

NEVADA LEGISLATURE

81st Session, 2021

SENATE DAILY JOURNAL

THE ELEVENTH DAY

CARSON CITY (Thursday), February 11, 2021

Senate called to order at 11:31 a.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Henderson.

Lord, I looked at my calendar this morning and was informed that it is "Don't Cry Over Spilled Milk Day"!

We ask Your help and Your strength, God, through difficult and messy times during this Legislative Session. With Your blessing, may we handle all that comes with wisdom, kindness and consideration.

In the Name of our Lord, we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

MESSAGES FROM ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 10, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 106.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Pickard has approved the addition of Senator Kieckhefer as a sponsor of Senate Bill No. 88.

Senator Ohrenschall has approved the addition of Senator Dondero Loop as a sponsor of Senate Bill No. 96.

Senator Harris has approved the addition of Senator Ohrenschall as a sponsor of Senate Bill No. 106.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Kieckhefer:

Senate Bill No. 113—AN ACT relating to crimes; defining the term “maliciously” for the purposes of the crime of arson; making various changes to the public offense of the destruction of timber, forest, crops, grass, vegetation or certain property by fire caused by gross negligence; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Goicoechea, Settlemeyer and Hansen:

Senate Bill No. 114—AN ACT relating to hemp; exempting a person who holds a permit to operate a food establishment from certain requirements relating to hemp under certain circumstances; requiring the Department of Health and Human Services to adopt certain regulations relating to food that contains hemp; authorizing a person who holds a permit to operate a food establishment to engage in certain activities related to the production and sale of food that contains hemp; prohibiting a food from being deemed to be adulterated solely because such food contains hemp; and providing other matters properly relating thereto.

Senator Goicoechea moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senator Spearman:

Senate Bill No. 115—AN ACT relating to confidential information; authorizing State Legislators to obtain court orders requiring a county assessor, a county recorder, the Secretary of State or a county or city clerk to maintain certain personal information in a confidential manner; authorizing State Legislators to request the Department of Motor Vehicles to display an alternate address on the person's driver's license, commercial driver's license or identification card; and providing other matters properly relating thereto.

Senator Spearman moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Spearman:

Senate Bill No. 116—AN ACT relating to mental health; providing for the establishment of a program to provide training concerning the identification of persons who have certain behavioral health conditions; providing for the reporting of information relating to distance education and the effects of distance education on the mental health of pupils and teachers; and providing other matters properly relating thereto.

Senator Spearman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Seevers Gansert, Buck, Denis, Hammond, Hansen, Hardy, Kieckhefer, Neal, Pickard, Settlemeyer; Assemblymen Tolles, Benitez-Thompson and Roberts:

Senate Bill No. 117—AN ACT relating to economic development; requiring the State Plan for Economic Development be updated at least once every 3 years; requiring each regional development authority to present certain information to the Executive Director of the Office of Economic Development at least every 2 years; directing the Legislative Commission to appoint a committee to conduct an interim study concerning existing abatements, tax exemptions and other incentives for economic development in this State; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Seevers Gansert, Pickard, Hardy, Buck, Dondero Loop, Goicoechea, Kieckhefer; Assemblymen Tolles, Roberts and Torres:

Senate Bill No. 118—AN ACT relating to education; establishing the Nevada First Scholars Program; requiring the Program to provide support or services to certain pupils; authorizing the Program to use money it receives from various sources for certain purposes; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Pickard, Hardy, Buck, Goicoechea, Hammond, Kieckhefer, Seevers Gansert, Settlemeyer and Assemblyman Hafén:

Senate Bill No. 119—AN ACT relating to domestic relations; creating summary procedures for the resolution of certain matters relating to permanent support and maintenance, divorce and child custody; revising provisions governing the issuance of certain orders during a suit for divorce; adding certain factors for determining child custody; revising provisions governing the relocation of a parent with his or her child; making certain terms consistent in provisions relating to child custody; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 106.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1.

SUMMARY—Revises provisions relating to certain assessments.

(BDR 34-527)

AN ACT relating to education; authorizing the Department of Education to temporarily waive or pause certain requirements related to certain examinations or assessments if the United States Department of Education has waived or paused similar requirements of federal law; providing certain exceptions to provisions that require the use of the results of an examination or assessment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law requires a state to demonstrate that the state has implemented student academic assessments in certain subjects. (20 U.S.C. § 6311(b)(2)) Under existing federal law, the Secretary of Education of the United States Department of Education may grant a request made by a state for a waiver from various statutory or regulatory requirements, including, without limitation, the requirement to implement academic assessments. (20 U.S.C. § 7861) Under existing law, the State Board of Education is required to prescribe examinations that comply with federal law to measure the achievement and proficiency of pupils. Existing law also requires the board of trustees of a school district and the governing body of a charter school to administer such examinations to pupils as prescribed by the State Board. (NRS 390.105) Section 8 of this bill authorizes the Department of Education to waive or pause the requirements of administering examinations that comply with federal law if the United States Department of Education grants a waiver from such requirements to the Department of Education or otherwise pauses the requirements of the federal law.

Existing law requires the results of the examinations to measure the achievement and proficiency of pupils and certain other information be included in the annual report of accountability prepared by the board of trustees of a school district and the annual report of accountability prepared by the State Board of Education. (NRS 385A.200, 385A.270, 385A.280, 385A.410, 385A.480, 385A.490) Section 1 of this bill eliminates the requirement to include certain information in the annual report of accountability which is based upon the results of examinations to measure the achievement and proficiency of pupils during the period of time that a waiver

or pause of such testing as provided in section 8 is effective. Existing law requires the Department of Education to use the examinations to measure the achievement and proficiency of pupils to determine the proficiency of a pupil in certain grade levels. (NRS 387.137) Under existing law, the Department is required to adopt a model to measure the achievement of pupils in certain grade levels based on the results of such examinations. (NRS 390.125) Existing law also requires the Department to take certain actions if the Department determines that an irregularity in testing administration occurred during certain school years. (NRS 390.290) Sections ~~1-7,~~ 2-7, 9 and 10 of this bill make conforming changes to comply with a waiver or pause of testing as provided in section 8.

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

Section 1. NRS 385A.200 is hereby amended to read as follows:

385A.200 ~~{The}~~

1. Except as otherwise provided in subsection 2, the annual report of accountability prepared pursuant to NRS 385A.070 must include information on pupil achievement and school performance, including, without limitation, pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The ~~{Except as otherwise provided in subsection 6 of NRS 390.105, the}~~ board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610 and shall compare the results of those examinations for the school year for which the annual report is being prepared with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations and assessments were administered:

~~1-1~~ (a) The number of pupils who took the examinations and a record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

~~2-1~~ (b) Except as otherwise provided in subsection 2 of NRS 385A.070, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

~~3-1~~ (c) A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

~~4-1~~ (d) The percentage of pupils who were not tested.

~~5-1~~ (e) Except as otherwise provided in subsection 2 of NRS 385A.070, the percentage of pupils who were not tested, reported separately by gender

and reported separately for the groups identified in the statewide system of accountability for public schools.

~~6.~~ (f) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

~~7.~~ (g) The rating of each public school in the district, including, without limitation, each charter school sponsored by the district, pursuant to the statewide system of accountability for public schools.

~~8.~~ (h) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 390.125.

~~9.~~ (i) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this ~~subsection~~ paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

~~10.~~ (j) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this ~~subsection~~ paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

2. If the Department temporarily waives or otherwise pauses the requirement to administer examinations that comply with 20 U.S.C. § 6311(b)(2) pursuant to subsection 6 of NRS 390.105, the requirement of subsection 1 to include certain information in the annual report of accountability prepared pursuant to NRS 385A.070 does not apply for the period of time that such a waiver or pause is effective.

Sec. 2. NRS 385A.270 is hereby amended to read as follows:

385A.270 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

(a) The number and percentage of pupils who are eligible for free or reduced-price breakfasts;

(b) The percentage of pupils who receive free and reduced-price breakfasts;

(c) The number and percentage of pupils who are eligible for free or reduced-price lunches;

(d) The percentage of pupils who receive free and reduced-price lunches;

(e) A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

(f) A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

- (1) Retention rates;
- (2) Graduation rates;
- (3) Dropout rates;
- (4) Grade point averages; and

(5) ~~Scores~~ *Except as otherwise provided in subsection 6 of NRS 390.105, scores on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.*

2. The State Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 3. NRS 385A.280 is hereby amended to read as follows:

385A.280 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information regarding the progression of pupils who are English learners in attaining proficiency in the English language, including, without limitation:

(a) The number and percentage of pupils who were identified as English learners at the beginning of the school year, were continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

(b) The achievement and proficiency of pupils who are English learners in comparison to the pupils who are proficient in English;

(c) A comparison of pupils who are English learners and pupils who are proficient in the English language in the following areas:

- (1) Retention rates;
- (2) Graduation rates;
- (3) Dropout rates;
- (4) Grade point averages; and

(5) ~~Scores~~ *Except as otherwise provided in subsection 6 of NRS 390.105, scores on the examinations administered pursuant to*

NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610; and

(d) Results of the assessments and reassessments of pupils who are English learners, reported separately by the primary language of the pupils, pursuant to the policy developed by the board of trustees of the school district pursuant to NRS 388.407.

2. The data reported pursuant to subparagraph (5) of paragraph (c) of subsection 1 must be reported separately:

(a) According to subject matter areas measured using the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610;

(b) For pupils who are newcomers to the English language, pupils who are short-term English learners and pupils who are long-term English learners, as designated by regulation of the State Board; and

(c) For middle schools, junior high schools and high schools, according to any identified trends in the proficiency in the English language of pupils who are English learners over the immediately preceding 3 years.

3. In addition to including the information prescribed by this section in the annual report of accountability prepared pursuant to NRS 385A.070, the board of trustees of each school district and the governing body of each charter school shall, on or before October 1 of each year:

(a) Submit a report of the information prescribed by this section to the Department of Education and the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislative Committee on Education; and

(2) In even-numbered years, the next regular session of the Legislature;

and

(b) Post the report on an Internet website maintained by the school district or charter school, as applicable.

Sec. 4. NRS 385A.410 is hereby amended to read as follows:

385A.410 ~~{The}~~ *Except as otherwise provided in subsection 6 of NRS 390.105, the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on pupil achievement and school performance, including, without limitation:*

1. Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. Except as otherwise provided in subsection 2 of NRS 385A.400, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

3. A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

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

5. Except as otherwise provided in subsection 2 of NRS 385A.400, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

6. The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

7. The rating of each public school, including, without limitation, each charter school, pursuant to the statewide system of accountability for public schools.

8. Information on whether each public school, including, without limitation, each charter school, has made progress based upon the model adopted by the Department pursuant to NRS 390.125, if applicable for the grade level of pupils enrolled at the school.

9. Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 390.830.

Sec. 5. NRS 385A.480 is hereby amended to read as follows:

385A.480 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

1. The number and percentage of pupils who are eligible for free or reduced-price breakfasts;

2. The number and percentage of pupils who receive free and reduced-price breakfasts;

3. The number and percentage of pupils who are eligible for free or reduced-price lunches;

4. The number and percentage of pupils who receive free and reduced-price lunches;

5. A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

6. A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

- (a) Retention rates;
- (b) Graduation rates;
- (c) Dropout rates;
- (d) Grade point averages; and
- (e) ~~{Scores}~~ *Except as otherwise provided in subsection 6 of NRS 390.105, scores on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.*

Sec. 6. NRS 385A.490 is hereby amended to read as follows:

385A.490 1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information regarding the progression of pupils who are English learners in attaining proficiency in the English language, including, without limitation:

(a) The number and percentage of pupils who were identified as English learners at the beginning of the school year, were continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

(b) The achievement and proficiency of pupils who are English learners in comparison to the pupils who are proficient in English;

(c) A comparison of pupils who are English learners and pupils who are proficient in the English language in the following areas:

- (1) Retention rates;
- (2) Graduation rates;
- (3) Dropout rates;
- (4) Grade point averages; and
- (5) ~~{Scores}~~ *Except as otherwise provided in subsection 6 of NRS 390.105, scores on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610; and*

(d) Results of the assessments and reassessments of pupils who are English learners, reported separately by the primary language of the pupils, pursuant

to the policies developed by the boards of trustees of school districts pursuant to NRS 388.407.

2. The data reported pursuant to subparagraph (5) of paragraph (c) of subsection 1 must be reported separately:

(a) According to subject matter areas measured using the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610;

(b) For pupils who are newcomers to the English language, pupils who are short-term English learners and pupils who are long-term English learners, as designated by regulation of the State Board; and

(c) For middle schools, junior high schools and high schools, according to any identified trends in the proficiency in the English language of pupils who are English learners over the immediately preceding 3 years.

Sec. 7. NRS 387.137 is hereby amended to read as follows:

387.137 1. To determine the proficiency of a pupil pursuant to paragraph (b) of subsection 1 of NRS 387.131, the Department shall use, for a pupil who is:

(a) An English learner in any grade, the assessment of proficiency in the English language prescribed by the State Board pursuant to NRS 390.810.

(b) In kindergarten or grade 1 or 2, the assessment implemented by the Department for those grades.

(c) In grade 3, 4, 5, 6, 7 or 8, *except as otherwise provided in subsection 6 of NRS 390.105*, the examinations administered pursuant to NRS 390.105.

(d) In grade 9 or 10, the assessment implemented by the Department for those grades.

(e) In grade 11 or 12, the college and career readiness assessment administered pursuant to NRS 390.610.

2. The Department shall, by regulation, establish a method for projecting the number of pupils who are at or below the 25th percentile for proficiency in any grade level for which an assessment identified in subsection 1 does not exist or does not provide sufficient information to identify all such pupils. Such a method may allow for the number of pupils to be projected by examining:

(a) The proficiency of pupils in nearby grade levels if an assessment for a grade level has not been fully implemented; or

(b) Information on credit deficiency for any grade in high school for which insufficient information exists to identify all such pupils.

Sec. 8. NRS 390.105 is hereby amended to read as follows:

390.105 1. ~~The~~ *Except as otherwise provided in subsection 6, the State Board shall, in consultation with the Council to Establish Academic Standards for Public Schools, prescribe examinations that comply with 20 U.S.C. § 6311(b)(2) and that measure the achievement and proficiency of pupils:*

(a) For grades 3, 4, 5, 6, 7 and 8, in the standards of content established by the Council for the subjects of English language arts and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

(c) For grades 9, 10, 11 and 12, in the standards of content established by the Council for the subjects required to comply with 20 U.S.C. § 6311(b)(2).

➔ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council to Establish Academic Standards for Public Schools, prescribe a writing examination for grades 5 and 8.

3. The Department shall ensure the availability of:

(a) The examinations prescribed pursuant to subsections 1 and 2 to pupils in any language in which those examinations are published; and

(b) Authorized supports to pupils who are English learners for the examinations prescribed pursuant to subsections 1 and 2.

4. The State Board shall prescribe:

(a) The minimum number of school days that must take place before the examinations prescribed by the State Board pursuant to subsection 1 may be administered to pupils; and

(b) The period during which the examinations prescribed by the State Board pursuant to subsection 1 must be administered.

5. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board at such times as prescribed by the State Board pursuant to subsection 4. The examinations must be:

(a) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(b) Administered in each school in accordance with the plan adopted pursuant to NRS 390.270 by the Department and with the plan adopted pursuant to NRS 390.275 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

6. *The Department may temporarily waive or otherwise pause the requirement to administer examinations that comply with 20 U.S.C. § 6311(b)(2) pursuant to this section if the United States Department of Education grants a waiver from or otherwise pauses the requirements of 20 U.S.C. § 6311(b)(2).*

Sec. 9. NRS 390.125 is hereby amended to read as follows:

390.125 1. The Department shall adopt a model to measure the achievement of pupils enrolled in grades 3 to 8, inclusive, *except as otherwise provided in subsection 6 of NRS 390.105*, based upon the results of the examinations administered pursuant to NRS 390.105. The model must be designed so that the progress of pupils enrolled in a public school may be tracked from year to year to determine whether the school has made progress in the achievement of pupils.

2. The board of trustees of each school district and the governing body of each charter school shall apply the model in the format required by the Department. The information collected must be used to determine whether individual schools have made progress in the achievement of pupils.

Sec. 10. NRS 390.290 is hereby amended to read as follows:

390.290 1. If the Department determines that:

(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 390.105;

(b) In the immediately succeeding school year ~~in~~ *in which an examination was administered pursuant to NRS 390.105*, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 390.105; and

(c) Based upon the criteria set forth in subsection 2, the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

↳ the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 390.105 or to the pupils the Department determines must take the additional administration pursuant to subsection 3. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. Except as otherwise provided in this subsection, the school district shall pay for all costs related to the administration of examinations pursuant to this subsection. If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.

2. In determining whether to require a school to provide for an additional administration of examinations pursuant to this section, the Department shall consider:

(a) The effect of each irregularity in testing administration, including, without limitation, whether the irregularity required the scores of pupils to be invalidated; and

(b) Whether sufficient time remains in the school year to provide for an additional administration of examinations.

3. If the Department determines pursuant to subsection 2 that a school must provide for an additional administration of examinations, the Department may consider whether the most recent irregularity in testing administration affected the test scores of a limited number of pupils and require the school to provide an additional administration of examinations pursuant to this section only to those pupils whose test scores were affected by the most recent irregularity.

4. The Department shall provide as many notices pursuant to this section during 1 school year as are applicable to the irregularities occurring at a school. A school shall provide for additional administrations of examinations pursuant to this section within 1 school year as applicable to the irregularities occurring at the school.

Sec. 11. 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. 12. This act becomes effective upon passage and approval.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

The amendment authorizes Nevada's Department of Education to temporarily waive or pause the requirement to include certain information based on the results of examinations measuring the achievement and proficiency of pupils in the annual report of accountability, in the event that the administration of federally required assessments is temporarily waived or paused.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Senate in recess at 11:43 a.m.

SENATE IN SESSION

At 11:50 a.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which was referred Assembly Bill No. 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS BROOKS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that all necessary rules be suspended, and that Assembly Bill No. 106, just reported out of Committee, be declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Senator Brooks.

Assembly Bill No. 106 is an urgent funding measure for small businesses in the State. We would like to process this immediately so small businesses can get their money and help keep their lights on.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 106.

Bill read third time.

Remarks by Senators Brooks, Settelmeyer, Cannizzaro, Lange, Hansen and Spearman.

SENATOR BROOKS:

Assembly Bill No. 106 makes an appropriation from the General Fund to the Governor's Office of Economic Development (GOED) in the amount of \$50 million. This appropriation must be used by GOED to provide grants for operational support to small businesses, nonprofit organizations and other similar entities that have been impacted by the COVID-19 pandemic.

The bill further requires GOED to prepare a report that details each grant made from the \$50 million. This report must be transmitted to the Interim Finance Committee on or before June 30, 2021.

Lastly, the bill prohibits any remaining balance of the \$50 million from being committed for expenditure after June 30, 2021. Any remaining money from the \$50 million must be reverted to the General Fund on or before September 17, 2021.

SENATOR SETTELMEYER:

I rise in support of Assembly Bill No. 106. It is important that we finally get these funds so they can be used for their intended purpose, which was to help our business community. These funds are not new. They date back to the previous President and have just been sitting around. This program was put forth in October. Along with my colleague from District No. 19, I assisted the Treasurer in discussing how to make the process simple and get the funds out. This program was so popular, it crashed the national ZoomGrants program system in 25 minutes. Businesses could not figure out how to get into the program and get their application completed. This program was supposed to be available for application for 2 weeks, but it was so apparent the funds would be expended, the program was shut down after only 48 hours. In that period, promises were made to allocate a total of \$100 million to these businesses at \$10,000 each. These funds were to help keep the businesses open. It is sad it took us this long to do this because many of these businesses that existed in October may not exist today. I fully support Assembly Bill No. 106, but wish it could have been done sooner. Will we open up the program again if we have extra resources?

SENATOR CANNIZZARO:

I rise in strong support of Assembly Bill No. 106. One of the reasons we are hearing this bill so early in the Legislative Session is because it is something we know is needed in our communities. It is money we were able to put together which will serve over 9,000 small businesses here in the State of Nevada. This program was originally set up so monies would go to businesses which could apply for these funds. There was such a high demand because small businesses are struggling with how to both remain open safely and keep their doors open. This is exactly the kind of measure that deserves to be in front of us in an expeditious fashion. That is one of the reasons it has so swiftly moved through both Chambers, and why we are here today so early in Session approving it.

The demand by small businesses for that program far exceeded the amount of money originally put into it. Thankfully, with the additional funds approved by Congress in the last couple of months, we were not only able to utilize the funds we had but also allocate another \$50 million for these businesses. This will serve some of the businesses that have been waiting.

Last night, during the Joint Senate Finance and Assembly Ways and Means hearing, I was struck by the ability of the Treasurer's Office, GOED, and the Governor's Office to put this program together in a swift manner and be able to get funds to small businesses without adding staff. We should be proud of that.

A couple of things are important. One of those things is ensuring these are Nevada-based businesses operating here in the State and that are ongoing in Nevada. With this step, we are making sure we are serving Nevadans, which is exactly what we have to do in the face of this pandemic. We additionally talked about the types of outreach that had occurred with not only the Chambers of Commerce throughout the State but also with our diversity Chambers. In order to add a personal touch, this additionally included the Treasurer's Office and Director Brown from the Governor's Office of Economic Development. They indicated they had been making personal phone calls to local businesses to let them know about the grants awarded and to verify what was going on in those businesses specifically so they could appropriately allocate funds. That is something that should not be discarded in passing. It is something we need in the face of this pandemic and how we successfully weather it together. That personal touch is important. I cannot thank them enough for their ability to put this program on the ground and do that.

The \$50 million we are voting on today is something that will go a long way to help many people. Last night, we heard from many small businesses that had received some of these funds. They said these funds allowed them to stay open, keep employees employed and to still be here today. This pandemic has touched each of us in some fashion and has made things exceedingly hard for small businesses. As we work together to keep each other safe in the midst of a global pandemic that is ongoing and that we face on a daily basis with loved ones who are sick or passing away, we have to take the appropriate precautions to be responsible. This is one way we can together ensure we come out of this stronger. I strongly support and urge my colleagues to support Assembly Bill No. 106.

SENATOR LANGE:

I also speak in favor of this Bill. Before I was a Senator, I worked for a small business as the operations manager for a gaming bar and tavern in Las Vegas. They were closed for 4 months due to the pandemic and now are open with decreased occupancy. They applied for one of these grants and were awarded one. I cannot tell you how relieved they were to receive \$10,000. To be 4 months behind in rent and not have any income caused them to consider closing the business, whether to keep people employed and whether to pay employees' insurance. This grant was instrumental in helping them stay open, and that is how it is for many small businesses in Nevada. I am excited there will be a second round of grants and hope, if there is more money, people can reapply. We want to help small businesses. They are important to our State. Please support Assembly Bill No. 106.

SENATOR HANSEN:

I, too, rise in strong support of Assembly Bill No. 106, although I have a slightly different take having been a member all my adult life of the small business community. The small business community in Nevada has been devastated by this shutdown, by the Governor shutting down all businesses. While I could see that as initially reasonable, the truth is we have had a top-down management system during this entire pandemic. Back when, we should have shifted the focus to allow local business communities, including small businesses, and locally elected officials on city councils and county commissions, to determine when and how businesses could be opened. The amount of \$50 million is substantial, but we need to keep in mind the gross domestic product of our State is approximately \$120 billion. Fifty million dollars is small, and too late for many businesses. As my colleague pointed out, this program was first available in October and so many small businesses were so desperate that they had to shut down the program 48 hours after opening it because of the demand for the monies. That should tell us in this Chamber that those people were desperate in October. The fact that we have sat on this \$50 million for 4 to 6 months is a bit of an embarrassment. It appears we are now going to rush out and rescue the small business community by dumping in an infusion of \$50 million while many of the small businesses are no longer in operation. They could not open because of the Governor's shutdown.

I am glad we have checks in place this time to make sure this money actually goes to Nevada businesses. When we studied the Department of Training and Rehabilitation mess, we found they estimate 50 percent of the \$8 billion pay-out was fraudulent. If you divide \$4 billion by \$50 million, how many small businesses could we help? If we had reasonable checks in place, we could have prevented that fraud. That money is now gone.

I am in favor of Assembly Bill No. 106 and urge my colleagues to support it. Before we leave this Session, we need to make sure the powers of the Executive Branch are placed under reasonable oversight by this Body. The Governor should not have the ability to dictate policy covering the entire State of Nevada. Those decisions should have been made on a local level after a reasonable period of time. Instead, we have left that power in place. If you ask the small business community what they really want, they want to make sure that in the future, if there is a similar situation, there is reasonable checks on Executive power and that local elected officials are part of the process of determining when and how to reopen their businesses. We need to look at long-term solutions rather than one-shot appropriations. Please vote for Assembly Bill No. 106. We also need to look at the bigger picture and ensure that we, as Legislators and representatives of the people of this State, have reasonable checks on Executive power.

SENATOR BROOKS:

As my colleagues from Senate District Nos. 14 and 17 have so eloquently expressed, our businesses have been devastated because of this public-health crisis. Businesses are hurting badly, and this program worked well. It got money in the hands of businesses that needed it the most and helped them weather this storm. Because of the constantly changing guidance that came out of the federal government and the last administration, up until the last week of December, the guidance on how this money could be used was changing. As a result, the only mechanism available to us to make this money available to these small businesses is additional funds here in the regular Session.

I am proud of the Legislative Counsel Bureau staff, the Assembly and the Senate. In just the second week of this Legislative Session, we have been able to get this money approved and out. I am proud that in less than 24 hours, this Senate has been able to take Assembly Bill No. 106 and approve it so we can get the money into the hands of these small businesses. This was the only avenue available to us, and I am glad everyone in this building came together, in a bipartisan manner in both Houses, to move this money to the Nevadans who need it the most.

SENATOR SPEARMAN:

I am in full support of this bill and agree with my colleague that most of the confusion we have had was because the rules were constantly changing in the last federal administration. As someone who suffered a bad episode of COVID-19, I am thankful the Governor put in place the procedures he did. There is nothing like wanting to breathe and not being able to do so. There is nothing like closing your eyes and not knowing if you will open them again. Are we seeing the COVID-19 number go down? Yes, we are. There are now people wearing masks and being vaccinated. Small businesses will have to contend with the variants of this virus.

What we are doing today is courageous, conscious and an empathetic move that acknowledges small businesses. All of us have small businesses in our districts. All of us have talked to these small businesses in our district and received emails and phone calls from them. They want to see this money coming to them. They want to make sure they are protected. Some small businesses did open their doors, and some owners did not survive COVID-19. I am glad we are taking this step today. I am glad there is a mask mandate in place, and I thank God I am not in the ICU anymore.

Roll call on Assembly Bill No. 106:

YEAS—21.

NAYS—None.

Assembly Bill No. 106 having received a constitutional majority, Madam President declared it passed.

Senator Brooks moved that all necessary rules be suspended and that the bill be immediately transmitted to the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate adjourn in memory of the victims of the Parkland school shooting and victims of gun violence until Monday, February 15, 2021, at 11:00 a.m.

Motion carried.

Senate adjourned at 12:15 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the