehicle or other property or shall attach securely in a conspicuous place in or on such vehicle or property a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking.

2. *If the vehicle of a driver involved in a crash pursuant to subsection 1 is creating a hazard or obstructing traffic and can be moved safely, the driver shall, before meeting the requirements of subsection 1, move the vehicle or cause the vehicle to be moved out of the traffic lanes of the roadway to a safe location that does not create a hazard or obstruct traffic and minimizes interference with the free movement of traffic.*

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Amendment No. 168 to Senate Bill No. 312 changes the word "shall" back to "may" in relation to providing for the immediate removal of an unattended or disabled vehicle or spilled cargo. This amendment also simplifies the definition of "preparing to move" and defines "unified command."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 318.

Bill read second time and ordered to third reading.

Senate Bill No. 326.

Bill read second time and ordered to third reading.

Senate Bill No. 355.

Bill read second time and ordered to third reading.

Senate Bill No. 388.

Bill read second time and ordered to third reading.

Senate Bill No. 510.

Bill read second time and ordered to third reading.

Senate Bill No. 518.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 182.

SUMMARY—Revises provisions relating to certain accounts used for the education of pupils enrolled in public schools. (BDR 34-1094)

AN ACT relating to education; ~~abolishing the Account for Programs for Innovation and the Prevention of Remediation; providing for the transfer of money appropriated to the Account to other accounts;~~ removing the provision authorizing interest and income on money earned in the Contingency Account for Special Education Services to be credited to the Account; and providing other matters properly relating thereto.

## Legislative Counsel's Digest:

Existing law creates the Contingency Account for Special Education Services in the State General Fund and requires that interest and income earned on money in the Account be credited to the Account. (NRS 388.5243) ~~[Section 1 of this bill]~~ This bill removes the provision authorizing such a credit to the Account.

~~[Existing law creates the Account for Programs for Innovation and the Prevention of Remediation. (NRS 387.1247) Section 5 of this bill abolishes the Account. Section 4 of this bill provides for the transfer of any money remaining in the Account to various other accounts. Sections 2 and 3 of this bill make conforming changes.]~~

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

Section 1. NRS 388.5243 is hereby amended to read as follows:

388.5243 1. The Contingency Account for Special Education Services is hereby created in the State General Fund to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with this section.

2. ~~{The interest and income earned on the sum of:~~

~~—(a) The money in the Account; and~~  
~~—(b) Unexpended appropriations made to the Account from the State General Fund, must be credited to the Account.} Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.~~

3. The money in the Account may only be used for public schools and public education, as authorized by the Legislature.

4. ~~#3.~~ The State Board shall adopt regulations for the application, approval and disbursement of money commencing with the 2016-2017 school year to reimburse school districts and charter schools for extraordinary program expenses and related services which:

(a) Are not ordinarily present in the typical special education service and delivery system at a public school;

(b) Are associated with the implementation of the individualized education program of a pupil with significant disabilities, as defined by the State Board, to provide an appropriate education in the least restrictive environment; and

(c) The costs of which exceed the total funding available to the school district or charter school for the pupil.

Sec. 2. ~~[Section 1 of the Zoom Schools Act, being chapter 335, Statutes of Nevada 2015, at page 1870, is hereby amended to read as follows:~~

~~Section 1. 1. The Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall identify the elementary schools within the School District to~~



~~operate as Zoom elementary schools based upon which elementary schools within the School District.~~

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

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

~~—2. The Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall distribute the money [appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247] in the Other State Education Programs Account in the State General Fund for each Zoom elementary school of those school districts to:~~

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

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

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

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

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

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

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

~~—3. A Zoom elementary school that receives money pursuant to subsection 2 shall offer each of the programs and services prescribed in paragraphs (a) to (g), inclusive, of that subsection so that the Zoom elementary school may offer a comprehensive package of programs and services for pupils who are limited English proficient. A Zoom elementary school shall not use the money for any other purpose or use more than 2 percent of the money for the purposes described in paragraphs (e), (f) and (g) of subsection 2.~~

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

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

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

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

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

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

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

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

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

~~—(c) Provide for an extended school day;~~

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

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

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

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

~~—(h) Provide other evidence based programs and services that are approved by the Department of Education and that are designed to meet~~

~~the specific needs of pupils enrolled in the school who are limited English proficient.~~

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

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

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

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

~~— 8. From the money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools or charter schools or school districts other than the Clark County School District or Washoe County School District, the Department of Education shall provide grants of money to the sponsors of such charter schools and the school districts. The sponsor of such a charter school and the board of trustees of such a school district may submit an application to the Department on a form prescribed by the Department that includes, without limitation:~~

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

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

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

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

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

~~— (4) The provision of programs and services for pupils who are limited English proficient, free of charge, before and after school, during the summer or intersession for those schools that do not operate~~

~~on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;~~

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

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

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

~~—9. The Department of Education shall award grants of money to school districts and the sponsors of charter schools that submit applications pursuant to subsection 8 based upon the number of pupils enrolled in each such school district or charter school, as applicable, who are limited English proficient or eligible for designation as limited English proficient, and not on a competitive basis.~~

~~—10. A school district and a sponsor of a charter school that receives a grant of money pursuant to subsection 8:~~

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

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

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

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

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

~~—12. The State Board of Education shall prescribe:~~

~~—(a) A list of recruitment and retention incentives for the school districts and the sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel pursuant to paragraph (f) of subsection 2, paragraph (f) of subsection 6 and subparagraph (6) of paragraph (b) of subsection 8; and~~

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

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

~~—(a) The number of children who participated;~~

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

~~—(c) To the extent that a valid comparison may be established, a comparison of the academic achievement and growth in the subject areas of English language arts and mathematics of children who participated in the programs and services to other children who are limited English proficient or eligible for such a designation who did not participate in the programs and services.~~

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

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

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

~~—(b) How much money each such school received.~~

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

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

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

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

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

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

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

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

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

~~—(2) Whether a school district or charter school was notified that it was not implementing the programs and services for which it received money pursuant to this section in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board of Education pursuant to subsection 13 and the status of such a school district or charter school, if any, in complying with a plan for corrective action; and~~

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

~~—16. The annual report prepared by the Clark County School District and the Washoe County School District pursuant to subsection 15 must be submitted to the Department of Education on or before June 1, 2016,~~

~~and January 16, 2017, respectively. The Department shall submit the information reported by those school districts and the information prepared by the Department pursuant to subsection 15:~~

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

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

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

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

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

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

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

~~—18. The money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools:~~

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

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

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

~~—19. Upon request of the Legislative Commission, the Clark County School District and the Washoe County School District shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money distributed by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools.~~

~~—20. As used in this section:~~

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

~~—(b) "Probationary employee" has the meaning ascribed to it in NRS 391.650.† (Deleted by amendment.)~~

Sec. 3. ~~{Section 2 of the Victory Schools Act, being chapter 389, Statutes of Nevada 2015, at page 2149, is hereby amended to read as follows:~~

~~—Sec. 2. 1. The Department of Education shall designate a public school as a Victory school if, relative to other public schools, including charter schools, that are located in the school district in which the school is also located:~~

~~—(a) A high percentage of pupils enrolled in the school live in households that have household incomes that are less than the federally designated level signifying poverty, based on the most recent data compiled by the Bureau of the Census of the United States Department of Commerce; and~~

~~—(b) The school received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools, for the immediately preceding school year.~~

~~—2. The Department shall designate each Victory school for the 2015-2016 Fiscal Year on or before June 1, 2015.~~

~~—3. The Department shall transfer money from the [Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247] *Other State Education Programs Account in the State General Fund* to each school district in which a Victory school is designated and each sponsor of a charter school that is designated as a Victory school on a per pupil basis. The amount distributed per pupil must be determined by dividing the amount of money appropriated to the Account by the 2015 Legislature for Victory schools by the total number of pupils who are enrolled in Victory schools statewide. After receiving money from the Account pursuant to this subsection:~~

~~—(a) A school district shall distribute the money to each Victory school in the school district on a per pupil basis.~~

~~—(b) A sponsor of a charter school shall distribute the money to each Victory school that it sponsors on a per pupil basis.~~

~~—4. The board of trustees of each school district in which a Victory school is located and the governing body of each charter school that is designated as a Victory school shall, as soon as practicable after the school is designated as a Victory school, conduct an assessment of the needs of pupils that attend the school. The assessment must include soliciting input from the community served by the Victory school and identify any barriers to improving pupil achievement and school performance and strategies to meet the needs of pupils at the school.~~

~~—5. Except as otherwise provided in subsection 7, on or before August 15, 2015, the board of trustees of each school district in which a Victory school is designated for the 2015-2016 Fiscal Year and the governing body of each charter school that is designated as a Victory school for the 2015-2016 Fiscal Year shall submit to the Department a comprehensive plan for meeting the educational needs of pupils~~



~~enrolled in each Victory school. The board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall select at least one person who is familiar with the public schools in the school district or with the charter school, respectively, to assist with the development of the plan. The plan must:~~

~~—(a) Include appropriate means to determine the effectiveness of the plan;~~

~~—(b) Be based on the assessment of the needs of the pupils who attend the school conducted pursuant to subsection 4;~~

~~—(c) Analyze available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and other pupil achievement data collected and maintained by the school district or charter school;~~

~~—(d) Include a description of the criteria used to select entities to provide programs and services to pupils enrolled in the Victory school;~~

~~—(e) Include a description of the manner in which the school district or governing body will collaborate with selected entities so that academic programs and services and nonacademic programs and services, including, without limitation, transportation services, may be offered without charge to support pupils and their families within the region in which the school is located;~~

~~—(f) Take into account the number and types of pupils who attend the school and the locations where such pupils reside;~~

~~—(g) Provide for the coordination of the existing or planned engagement of other persons who provide services in the region in which the school is located;~~

~~—(h) Coordinate all funding available to each school that is subject to the plan;~~

~~—(i) Provide for the coordination of all available resources to each school that is subject to the plan, including, without limitation, instructional materials and textbooks;~~

~~—(j) Identify, for each school or group of schools subject to the plan, which of the measures described in subsection 8 will be implemented; and~~

~~—(k) Identify the person or persons selected pursuant to this subsection who assisted with the development of the plan.~~

~~6. The Department shall review each plan submitted pursuant to subsection 5 to determine whether, or the extent to which, the plan complies with the requirements of this section and either approve or request revisions to the plan.~~

~~7. If the board of trustees of a school district in which a Victory school is designated or the governing body of a charter school that is designated as a Victory school does not submit a comprehensive plan~~

~~for meeting the educational needs of pupils enrolled in each Victory school on or before August 15, 2015, as required pursuant to subsection 5, the board of trustees of the school district or the governing body of the charter school, as applicable, may submit to the Department a letter of intent to meet the educational needs of pupils enrolled in each Victory school. The letter must include, without limitation:~~

~~—(a) An initial assessment of the needs of the pupils who attend the school which is conducted pursuant to subsection 4;~~

~~—(b) An analysis of available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and data collected and maintained by the school district or charter school; and~~

~~—(c) A summary of activities that the board of trustees or governing body, as applicable, will take to ensure completion of the comprehensive plan required pursuant to subsection 5 by not later than September 15, 2015.~~

~~—8. A Victory school shall use the majority of the money distributed pursuant to subsection 3 to provide one or more of the following:~~

~~—(a) A prekindergarten program free of charge, if such a program is not paid for by another grant;~~

~~—(b) An expansion of full day kindergarten classes, if such classes have not otherwise been paid for through legislative appropriation;~~

~~—(c) A summer academy or other instruction for pupils free of charge at times during the year when school is not in session;~~

~~—(d) Additional instruction or other learning opportunities free of charge at times of day when school is not in session;~~

~~—(e) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of pupils similar to those served by the school;~~

~~—(f) Incentives for hiring and retaining teachers and other licensed educational personnel who provide any of the programs or services set forth in this subsection from the list prescribed by the State Board of Education pursuant to subsection 14;~~

~~—(g) Employment of paraprofessionals, other educational personnel and other persons who provide any of the programs or services set forth in this subsection;~~

~~—(h) Reading skills centers;~~

~~—9. A Victory school may use any money distributed pursuant to subsection 3 that is not used for the purposes described in subsection 8 to:~~

~~—(a) Provide evidence based social, psychological or health care services to pupils and their families, including, without limitation, wrap-around services;~~

~~—(b) Provide programs and services designed to engage parents and families;~~

~~—(c) Provide programs to improve school climate and culture;~~

~~—(d) Provide evidence-based programs and services specifically designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4; or~~

~~—(e) Any combination thereof.~~

~~—10. A Victory school shall not use any money distributed pursuant to subsection 3 for a purpose not described in subsection 8 or 9.~~

~~—11. Any programs offered at a Victory school pursuant to subsection 8 or 9 must:~~

~~—(a) Be designed to meet the needs of pupils at the school, as determined using the assessment conducted pursuant to subsection 4 and to improve pupil achievement and school performance, as determined using the measures prescribed by the State Board of Education; and~~

~~—(b) Be based on scientific research concerning effective practices to increase the achievement of pupils who live in poverty.~~

~~—12. Each plan to improve the achievement of pupils enrolled in a Victory school that is prepared by the principal of the school pursuant to NRS 385A.650 must describe how the school will use the money distributed pursuant to subsection 3 to meet the needs of pupils who attend the school, as determined using the assessment described in subsection 4 and the requirements of this section.~~

~~—13. The Department shall contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this section. The evaluation must include, without limitation, consideration of the achievement of pupils who have participated in such programs and received such services. When complete, the evaluation must be provided contemporaneously to the Department and the Legislative Committee on Education.~~

~~—14. The State Board of Education shall prescribe a list of recruitment and retention incentives that are available to the school districts and sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel.~~

~~—15. The State Board shall require a Victory school to take corrective action if pupil achievement and school performance at the school are unsatisfactory, as determined by the State Board. If unsatisfactory pupil achievement and school performance continue, the State Board may direct the Department to withhold any additional money that would otherwise be distributed pursuant to this section.~~

~~—16. On or before November 30, 2016, and November 30, 2017, the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is~~

~~designated as a Victory school shall submit to the Department and to the Legislative Committee on Education a report, which must include, without limitation:~~

- ~~—(a) An identification of schools to which money was distributed pursuant to subsection 3 for the previous fiscal year;~~
- ~~—(b) The amount of money distributed to each such school;~~
- ~~—(c) A description of the programs or services for which the money was used;~~
- ~~—(d) The number of pupils who participated in such programs or received such services;~~
- ~~—(e) The average expenditure per pupil for each program or service that was funded; and~~
- ~~—(f) Recommendations concerning the manner in which the average expenditure per pupil reported pursuant to paragraph (e) may be used to determine formulas for allocating money from the State Distributive School Account in the State General Fund.~~

~~—17. The Legislative Committee on Education shall consider the evaluations of the independent evaluator received pursuant to subsection 13 and the reports received pursuant to subsection 16 and advise the State Board regarding any action the Committee determines appropriate for the State Board to take based upon that information. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature which may include, without limitation, recommendations for legislation.~~

~~—18. The money distributed pursuant to subsection 3:~~

- ~~—(a) Must be accounted for separately from any other money received by Victory schools and used only for the purposes specified in this section;~~
- ~~—(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and~~
- ~~—(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.~~

~~—19. Upon request of the Legislative Commission, a Victo~~

~~—20. As used in this section:~~

- ~~—(a) "Community" includes any person or governmental entity who resides or has a significant presence in the geographic area in which a school is located or who interacts with pupils and personnel at a school, and may include, without limitation, parents, businesses, nonprofit organizations, faith-based organizations, community groups, teachers, administrators and governmental entities.~~
- ~~—(b) "Evidence based programs and services" means practices, interventions and services that have been proven, through scientifically~~

~~based research, as defined in 20 U.S.C. § 7801(37), to be effective in improving outcomes for pupils when implemented with fidelity.~~

~~(c) "Victory school" means a school that is so designated by the Department pursuant to subsection 1.~~

~~(d) "Wrap around services" means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.~~

~~(Deleted by amendment.)~~

Sec. 4. ~~[The balance of any money remaining on June 30, 2017, in the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 that has not been committed for expenditure must be transferred as follows:~~

~~1. Any money appropriated to implement the Zoom schools program pursuant to section 27 of chapter 537, Statutes of Nevada 2015, at page 3750, must be transferred to the Other State Education Programs Account in the State General Fund.~~

~~2. Any money appropriated to implement the Victory schools program pursuant to section 28 of chapter 537, Statutes of Nevada 2015, at page 3751, must be transferred to the Other State Education Programs Account in the State General Fund.~~

~~3. Any money appropriated to provide financial incentives to newly hired teachers pursuant to section 33 of chapter 537, Statutes of Nevada 2015, at page 3754, must be transferred to the Other State Education Programs Account in the State General Fund.~~

~~4. Any money appropriated to provide special education services pursuant to section 38 of chapter 537, Statutes of Nevada 2015, at page 3757, must be transferred to the Contingency Account for Special Education Services created by NRS 388.5243.~~ (Deleted by amendment.)

Sec. 5. ~~[NRS 387.1247 is hereby repealed.]~~ (Deleted by amendment.)

Sec. 6. This act becomes effective on July 1, 2017.‡

~~TEXT OF REPEALED SECTION~~

~~387.1247 Creation of Account; acceptance of gifts and grants; use of money in Account.~~

~~1. The Account for Programs for Innovation and the Prevention of Remediation is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2. The interest and income earned on the sum of:~~

~~(a) The money in the Account; and~~

~~(b) Unexpended appropriations made to the Account from the State General Fund.~~

~~must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.~~

~~2. The money in the Account may only be used for public schools and public education or for any other purpose, as authorized by the Legislature.]~~

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 182 to Senate Bill No. 518 requires that any money remaining in the Contingency Account for Special Education Services, at the end of a fiscal year, be carried forward to the next fiscal year.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senator Ford announced that if there were no objections, the Senate would recess until 4:45 p.m.

Motion carried.

Senate in recess at 11:57 a.m.

#### SENATE IN SESSION

At 4:59 p.m.

President pro Tempore Denis presiding.

Quorum present.

#### WAIVERS AND EXEMPTIONS

##### NOTICE OF EXEMPTION

April 12, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 329, 449.

MARK KRMPOTIC  
*Fiscal Analysis Division*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bills Nos. 355, 510 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

Senator Woodhouse moved that Senate Bills Nos. 121, 518 be taken from the General File and re-referred to the Committee on Finance upon return from reprint.

Motion carried.

The Sergeant at Arms announced that Assemblymen McArthur and Sprinkle were at the bar of the Senate. Assemblyman Sprinkle invited the Senate to meet in Joint Session with the Assembly to hear Representative Jacky Rosen.

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

Senate in recess at 5:01 p.m.

## IN JOINT SESSION

At 5:07 p.m.

President pro Tempore Denis presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except for Assemblywoman Titus, who was excused.

Mr. President pro Tempore appointed a Committee on Escort consisting of Senator Ratti and Assemblywoman Spiegel to wait upon the Honorable Representative Jacky Rosen and escort her to the Assembly Chamber.

Representative Rosen delivered her message as follows:

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

Thank you very much. I want to say that, like all of you, Nevada is my home. It is the place that I know and love, and I am so proud to represent. I am honored to be here tonight to speak to all of you, and I want to thank you for the opportunity to address you. You know, Nevada is very unique. I think we might be the only State in the Country that brings federal elected officials to speak to the State Assembly and Senate. It is really important because there is nothing more important than the federal and state partnership in doing what we need to do to build up our State, our communities and our Country. I am very glad to be here.

I want to thank Governor Sandoval, Lieutenant Governor Hutchison, President pro Tem Denis, Speaker Frierson, Majority Leaders Ford and Benitez-Thompson, Minority Leaders, Roberson and Anderson and members of the Nevada State Assembly and Senate for inviting me to speak.

As you all know, I am new to Washington. Before my time in Congress, I worked as a systems analyst and computer programmer. You probably saw the apps. I wrote apps before they were apps, and I programmed in languages like COBOL, FORTRAN and Assembler. We have come a long way in the world today, and we are going to take Nevada even further in the worlds of technology, renewable energy and all of those kinds of things.

One of the main reasons I entered public service is for the same reason why you are all here today. You are here to help people by listening to their concerns, listening to their everyday issues, the issues that bring all of our families together around the kitchen table. In all of that, whether you are a Democrat or a Republican or an Independent, we are all part of a family; we are all part of our communities, and nothing is more important than those kitchen table conversations.

I also ran because Washington had lost focus on helping the American people and solving problems. We are in desperate need of smart solutions. Since arriving in Washington, I have seen firsthand the eroding influence of excessive partisanship, gridlock and political games. I firmly believe that anyone who holds elected office must strive to represent all of their constituents, listen to all of their concerns and put all the needs of the people, businesses and organizations that make up our communities and our State ahead of partisan interests. For me, the health and well-being of our communities, that is what comes first. The Nevada Delegation in Congress is doing its part to change the status quo in Washington; I can tell you that.

I want to thank Governor Sandoval; he came to visit us early. We held meetings individually and with all of us to talk about our shared priorities and the important ways our delegation could support and strengthen the federal and state partnership to benefit Nevadans in every single corner of our State, top to bottom, East to West. We need to do this on issues like health care, public lands and our opposition to Yucca Mountain. Many in our delegation are working on finding places for commonsense solutions instead of following the party line. We must—we absolutely must—continue that, and I think we will because of the open lines of communication and a mutual desire to leave partisan politics at the door. At the end of the day, I think we all recognize that there is no substitute for good public policy.

Washington, frankly, could learn a lot from Nevada. In the past few weeks, we have seen a terrible health care reform bill fail and the President's misguided policies, including his tax reform. All of that occurred before anyone on the other side of the aisle picked up the phone and called anybody. That is not the way we do business. I know you all get together and talk here. That is what makes Nevada great. Washington can sure use that lesson. You, our Assembly and Senate, have been able to accomplish great things this Session. You understand what some in Washington do not: that behind every issue and every problem, there are people who are impacted—those families at the kitchen table—and they need our help; they need our solutions.

We need an open and transparent system, one that focuses less on partisan ideology and division and more on finding common ground. That is why I made a firm commitment to working across the aisle. I joined a new caucus that has formed in this 115th Congress called the Problem Solvers Caucus. There are an equal amount of Democrats and Republicans; currently we have about 60. We are a new caucus. If you want to join now, you have to find a partner across the aisle, and our whole mission is to find those commonsense solutions together. We are going to be working on transportation infrastructure, things we can all agree on. We sent a letter to the President to come meet with us and talk to us. We have had many in the Cabinet already come talk to us. We are committed—the 60 of us so far, hoping to grow—to build those commonsense solutions that I know we need for our bridges, our roads, Hoover Dam, Lake Tahoe. We need those solutions.

I am very proud of the work I have done in my first few months. Just last week I introduced a bipartisan bill to support Israel, it is our strongest ally in the Middle East. We are going to accelerate the funding for its anti-missile defense systems. Following a recent wave of anti-Semitic attacks and hate crimes of all kind, across the board, leaving nobody behind, unfortunately. I joined a bipartisan taskforce to combat all hate and help introduce legislation to protect our faith-based community centers, the places where people seek refuge in their spiritual home. We need to protect those places from hateful rhetoric that has been going on across our Country for far too long.

To help serve as a backstop for dysfunction in Washington, I have also introduced a bipartisan bill to ensure that the pay for our men and women in uniform—active duty military and federal law enforcement—will continue even if Congress fails to do its job and reach a budget. We will never let our military families down. I am not going to let our first responders down. If people cannot come across the aisle, that is not the right thing to do. They are going to continue to get paid. I am very proud of that.

While I have been working hard to find bipartisan solutions, I have also made it my priority to fight for Nevada's fair share, just like all of you are doing. We need our fair share of federal funding. The Administration's budgetary guidance has included too many cuts that are lifelines to programs here in Nevada. They serve the health and well-being of all of our citizens in each and every one of the communities that you represent. From Meals on Wheels to grants that help law enforcement treat survivors of sex trafficking and domestic violence, those programs are at risk of going away. We cannot let that happen. They must be protected.

Last week, I sent a letter to the lead appropriators requesting full support for the Southern Nevada Public Lands Management Act. The administration wants to slash all of the funding that supports Lake Mead, supports fighting our wildfires as well as support for our trails, this, the beauty of Southern Nevada. I will tell you, they want to do things that will hurt Northern Nevada. From Lake Tahoe down to Lake Mead, we need to protect these federal funds that protect the natural beauty and richness of our State across the mountain ranges from the north to south.

I am going to do that, while in Washington, I want to protect what we love so dear. This law is one of the most bipartisan pieces of legislation implemented in Nevada. For 20 years, the Southern Nevada Public Lands Management Act has benefited our State, like I said, helping us manage federal lands, it has actually raised over \$3 billion from land sales and 1,200 projects have been done across the State. It has an economic impact to us as well as the beauty and spirituality that we all enjoy from our public lands.

Through land transfers, we have the revenues we need to fight wildfires and enjoy our State. They have also helped us continue to grow by spurring economic development. But, now that this critical program is in peril, it would require Nevada to find yet another way to pay for these services. I want you to know I am going to fight every single way I can to get this funding restored. I will expect no less from the federal government. I will do everything in my power to retain it.



Other incredibly important funding our local law enforcement receives is from the Department of Homeland Security. Programs such as the Urban Areas Security Initiative provide our local law enforcement divisions with the resources they need to help prevent and respond to acts of terrorism. I will do everything in my power to ensure our citizens are safe and secure and particularly, that we have the resources we need to protect our airports and our gaming industry.

The Las Vegas Strip and here in Reno are prime targets, and we need to be treated as such. I am working with my friends on the Homeland Security Committee to be sure those funding formulas are right for Nevada. These are just some of the programs the administration has proposed cutting that I am fighting to keep.

I am concerned, as many others are, about the size of our federal deficit and our national debt, but we must strike a balance. The balance has to properly prioritize our spending while providing the right oversight to ensure our citizens get good value for their taxpayer money.

There are some areas where the President's budget guidance calls for new or additional funding. One of those areas is funding for the licensing of Yucca Mountain, I am very sad to say. I have made it my priority to work across the aisle in good faith and to foster bipartisanship wherever I can, but sometimes there is no room for compromise. On this, I am going to steal a quote from Governor Sandoval: "We fight. Our delegation is proud to take a stand against our State becoming the Nation's dumping ground for nuclear waste." That is why I signed on to be an original sponsor of Representative Titus's Nuclear Waste Informed Consent Act. We will fight. We are going to prohibit dumping of nuclear waste in any state without their consent. We are going to again, write to our lead appropriators urging them to completely defund the licensing process at Yucca Mountain. Hopefully, we will move forward and decommission it altogether with a new act of Congress.

Although we are faced with these challenges in Washington, I am hopeful we are going to be able to come together and build off of the success made by this Legislature, by all of you and your hard work.

Since the start of your Session, I have been so impressed by the accomplishments that have been made that will move Nevada forward. You have been proposing plans to diversify our economy, help our small businesses grow and make our State a national leader in technology, advanced manufacturing and clean energy jobs, all while investing in our schools, protecting Nevada's heritage and promoting our values for a more open and democratic process. I applaud the long hours; I know what it takes. I applaud you all for doing the hard work that you are doing. It is so greatly appreciated.

Just as we are wrapping up and reflecting on Women's History Month, Nevada also reached an incredible milestone in advancing women's rights, taking us one step closer to full gender equality by ratifying the Equal Rights Amendment. Finally, right? Finally. It took a long time. I am proud that I signed onto a letter to extend the deadline for ratification. I remember being a young woman hoping this would go forward, and I am proud to stand here, a member of Congress today, watching that come to fruition.

This week, the Legislature made strides to continue working to bring Nevada's economy into the 21st Century. You offered initiatives that are going to help our State become a leader in renewable energy and energy efficiency. You passed legislation requiring 50 percent of the energy provided by Nevada to be renewable by 2030 and 80 percent by 2040. There is also a bill to help deliver better energy efficiency programs to low-income households saving Nevadans money across the board—money that can be spent in better ways growing our economy. I am very proud of you for doing that.

I am also happy to see Nevadans standing up to hate. I applaud the Lieutenant Governor and the legislators who introduced a bill to fight the Boycott, Divestment, Sanctions [BDS] movement. This legislation represents just one step to maintain our strong ties with Israel. I pledge that I am going to work here in Nevada and, when I return to Washington, to fight BDS and hate of any kind against any community. Wherever I find it, I am going to fight it because "Never again" for me means never again for any disenfranchised community. I stand by that; I will tell you that, my friends.

In that same vein, I need to point out an instance where I am extremely disappointed in Nevada. I believe very strongly that we as Nevadans respect our LGBTQ citizens, and we treat them as equals. I am disappointed there was not unanimous support to ban the practice of so-called gay

conversion. I cannot understand it. I challenge you all to look in your hearts and think about that one. I want to thank Senator Parks for proposing that legislation and all of you who are standing up for our LGBTQ friends, our neighbors, our family members, citizens of our State, the people that we know and love. I appreciate that.

Although we have made accomplishments, we also remember we have a lot of work to do. That is why I urge you to continue pursuing grants that will help bring money back to our State. I am happy to hear that the Office of Grant Procurement, Coordination and Management will be bringing on a full-time grant writer to help identify opportunities for our nonprofits, our faith-based organizations and other initiatives.

I am generally a really optimistic person. I am so optimistic as I look at all of you and the challenges, I like to say they are opportunities we have for our future to move our Country, our State and our communities forward. I see a strong and united Nevada when I look at this room, and we come together as a Joint Session. You have accomplished so much good. I know you have a ways to go to the finish line. I know you are going to make it. I am excited to continue to work with you on smart solutions to solve our everyday challenges. I want Nevada's voice to be heard in Congress. We may be a small State in population, but I know that together we are mighty. Our voices can be strong when we communicate, have conversations and stand together.

My office door is always open. I do not care what party you are from. I do not care if you have come from Mars. I want to hear what you have to say. I want to hear what is keeping you up at night. I want to hear what is important to you. So you call my office here; you call my office in Washington. We will have a cup of coffee and we will sit down together, because together, those voices blend to make a stronger community.

I thank you, again, for having me here today. I look forward to getting to know each and every one of you, making that very strong federal and state partnership. Together, I know we can do it.

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

Motion carried.

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

Senator Spearman moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 5:31 p.m.

#### SENATE IN SESSION

At 5:35 p.m.

President pro Tempore Denis presiding.

Quorum present.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cancela, the privilege of the floor of the Senate Chamber for this day was extended to Samantha Bivins and Rylee Taylor.

On request of Senator Denis, the privilege of the floor of the Senate Chamber for this day was extended to Kassie Antonucci, Diane Baker, Ananda Campbell-Richards, Milam Danielle, Sandy DeVaney, Dr. Ron Heezen, Stephanie Heyroth, Mark McGinty, Sheila Moulton, Cindy O, Felipe Ortiz, Englisia Parker, Phyllis Patton, Kristin Reinke, Nancy Schmidt, Jeff Scott, Enrique Valdivia, Tammy Westergard, Teresa Wilt and Jan Wolfley.

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to Olivia Hammond, Sophia Hammond and Tomas Hammond.

On request of Senator Roberson, the privilege of the floor of the Senate Chamber for this day was extended to Ankita Mirchandani, Aryan Mirchandani, Aryan Ria Mirchandani and Yash Singh.

Senator Ford moved that the Senate, in conformance with Article 4, Section 15, of the *Constitution of the State of Nevada*, with the consent of the Assembly, adjourn until Monday, April 17, 2017, at 11:00 a.m. in order to allow the Senate's Standing Committees adequate opportunity to hear Senate measures before the Committee Passage Deadline.

Motion carried.

Senate adjourned at 5:36 p.m.

Approved:

MOISES DENIS

*President pro Tempore of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*