

ASSEMBLY BILL NO. 580—COMMITTEE ON WAYS AND MEANS

JUNE 6, 2005

Referred to Committee on Ways and Means

SUMMARY—Makes various changes relating to public administration. (BDR S-1497)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive Budget.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public administration; providing that a person who lawfully obtains custody of a child after an order for support for that child has been issued may enforce that order under certain circumstances; creating the Office of Minority Health within the Department of Human Resources; providing for the establishment of a statewide nonemergency telephone system that is accessible by dialing the digits 2-1-1; requiring the Governor to publish a Nevada Report to taxpayers on the status of the state finances; providing for the periodic review of school districts to determine whether the school districts are carrying out certain financial management principals under certain circumstances; requiring the boards of trustees of school districts to pay increased salaries to certain speech pathologists who are employed by those districts; providing various benefits for members of the Nevada National Guard who are called into active service; requiring the Director of the Department of Human Resources to include in the State Plan for Medicaid a requirement that young adults who have “aged out” of foster care are eligible for Medicaid; creating the Account for the Control of Weeds; making appropriations; and providing other matters properly relating thereto.



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

1 **Section 1.** NRS 125B.040 is hereby amended to read as
2 follows:

3 125B.040 1. The obligation of support imposed on the
4 parents of a child also creates a cause of action on behalf of the legal
5 representatives of either of them, or on behalf of third persons or
6 public agencies furnishing support or defraying the reasonable
7 expenses thereof.

8 2. In the absence of a court order, reimbursement from the
9 nonsupporting parent is limited to not more than 4 years' support
10 furnished before the bringing of the action.

11 3. *An order for the support of a child creates an obligation*
12 *for the support of the child and follows the child to the person who*
13 *has obtained lawful physical custody of the child.*

14 4. *A person who obtains lawful physical custody of a child for*
15 *whom an order for support has been issued shall be deemed to be*
16 *the person entitled to receive the payments ordered for the support*
17 *of the child. Such a person may in the same manner as the person*
18 *named in the order for support of the child and without petitioning*
19 *the court for a new order:*

20 (a) *Enforce the existing order for support of the child; or*

21 (b) *Request modification of the order for support of the child.*

22 5. *The transfer of an obligation for support of a child*
23 *pursuant to this section remains in effect as long as the person*
24 *lawfully retains physical custody of the child or until a court*
25 *orders otherwise. If the person ceases to have physical custody of*
26 *the child, the person to whom the lawful physical custody of the*
27 *child is transferred becomes the person entitled to receive the*
28 *payments for the support of the child, unless a court orders*
29 *otherwise.*

30 6. *A person who obtains lawful physical custody of a child*
31 *and who was not a party to the original proceeding in which a*
32 *court issued an order for the support of the child that wishes to*
33 *enforce the order must:*

34 (a) *Provide the Welfare Division of the Department of Human*
35 *Resources with a written declaration, under penalty of perjury,*
36 *that the person has obtained lawful physical custody of the child;*

37 (b) *If the Welfare Division or its designee has not been*
38 *responsible for enforcing the order, mail to the obligor at his last*
39 *known address by first-class mail and to the attorney of record, if*
40 *any, specified in the previous decree of divorce or order:*

41 (1) *A copy of the written declaration created pursuant to*
42 *paragraph (a);*



1 (2) A statement setting forth the name of the person, the
2 month and year in which the person obtained physical custody of
3 the child and the address to which the payments for support of the
4 child must be sent; and

5 (3) Notice that the obligor must send future payments for
6 support of the child to the person; and

7 (c) If the Welfare Division or its designee has not been
8 responsible for enforcing the order, file a copy of the declaration
9 created pursuant to paragraph (a) with the court that entered the
10 order for support of the child and comply with the provisions of
11 subsection 2 of NRS 125B.055.

12 7. Upon receipt of a declaration created pursuant to
13 paragraph (a) of subsection 6, if the Welfare Division or its
14 designee has been responsible for enforcing the order for the
15 support of the child, the Welfare Division shall:

16 (a) Mail to the obligor at his last known address by first-class
17 mail and to the attorney of record, if any, specified in the previous
18 decree of divorce or order:

19 (1) A copy of the declaration; and

20 (2) Notice to the obligor that the payments for support of
21 the child will be provided to the person who has lawful physical
22 custody of the child until such custody is terminated or until a
23 court orders otherwise; and

24 (b) File a copy of the declaration and notice with the court that
25 entered the order for support of the child.

26 8. A person who fails to comply with the requirements of
27 subsection 6 does not lose the right to receive payments ordered
28 for the support of the child but such failure may be considered by
29 a court in determining the amount of arrears owed by an obligor
30 to the person.

31 9. Notwithstanding the transfer of an obligation for the
32 support of a child made pursuant to this section, any arrears in
33 the payment of an obligation for the support of a child accrues to
34 the person who had lawful physical custody of the child at the time
35 that the payment was due and remains due until paid in full.

36 10. For the purposes of this section, visitation rights must not
37 be construed as a change of custody.

38 11. The provisions of this section do not change the legal
39 custody of a child or affect the rights and obligations of a parent
40 relating to a child.

41 12. As used in this section, "lawful physical custody" means a
42 person who has obtained physical custody:

43 (a) Pursuant to an order of a court; or

44 (b) With the consent of the person who has been awarded
45 physical custody of the child pursuant to an order of a court.



1 **Sec. 2.** 1. There is hereby appropriated from the State
2 General Fund to the Legislative Committee on Children, Youth and
3 Families, or, if the Committee does not exist, to the Legislative
4 Commission, the sum of \$150,000 to contract with a qualified,
5 independent consultant to conduct a performance audit of the
6 enforcement and collection of child support by the Welfare Division
7 of the Department of Human Resources and the district attorneys of
8 this State.

9 2. The audit conducted pursuant to this section must examine:

10 (a) The customer service operations of the Welfare Division and
11 the district attorneys of this State established to assist with the
12 enforcement and collection of orders for the support of children.

13 (b) The effectiveness of the operations of the Welfare Division
14 and the district attorneys of this State in carrying out their duties
15 pursuant to chapters 31A and 425 of NRS, including, without
16 limitation:

17 (1) Locating obligor parents;

18 (2) Establishing paternity; and

19 (3) Enforcing orders for support of a child.

20 (c) The identification of best practices from other states
21 concerning methods for the efficient and expeditious enforcement
22 and collection of orders for the support of children.

23 3. On or before February 1, 2007, the Legislative Committee
24 on Children, Youth and Families, or, if the Committee does not
25 exist, the Legislative Commission, shall submit the report of the
26 consultant that contains the findings of the audit and any
27 recommendations for legislation to the Director of the Legislative
28 Counsel Bureau for transmittal to the 74th Session of the Nevada
29 Legislature.

30 **Sec. 3.** Any remaining balance of the appropriation made by
31 section 2 of this act must not be committed for expenditure after
32 June 30, 2007, and must be reverted to the State General Fund on or
33 before September 21, 2007.

34 **Sec. 4.** Chapter 232 of NRS is hereby amended by adding
35 thereto the provisions set forth as sections 5 to 20, inclusive, of this
36 act.

37 **Sec. 5.** *As used in sections 5 to 20, inclusive, of this act,*
38 *unless the context otherwise requires, the words and terms defined*
39 *in sections 6 to 10, inclusive, of this act have the meanings*
40 *ascribed to them in those sections.*

41 **Sec. 6.** *“Advisory Committee” means the Committee created*
42 *in the Office pursuant to section 18 of this act.*

43 **Sec. 7.** *“Health care” includes, without limitation, mental*
44 *health care.*



1 **Sec. 8.** *“Manager” means the Manager of the Office of*
2 *Minority Health of the Department.*

3 **Sec. 9.** *“Minority group” means a racial or ethnic minority*
4 *group.*

5 **Sec. 10.** *“Office” means the Office of Minority Health of the*
6 *Department.*

7 **Sec. 11.** *The Office of Minority Health is hereby created*
8 *within the Department. The purposes of the Office are to:*

9 1. *Improve the quality of health care services for members of*
10 *minority groups;*

11 2. *Increase access to health care services for members of*
12 *minority groups; and*

13 3. *Disseminate information to and educate the public on*
14 *matters concerning health care issues of interest to members of*
15 *minority groups.*

16 **Sec. 12.** 1. *In accomplishing its purposes, the Office shall:*

17 (a) *Provide a central source of information for the use of the*
18 *public concerning health care services for members of minority*
19 *groups and health care issues of interest to those members;*

20 (b) *Identify and use any available resources for the*
21 *improvement of the quality of health care services for members of*
22 *minority groups and for increased access to health care services*
23 *for those members;*

24 (c) *Develop and coordinate plans and programs to improve the*
25 *quality of health care services for members of minority groups and*
26 *to increase access to health care services for those members,*
27 *including, without limitation, plans and programs that primarily*
28 *serve local communities;*

29 (d) *Hold conferences and provide training concerning cultural*
30 *diversity in the workplace for public and private entities that offer*
31 *services in the field of health care, including, without limitation,*
32 *providing recommendations and opportunities for training for*
33 *such public and private entities to improve recruitment of*
34 *members of minority groups;*

35 (e) *Whenever possible, incorporate the use of bilingual*
36 *communication in its programs and activities;*

37 (f) *Publicize health care issues of interest to members of*
38 *minority groups; and*

39 (g) *Develop and carry out such other programs and activities*
40 *as the Office deems appropriate.*

41 2. *In carrying out the duties set forth in subsection 1, the*
42 *Office may seek assistance from and cooperate with a public or*
43 *private entity.*

44 **Sec. 13.** *The Office may:*



1 1. Apply for any available grants and accept any available
2 gifts, grants, appropriations or donations, and use any such gifts,
3 grants, appropriations or donations to carry out its purposes;

4 2. Contract with a public or private entity to assist in carrying
5 out its purposes; and

6 3. Adopt such regulations as are necessary to carry out the
7 provisions of sections 5 to 20, inclusive, of this act.

8 **Sec. 14.** The Director shall appoint a Manager of the Office.
9 The Manager must be appointed on the basis of his education,
10 training, experience, demonstrated abilities and interest in the
11 provision of health care services to members of minority groups
12 and in related programs.

13 **Sec. 15.** The Manager shall:

14 1. Ensure that the purposes of the Office are carried out;

15 2. Direct and supervise all the technical and administrative
16 activities of the Office;

17 3. Attend the meetings of the Advisory Committee, serve as
18 secretary at those meetings and keep minutes of those meetings;

19 4. Request and consider the advice of the Advisory Committee
20 concerning matters of policy;

21 5. Serve as the contracting officer for the Office to receive
22 money from the Federal Government or any other source; and

23 6. Act as liaison between the Office, members of minority
24 groups, and public and private entities offering health care
25 services primarily to those members or offering health care
26 information of interest to those members.

27 **Sec. 16.** On or before March 1 of each odd-numbered year,
28 the Manager shall submit a report to the Governor and to the
29 Director of the Legislative Counsel Bureau for transmittal to
30 the Legislature. The report must outline the manner in which the
31 Office has accomplished its purposes during the biennium,
32 including, without limitation, information concerning the
33 activities, findings and recommendations of the Office as they
34 relate to health care services for members of minority groups and
35 to health care issues of interest to those members.

36 **Sec. 17.** 1. The Manager may, within the limits of
37 legislative appropriations and other available money, award a
38 grant of money to a person for use consistent with the provisions
39 of sections 5 to 20, inclusive, of this act.

40 2. Before the Manager may award a grant pursuant to
41 subsection 1, he shall adopt by regulation:

42 (a) Procedures by which a person may apply for a grant from
43 the Manager;

44 (b) Criteria that the Manager will consider in determining
45 whether to award a grant; and



1 (c) *Procedures by which the Manager will distribute any*
2 *money that the Office receives pursuant to subsection 1 of section*
3 *13 of this act.*

4 **Sec. 18.** *1. There is hereby created in the Office an*
5 *Advisory Committee consisting of nine members appointed by the*
6 *Governor.*

7 *2. When appointing a member to the Advisory Committee,*
8 *consideration must be given to whether the members appointed to*
9 *the Advisory Committee reflect the ethnic and geographical*
10 *diversity of this State.*

11 *3. The term of each member of the Advisory Committee is 2*
12 *years. A member may be reappointed for an additional term of 2*
13 *years in the same manner as the original appointment. A vacancy*
14 *occurring in the membership of the Advisory Committee must be*
15 *filled in the same manner as the original appointment.*

16 *4. At its first meeting and annually thereafter, the Advisory*
17 *Committee shall elect a Chairman from among its members.*

18 **Sec. 19.** *1. Each member of the Advisory Committee who is*
19 *not an officer or employee of the State of Nevada is entitled to*
20 *receive a salary of not more than \$80 per day, as fixed by the*
21 *Manager in consultation with the Advisory Committee, for each*
22 *day or portion of a day spent on the business of the Advisory*
23 *Committee. Each member of the Advisory Committee who is an*
24 *officer or employee of the State of Nevada serves without*
25 *additional compensation. Each member of the Advisory*
26 *Committee is entitled to receive the per diem allowance and travel*
27 *expenses provided for state officers and employees generally. A*
28 *claim for a payment pursuant to this section must be made on a*
29 *voucher approved by the Manager and paid as other claims*
30 *against the State are paid.*

31 *2. Each member of the Advisory Committee who is an officer*
32 *or employee of the State of Nevada or a local government must be*
33 *relieved from his duties without loss of his regular compensation*
34 *so that he may prepare for and attend meetings of the Advisory*
35 *Committee and perform any work necessary to carry out the duties*
36 *of the Advisory Committee in the most timely manner practicable.*
37 *A state agency or local governmental entity may not require an*
38 *employee who is a member of the Advisory Committee to make up*
39 *time or take annual vacation or compensatory time for the time*
40 *that he is absent from work to carry out his duties as a member of*
41 *the Advisory Committee.*

42 **Sec. 20.** *The Advisory Committee shall:*

43 *1. Advise the Manager on all matters concerning the manner*
44 *in which the purposes of the Office are being carried out;*



1 2. *Review the manner in which the Office uses any gifts,*
2 *grants, donations or appropriations to carry out the purposes of*
3 *the Office and make recommendations; and*

4 3. *Review any reports to be submitted by the Manager,*
5 *including, without limitation, the report required pursuant to*
6 *section 16 of this act, and make recommendations.*

7 **Sec. 21.** NRS 232.290 is hereby amended to read as follows:

8 232.290 As used in NRS 232.290 to 232.465, inclusive, *and*
9 *sections 5 to 20, inclusive, and section 23 of this act,* unless the
10 context requires otherwise:

11 1. "Department" means the Department of Human Resources.

12 2. "Director" means the Director of the Department.

13 **Sec. 22.** 1. There is hereby appropriated from the State
14 General Fund to the Department of Human Resources to establish
15 the Office of Minority Health:

16 For the Fiscal Year 2005-2006..... \$134,234

17 For the Fiscal Year 2006-2007..... \$114,262

18 2. Any balance of the sums appropriated by subsection 1
19 remaining at the end of the respective fiscal years must not be
20 committed for expenditure after June 30 of the respective fiscal
21 years and must be reverted to the State General Fund on or before
22 September 15, 2006, and September 21, 2007, respectively.

23 **Sec. 23.** Chapter 232 of NRS is hereby amended by adding
24 thereto a new section to read as follows:

25 1. *The Department, in collaboration with any state or local*
26 *agencies or community-based organizations which provide*
27 *information and referral services concerning health, welfare,*
28 *human and social services and any group established by the*
29 *Governor to implement a statewide information and referral*
30 *system concerning health, welfare, human and social services,*
31 *shall establish and maintain a statewide information and referral*
32 *system to provide nonemergency information and referrals to the*
33 *general public concerning the health, welfare, human and social*
34 *services provided by public or private entities in this State. The*
35 *system must:*

36 (a) *Integrate any information and referral systems previously*
37 *established by state agencies, local agencies or community-based*
38 *organizations with the system established pursuant to this section;*

39 (b) *Be the sole system in this State which is accessible to a*
40 *person by dialing the digits 2-1-1 and which provides*
41 *nonemergency information and referrals to the general public*
42 *concerning the health, welfare, human and social services*
43 *provided by public or private entities in this State;*

44 (c) *Be accessible to a person using the public telephone system*
45 *by dialing the digits 2-1-1; and*



1 (d) *Include information that is updated periodically.*

2 2. *In establishing the statewide information and referral*
3 *system, the Department, any state or local agencies or community-*
4 *based organizations which provide information and referral*
5 *services concerning health, welfare, human and social services*
6 *and any group established by the Governor to implement a*
7 *statewide information and referral system concerning health,*
8 *welfare, human and social services shall consult with*
9 *representatives of:*

10 (a) *The Public Utilities Commission of Nevada;*

11 (b) *Telephone companies which provide service through a*
12 *local exchange in this State;*

13 (c) *Companies that provide wireless phone services in this*
14 *State;*

15 (d) *Existing information and referral services established by*
16 *state agencies, local agencies or community-based organizations;*

17 (e) *State and local agencies or other organizations that provide*
18 *health, welfare, human and social services;*

19 (f) *Nonprofit organizations; and*

20 (g) *Such other agencies, entities and organizations as*
21 *determined necessary by the Department, any state or local*
22 *agencies or community-based organizations which provide*
23 *information and referral services concerning health, welfare,*
24 *human and social services or any group established by the*
25 *Governor to implement a statewide information and referral*
26 *system concerning health, welfare, human and social services.*

27 3. *The Public Utilities Commission of Nevada, each*
28 *telephone company which provides service through a local*
29 *exchange in this State and each company that provides wireless*
30 *phone services in this State shall cooperate with the Department,*
31 *any state or local agencies or community-based organizations*
32 *which provide information and referral services concerning*
33 *health, welfare, human and social services and any group*
34 *established by the Governor to implement a statewide information*
35 *and referral system concerning health, welfare, human and social*
36 *services in the establishment of the statewide information and*
37 *referral system.*

38 **Sec. 24.** 1. There is hereby appropriated from the State
39 General Fund to the Department of Human Resources the sum of
40 \$200,000 for the establishment of the statewide nonemergency
41 information and referral telephone system concerning health,
42 welfare, human and social services established pursuant to section
43 23 of this act.

44 2. Any remaining balance of the appropriation made by
45 subsection 1 must not be committed for expenditure after June 30,



1 2007, and must be reverted to the State General Fund on or before
2 September 21, 2007.

3 **Sec. 25.** Chapter 353 of NRS is hereby amended by adding
4 thereto a new section to read as follows:

5 *1. On or before January 1 of each year, the Governor shall*
6 *compile a report on the status of the finances of the State the*
7 *information published in:*

8 *(a) The most recent executive budget report prepared pursuant*
9 *to the provisions of NRS 353.185;*

10 *(b) The most recent report prepared by the State Controller*
11 *pursuant to the provisions of NRS 227.110;*

12 *(c) The most recent report on the count of State money*
13 *prepared pursuant to the provisions of NRS 353.075;*

14 *(d) The most recent report on the transactions and proceedings*
15 *of the Department of Taxation prepared pursuant to the provisions*
16 *of NRS 360.100;*

17 *(e) The most recent report prepared by each regulatory agency*
18 *pursuant to the provisions of NRS 622.110;*

19 *(f) The most recent report prepared by each school district*
20 *pursuant to the provisions of NRS 387.303;*

21 *(g) The most recent report prepared and submitted by each*
22 *local government pursuant to the provisions of NRS 360.220; and*

23 *(h) Any other report prepared by the State, or a county, city,*
24 *town or school district, or any public agency of this State or its*
25 *political subdivisions that the Governor deems to be relevant to the*
26 *status of finances of the State.*

27 *2. The report required pursuant to subsection 1 must be:*

28 *(a) Titled the "Nevada Report to Taxpayers";*

29 *(b) Written in plain English; and*

30 *(c) Contain such information as the Governor deems*
31 *appropriate to provide a full and accurate description on the status*
32 *of the finances of the State, including, without limitation:*

33 *(1) The total amount of revenue collected by the State or an*
34 *agency of the State during the preceding fiscal year;*

35 *(2) The actual total of all expenses and expenditures by the*
36 *State or an agency of the State during the preceding fiscal year;*

37 *(3) A comparison of the total amount appropriated or*
38 *authorized for expenditure by the State during the preceding fiscal*
39 *year and the actual total of all expenses and expenditures by the*
40 *State during the preceding fiscal year;*

41 *(4) The total amount of outstanding public debt of the State*
42 *at the end of the preceding fiscal year;*

43 *(5) The total cost to pay the public debt of the State during*
44 *the preceding fiscal year; and*



1 *(6) Such information on the revenue, expenditures and*
2 *public debt of the State, or a county, city, town or school district,*
3 *or any public agency of this State or its political subdivisions as*
4 *the Governor deems necessary to provide a full and accurate*
5 *description on the status of the finances of the State.*

6 3. *The Governor shall make the report required pursuant to*
7 *subsection 1 available for access by the public on the Internet or*
8 *its successor, if any.*

9 **Sec. 26.** 1. There is hereby appropriated from the State
10 General Fund to the Department of Administration for expenses
11 related to carrying out the provisions of section 25 of this act:

12 For the Fiscal Year 2005-2006..... \$20,351

13 For the Fiscal Year 2006-2007..... \$14,851

14 2. Any balance of the sums appropriated by subsection 1
15 remaining at the end of the respective fiscal years must not be
16 committed for expenditure after June 30 of the respective fiscal
17 years and must be reverted to the State General Fund on or before
18 September 15, 2006, and September 21, 2007, respectively.

19 **Sec. 27.** Chapter 387 of NRS is hereby amended by adding
20 thereto the provisions set forth as sections 28 to 37, inclusive, of this
21 act.

22 **Sec. 28.** *As used in sections 28 to 37, inclusive, of this act,*
23 *“management principles” means the financial management*
24 *principles set forth in section 32 of this act.*

25 **Sec. 29.** *The provisions of sections 28 to 37, inclusive, of this*
26 *act apply only to the extent that money is made available by the*
27 *Legislature to carry out the provisions of those sections. The*
28 *Legislative Counsel Bureau may accept gifts, grants and other*
29 *sources of money to provide financial assistance in expanding the*
30 *number of school districts selected for reviews pursuant to sections*
31 *28 to 37, inclusive, of this act.*

32 **Sec. 30.** 1. *Except as otherwise provided in section 29 of*
33 *this act, each school district must undergo a review pursuant to*
34 *sections 28 to 37, inclusive, of this act every 6 years unless the*
35 *school district is granted an exemption from a review pursuant to*
36 *section 34 or 36 of this act. The reviews must be conducted in*
37 *even-numbered years to ensure compliance with the deadlines set*
38 *forth in sections 28 to 37, inclusive, of this act.*

39 2. *To ensure compliance with subsection 1, the Legislative*
40 *Auditor shall, on or before February 1 of each odd-numbered*
41 *year, submit a written list to the Director of the Legislative*
42 *Counsel Bureau for transmission to the Legislature identifying*
43 *each school district that the Legislative Auditor recommends for*
44 *review in the next even-numbered year. The Legislature may, by*
45 *concurrent resolution, accept the recommendations of the*



1 *Legislative Auditor or revise the recommendations of the*
2 *Legislative Auditor and select each school district to be reviewed*
3 *in the next even-numbered year.*

4 3. *If a concurrent resolution is adopted pursuant to*
5 *subsection 2, the Legislative Auditor shall, on or before September*
6 *1 after adoption of the resolution, issue a request for proposals, in*
7 *accordance with any applicable procedures of the Legislative*
8 *Counsel Bureau, for a qualified, independent consultant to*
9 *conduct a review of each school district selected for a review. A*
10 *consultant:*

11 (a) *Must be located outside this State and have previous*
12 *experience with auditing school districts or otherwise reviewing*
13 *school districts based upon the management principles;*

14 (b) *Must possess expertise and knowledge about the*
15 *management principles;*

16 (c) *Must be capable of performing the requirements of sections*
17 *28 to 37, inclusive, of this act with integrity, objectivity and*
18 *independence; and*

19 (d) *Must not be regularly engaged with or doing business with*
20 *a school district in this State.*

21 4. *The Legislative Auditor shall ensure that the request for*
22 *proposals includes, without limitation:*

23 (a) *The scope of the review, which must include an evaluation*
24 *and determination of whether the school district is successfully*
25 *carrying out the management principles;*

26 (b) *A requirement that the consultant adhere to a standardized*
27 *format for each review that it conducts, including, without*
28 *limitation, a standard and consistent format for presentation of the*
29 *data, information and results of each review; and*

30 (c) *A requirement that the consultant include on the team that*
31 *will conduct the review at least one person who has experience*
32 *with auditing school districts or otherwise reviewing school*
33 *districts in accordance with the management principles.*

34 5. *The Legislative Auditor shall review the proposals of*
35 *applicants and prepare a list of those applicants that, in the*
36 *determination of the Legislative Auditor, are the most qualified*
37 *and capable of performing the requirements of sections 28 to 37,*
38 *inclusive, of this act, with a ranking provided for each applicant.*
39 *On or before November 15, the Legislative Auditor shall submit*
40 *his list and rankings of qualified applicants to the State Board. On*
41 *or before January 1 of the even-numbered year in which the*
42 *review will be conducted, the State Board shall select a consultant*
43 *from the list submitted by the Legislative Auditor. Upon selection*
44 *by the State Board, the Legislative Counsel Bureau shall prepare a*
45 *written agreement between the Bureau and the consultant in*



1 *accordance with any applicable procedures of the Bureau. The*
2 *consultant shall commence the review of each school district*
3 *selected for a review not later than February 1.*

4 *6. The State Board is responsible for monitoring the*
5 *performance of the consultant and authorizing payments to the*
6 *consultant. Upon authorization of the State Board, the Legislative*
7 *Counsel Bureau shall make the payments to the consultant. The*
8 *oversight committee established pursuant to section 31 of this act*
9 *shall assist the State Board in monitoring the performance of the*
10 *consultant.*

11 *7. If a school district is selected for a review, the board of*
12 *trustees of the school district shall conduct a self-assessment at*
13 *least 60 days before the commencement of the review by the*
14 *consultant. The self-assessment must include a review of the areas*
15 *prescribed in subsection 2 of section 32 of this act based upon the*
16 *management principles. The results of the self-assessment must be*
17 *submitted to the Department for transmission to the consultant not*
18 *later than the date on which the review is commenced. The*
19 *consultant shall use the self-assessment in the review of the school*
20 *district.*

21 **Sec. 31. 1.** *If a school district is selected for a review, an*
22 *oversight committee must be established to assist the consultant in*
23 *the process of the review for that school district. Each oversight*
24 *committee must consist of:*

25 *(a) One member of the general public, appointed by the*
26 *Speaker of the Assembly;*

27 *(b) One member of the general public, appointed by the*
28 *Majority Leader of the Senate;*

29 *(c) One member of the State Board, appointed by the President*
30 *of the State Board;*

31 *(d) One member of the board of trustees of the school district,*
32 *appointed by the president of that board;*

33 *(e) One member of a parent-teacher association located within*
34 *the school district who has at least one child enrolled in a public*
35 *school within the district, appointed by the Governor;*

36 *(f) One representative of:*

37 *(1) The Nevada State Education Association, appointed by*
38 *the President of that Association; or*

39 *(2) At the discretion of the President of the Nevada State*
40 *Education Association, one representative of a recognized*
41 *employee organization representing licensed educational*
42 *personnel within the school district, appointed by a designated*
43 *representative of that employee organization; and*

44 *(g) One school administrator who is employed by the school*
45 *district to provide administrative service at an individual school*



1 *and not to provide service at the district level, appointed by the*
2 *President of the Nevada Association of School Administrators.*

3 2. *An oversight committee established pursuant to subsection*
4 *I shall monitor the progress of the consultant in conducting the*
5 *review in accordance with sections 28 to 37, inclusive, of this act,*
6 *including, without limitation, requesting periodic reports from the*
7 *consultant on the status of the evaluation.*

8 **Sec. 32.** 1. *Each school district selected for a review must*
9 *be evaluated to determine whether the school district is*
10 *successfully carrying out the following financial management*
11 *principles:*

12 (a) *Establishes and carries out policies, procedures and*
13 *internal controls to process business transactions efficiently;*

14 (b) *Uses cost-efficient measures to assess operations on a*
15 *regular basis;*

16 (c) *Carries out measures to improve services and reduce costs;*

17 (d) *Maximizes the efficiency of money expended for public*
18 *schools and ensures that resources are safeguarded;*

19 (e) *Structures its organization and staff in a manner that*
20 *provides efficiency and excellence in the delivery of a public*
21 *education;*

22 (f) *Establishes benchmarks for productivity and performance;*

23 (g) *Makes financial planning and budgeting decisions in a*
24 *manner that is linked to the priorities of the school district,*
25 *including, without limitation, the performance of pupils;*

26 (h) *Uses options for financing debt in a manner that provides*
27 *for maximum efficiency;*

28 (i) *Invests proceeds from bonds and operating resources to*
29 *earn an appropriate and comparable rate of return; and*

30 (j) *Uses debt management and investment policies in a manner*
31 *that is representative of current market and risk profiles.*

32 2. *Each school district selected for a review must be evaluated*
33 *based upon the management principles set forth in subsection I in*
34 *each of the following areas:*

35 (a) *Financial management;*

36 (b) *Facilities management, including, without limitation, the*
37 *plan for funding the rebuilding of older schools and the programs*
38 *of preventative maintenance;*

39 (c) *Personnel management;*

40 (d) *District organization, including, without limitation, an*
41 *evaluation of the efficiency and cost-effectiveness of the*
42 *management structure of the school district to identify possible*
43 *measures for cost-savings;*

44 (e) *Employee health plans and health plans for retired*
45 *employees;*



1 (f) *Transportation, including, without limitation, an evaluation*
2 *of whether the school district ensures the safe and efficient*
3 *transportation of pupils;*

4 (g) *Alignment with the needs and expectations of the public,*
5 *including, without limitation, surveys of the residents of the*
6 *community;*

7 (h) *Effective delivery of educational services and programs;*
8 *and*

9 (i) *Any other area that, in the professional judgment and*
10 *expertise of the consultant, warrants a review based upon the*
11 *management principles.*

12 3. *In addition to the areas required to be reviewed pursuant to*
13 *subsection 2, if a particular school within a school district that is*
14 *selected for a review receives a sum of money for the purpose of*
15 *providing education to pupils and the specific use of that money is*
16 *otherwise within the sole discretion of the school, the consultant*
17 *may:*

18 (a) *Review the manner by which decisions were made*
19 *concerning the use of that money;*

20 (b) *Review the use of that money by the school; and*

21 (c) *Track the expenditures made with that money.*

22 ↪ *The consultant shall limit the scope of his review pursuant to*
23 *this subsection to that particular sum of money and is not*
24 *authorized to review all accounts and funds at a particular school.*

25 **Sec. 33. 1.** *A consultant selected to perform a review of a*
26 *school district shall:*

27 (a) *Consider the results and recommendations of other audits,*
28 *if any, conducted by or on behalf of the school district in the*
29 *immediately preceding 6 years;*

30 (b) *Hold at least one public meeting in the county in which the*
31 *school district is located to explain the process of the review and to*
32 *obtain information from school administrators, teachers, parents*
33 *and guardians, pupils, members of the business community and*
34 *other residents of the school district concerning the operation and*
35 *management of the school district; and*

36 (c) *Supervise and oversee his employees and other persons*
37 *enlisted by the consultant to assist with the review.*

38 2. *The Department shall provide technical support and*
39 *expertise to the consultant during the review to ensure that the*
40 *objectives of the review and the requirements of sections 28 to 37,*
41 *inclusive, of this act are met.*

42 3. *Upon the request of the consultant, the Department, the*
43 *board of trustees of the school district, the superintendent of*
44 *schools of the school district and the employees of the school*
45 *district shall make available to the consultant all books, accounts,*



1 *claims, reports, vouchers, records and other information,*
2 *confidential or otherwise, necessary for the consultant to carry out*
3 *his review.*

4 **4. The consultant shall:**

5 (a) *Maintain the confidentiality of all information, records and*
6 *data obtained for the purpose of carrying out the provisions of*
7 *sections 28 to 37, inclusive, of this act;*

8 (b) *Use such information, records and data only for the*
9 *purpose of carrying out the provisions of sections 28 to 37,*
10 *inclusive, of this act and for no other purposes;*

11 (c) *Require his employees and other persons enlisted by the*
12 *consultant to assist with the review to comply with the*
13 *confidentiality requirements of this subsection; and*

14 (d) *Keep or cause to be kept a complete file of copies of all*
15 *reports of reviews conducted pursuant to sections 28 to 37,*
16 *inclusive, of this act.*

17 **5. All working papers from a review conducted pursuant to**
18 **sections 28 to 37, inclusive, of this act are confidential and may be**
19 **destroyed by the consultant 8 years after the final written report of**
20 **the review is issued, except that the consultant:**

21 (a) *Shall release such working papers when subpoenaed by a*
22 *court;*

23 (b) *Shall make such working papers available to the*
24 *Legislative Auditor upon his request; and*

25 (c) *May make such working papers available for inspection by*
26 *an authorized representative of any other governmental entity for*
27 *a matter officially before him.*

28 **Sec. 34. 1. The consultant shall complete the review of a**
29 **school district within 6 months after the date on which the review**
30 **is commenced. The consultant shall prepare a final written report**
31 **of the review that:**

32 (a) *Is documented by sufficient, competent and relevant*
33 *evidence to provide a reasonable basis for the findings and*
34 *conclusions of the consultant.*

35 (b) *If the consultant determines that the school district is not*
36 *successfully carrying out the management principles in one or*
37 *more of the areas set forth in subsection 2 of section 32 of this act,*
38 *includes a plan for corrective action for the school district to carry*
39 *out successfully the management principles in each area within 2*
40 *years. The plan must:*

41 (1) *Be logically connected to and substantiated by the*
42 *results of the review;*

43 (2) *Be specific and detailed; and*

44 (3) *Identify methods for the school district to reduce its*
45 *costs and expenses.*



1 (c) Includes the written response of the school district
2 prepared pursuant to subsection 2.

3 2. The consultant shall furnish a copy of the preliminary
4 report of the review to the superintendent of schools of the school
5 district and discuss the report with the superintendent. Within 30
6 days after receipt of the preliminary report, the superintendent
7 shall, in consultation with the board of trustees of the school
8 district, prepare a written response to the preliminary report that
9 includes a statement of explanation or rebuttal of any findings
10 contained in the preliminary report. The consultant shall include
11 the written response of the school district in his final written
12 report submitted pursuant to subsection 1.

13 3. The final written report of the consultant must be
14 submitted to the board of trustees of the school district, the State
15 Board, the Legislative Auditor and the Director of the Legislative
16 Counsel Bureau for transmission to the Legislature within 60 days
17 after the review is complete.

18 4. If the consultant determines that a school district is
19 successfully carrying out the management principles for each of
20 the areas set forth in subsection 2 of section 32 of this act, the
21 school district is exempt from its next 6-year review unless the
22 Legislature subsequently determines that the conditions or
23 circumstances occurring within the school district warrant
24 another review pursuant to sections 28 to 37, inclusive, of this act.
25 If a school district is exempt pursuant to this subsection, the
26 exemption is valid for only one review and the school district must
27 undergo a review at least once every 12 years.

28 5. The preliminary report and the final report must be made
29 available to the general public.

30 **Sec. 35. 1.** Upon receipt of a final written report pursuant
31 to section 34 of this act, the board of trustees of the school district
32 shall hold a public meeting to review the findings and
33 recommendations of the consultant. The consultant or his
34 designee must be present at the meeting and available for
35 discussion and questions.

36 2. Except as otherwise provided in subsection 3, not later
37 than 90 days after the issuance of the final written report, the
38 board of trustees of the school district shall vote on whether to
39 adopt the plan for corrective action if such a plan is recommended
40 by the consultant. The superintendent of schools of the school
41 district shall provide written notice of the outcome of the vote to
42 the State Board, the Legislative Auditor and the Director of the
43 Legislative Counsel Bureau for transmission to the Legislature.
44 The board of trustees of a school district may vote to reverse a
45 decision not to adopt a plan for corrective action if sufficient time



1 *remains, as determined by the board of trustees, to carry out the*
2 *management principles within 2 years after the issuance of the*
3 *final report.*

4 3. *If the board of trustees of a school district does not vote on*
5 *whether to adopt a plan for corrective action within 90 days after*
6 *the issuance of the final written report, the:*

7 (a) *Superintendent of schools of the school district shall*
8 *provide written notice to the State Board, the Legislative Auditor*
9 *and the Director of the Legislative Counsel Bureau for*
10 *transmission to the Legislature;*

11 (b) *Department may assess the situation and contact the*
12 *members of the board of trustees to urge the board to take a vote;*
13 *and*

14 (c) *State Board may allow an additional 30 days for the board*
15 *of trustees to vote on the plan.*

16 4. *If the board of trustees of the school district does not vote*
17 *on a plan for corrective action or if the board of trustees votes not*
18 *to adopt a plan for corrective action, the members of the board of*
19 *trustees may be required to appear and present testimony before*
20 *the Legislature or a standing committee of the Legislature to*
21 *examine any justification of the failure of the board of trustees to*
22 *vote on the plan or to adopt the plan, as applicable.*

23 **Sec. 36. 1.** *If the board of trustees of a school district*
24 *adopts a plan for corrective action, the board of trustees of the*
25 *school district shall prepare, on or before February 1:*

26 (a) *A written progress report for submission, in the even-*
27 *numbered year after the plan is adopted, to the State Board, the*
28 *Legislative Committee on Education and the Legislative Auditor.*

29 (b) *A final written report for submission, in the odd-numbered*
30 *year after the plan is adopted, to the State Board, the Legislative*
31 *Auditor and the Director of the Legislative Counsel Bureau for*
32 *transmission to the Legislature.*

33 2. *The written progress report and the final written report*
34 *must indicate the extent to which the plan has been carried out,*
35 *the extent to which the plan has not been carried out and the*
36 *reasons for any failure to carry out the plan.*

37 3. *Upon receipt of the final written report of the school*
38 *district, the Legislative Auditor shall:*

39 (a) *Review the report and the plan for corrective action;*

40 (b) *Determine whether the school district successfully carried*
41 *out the plan for corrective action and complies with the*
42 *management principles for each of the areas set forth in*
43 *subsection 2 of section 32 of this act; and*

44 (c) *Submit a written report of his determination to the*
45 *Legislature, including a recommendation whether the school*



1 *district should be granted an exemption from its next 6-year*
2 *review.*

3 *4. The Legislature or a standing committee of the Legislature*
4 *may:*

5 *(a) Review the reports submitted pursuant to this section and*
6 *the written determination of the Legislative Auditor; and*

7 *(b) Conduct hearings to examine any justification for the*
8 *failure of a school district to carry out successfully the*
9 *management principles or to fully carry out the plan for corrective*
10 *action.*

11 *5. The Legislature may, by concurrent resolution, determine*
12 *that the school district complies with the management principles*
13 *and grant an exemption to the school district from its next 6-year*
14 *review. If a school district is exempt pursuant to this subsection,*
15 *the exemption is valid for only one review and the school district*
16 *must undergo a review at least once every 12 years.*

17 **Sec. 37. 1.** *If a school district is granted an exemption*
18 *pursuant to section 34 or 36 of this act, the board of trustees of the*
19 *school district shall provide written notice for each year that the*
20 *exemption applies which includes:*

21 *(a) A determination of whether the school district continues to*
22 *carry out the management principles; and*

23 *(b) Any changes in the policies or operations of the school*
24 *district or any other circumstances occurring in the school district*
25 *that do not conform to the management principles.*

26 *2. The written notice must be submitted on or before*
27 *January 1 to:*

28 *(a) In even-numbered years, the State Board, the Legislative*
29 *Committee on Education and the Legislative Auditor.*

30 *(b) In odd-numbered years, the State Board, the Legislative*
31 *Auditor and the Director of the Legislative Counsel Bureau for*
32 *transmission to the Legislature.*

33 **Sec. 38. 1.** *There is hereby appropriated from the State*
34 *General Fund to the Legislative Counsel Bureau the sum of*
35 *\$300,000 for reviews of certain school districts in accordance with*
36 *sections 28 to 37, inclusive, of this act.*

37 *2. Notwithstanding the provisions of section 30 of this act to*
38 *the contrary, the Legislative Auditor shall issue a request for*
39 *proposals for reviews of school districts selected by the Legislative*
40 *Auditor after consultation with the Legislative Commission.*

41 *3. Each school district selected by the Legislative Auditor, in*
42 *consultation with the Legislative Commission, pursuant to*
43 *subsection 2 must undergo a review in accordance with sections 28*
44 *to 37, inclusive, of this act during the 2005-2006 interim.*



1 4. After the initial reviews, the provisions of section 30 of this
2 act regarding the selection of school districts for review apply.

3 5. Any remaining balance of the appropriation made by
4 subsection 1 must not be committed for expenditure after June 30,
5 2007, and must be reverted to the State General Fund on or before
6 September 21, 2007.

7 **Sec. 39.** NRS 391.160 is hereby amended to read as follows:

8 391.160 1. The salaries of teachers and other employees must
9 be determined by the character of the service required. A school
10 district shall not discriminate between male and female employees
11 in the matter of salary.

12 2. Each year when determining the salary of a teacher who
13 holds certification issued by the National Board for Professional
14 Teaching Standards, a school district shall add 5 percent to the
15 salary that the teacher would otherwise receive in 1 year for his
16 classification on the schedule of salaries for the school district if:

17 (a) On or before January 31 of the school year, the teacher has
18 submitted evidence satisfactory to the school district of his current
19 certification; and

20 (b) The teacher is assigned by the school district to provide
21 classroom instruction during that school year.

22 ➔ No increase in salary may be given *pursuant to this subsection*
23 during a particular school year to a teacher who submits evidence of
24 certification after January 31 of that school year. For the first school
25 year that a teacher submits evidence of his current certification, the
26 board of trustees of the school district to whom the evidence was
27 submitted shall pay the increase in salary required by this subsection
28 retroactively to the beginning of that school year. Once a teacher has
29 submitted evidence of such certification to the school district, the
30 school district shall retain the evidence in its records, as applicable,
31 for future school years. An increase in salary given in accordance
32 with this subsection is in addition to any other increase to which the
33 teacher may otherwise be entitled.

34 3. *Each year when determining the salary of a person who is*
35 *employed by a school district as a speech pathologist, the school*
36 *district shall add 5 percent to the salary that the employee would*
37 *otherwise receive in 1 year for his classification on the schedule of*
38 *salaries for the school district if:*

39 (a) *On or before September 15 of the school year, the employee*
40 *has submitted evidence satisfactory to the school district of his:*

41 (1) *Licensure as a speech pathologist by the Board of*
42 *Examiners for Audiology and Speech Pathology; and*

43 (2) *Certification as being clinically competent in speech-*
44 *language pathology by:*



1 (I) The American Speech-Language-Hearing
2 Association; or

3 (II) A successor organization to the American Speech-
4 Language-Hearing Association that is recognized and determined
5 to be acceptable by the Board of Examiners for Audiology and
6 Speech Pathology; and

7 (b) The employee is assigned by the school district to serve as a
8 speech pathologist during the school year.

9 *↳ No increase in salary may be given pursuant to this subsection
10 during a particular school year to an employee who submits
11 evidence of licensure and certification after September 15 of that
12 school year. Once an employee has submitted evidence of such
13 licensure and certification to the school district, the school district
14 shall retain the evidence in its records, as applicable, for future
15 school years. An increase in salary given in accordance with this
16 subsection is in addition to any other increase to which the
17 employee may otherwise be entitled.*

18 4. In determining the salary of a licensed teacher who is
19 employed by a school district after the teacher has been employed
20 by another school district in this State, the present employer shall,
21 except as otherwise provided in subsection ~~6~~ 7:

22 (a) Give the teacher the same credit for previous teaching
23 service as he was receiving from his former employer at the end of
24 his former employment;

25 (b) Give the teacher credit for his final year of service with his
26 former employer, if credit for that service is not included in credit
27 given pursuant to paragraph (a); and

28 (c) Place the teacher on the schedule of salaries of the school
29 district in a classification that is commensurate with the level of
30 education acquired by the teacher, as set forth in the applicable
31 negotiated agreement with the present employer.

32 ~~4~~ 5. A school district may give the credit required by
33 subsection ~~3~~ 4 for previous teaching service earned in another state
34 if the Commission has approved the standards for licensing teachers
35 of that state. The Commission shall adopt regulations that establish
36 the criteria by which the Commission will consider the standards for
37 licensing teachers of other states for the purposes of this subsection.
38 The criteria may include, without limitation, whether the
39 Commission has authorized reciprocal licensure of educational
40 personnel from the state under consideration.

41 ~~5~~ 6. In determining the salary of a licensed administrator,
42 other than the superintendent of schools, who is employed by a
43 school district after the administrator has been employed by another
44 school district in this State, the present employer shall, except as
45 otherwise provided in subsection ~~6~~ 7:



1 (a) Give the administrator the same credit for previous
2 administrative service as he was receiving from his former
3 employer, at the end of his former employment;

4 (b) Give the administrator credit for his final year of service
5 with his former employer, if credit for that service is not otherwise
6 included in the credit given pursuant to paragraph (a); and

7 (c) Place the administrator on the schedule of salaries of the
8 school district in a classification that is comparable to the
9 classification the administrator had attained on the schedule of
10 salaries of his former employer.

11 ~~{6-}~~ 7. This section does not:

12 (a) Require a school district to allow a teacher or administrator
13 more credit for previous teaching or administrative service than the
14 maximum credit for teaching or administrative experience provided
15 for in the schedule of salaries established by it for its licensed
16 personnel.

17 (b) Permit a school district to deny a teacher or administrator
18 credit for his previous teaching or administrative service on the
19 ground that the service differs in kind from the teaching or
20 administrative experience for which credit is otherwise given by the
21 school district.

22 ~~{7-}~~ 8. As used in this section:

23 (a) "Previous administrative service" means the total of:

24 (1) Any period of administrative service for which an
25 administrator received credit from his former employer at the
26 beginning of his former employment; and

27 (2) His period of administrative service in his former
28 employment.

29 (b) "Previous teaching service" means the total of:

30 (1) Any period of teaching service for which a teacher
31 received credit from his former employer at the beginning of his
32 former employment; and

33 (2) His period of teaching service in his former employment.

34 **Sec. 40.** Notwithstanding the provisions of NRS 391.160, as
35 amended by this act:

36 1. A speech pathologist who desires to receive an increase in
37 salary for the 2005-2006 school year pursuant to subsection 3 of
38 NRS 391.160, as amended by this act, may submit evidence of his
39 licensure and certification not later than November 1, 2005.

40 2. If a speech pathologist:

41 (a) Submits evidence of his licensure and certification on or
42 before November 1, 2005; and

43 (b) Satisfies the requirements of paragraph (b) of subsection 3 of
44 NRS 391.160, as amended by this act,



1 ↪ the board of trustees of the school district that employs the
2 speech pathologist shall pay to the speech pathologist the increase in
3 salary required by subsection 3 of NRS 391.160, as amended by this
4 act, retroactively to the beginning of the 2005-2006 school year.

5 **Sec. 41.** 1. There is hereby appropriated from the State
6 General Fund to the Department of Education a 5-percent increase
7 to the salary of certain speech pathologists:

8	For the Fiscal Year 2005-2006.....	\$533,337
9	For the Fiscal Year 2006-2007.....	\$572,691

10 2. The Department of Education shall distribute the money
11 appropriated to the school districts to assist the school districts with
12 paying the 5-percent increase to the salary of certain speech
13 pathologists. If the money from the appropriation is insufficient to
14 pay the total costs of the increase, the school district shall pay the
15 difference.

16 3. Any remaining balance of the appropriation made by
17 subsection 1 must not be committed for expenditure after June 30,
18 2007, and must be reverted to the State General Fund on or before
19 September 21, 2007.

20 **Sec. 42.** Chapter 412 of NRS is hereby amended by adding
21 thereto a new section to read as follows:

22 *1. The Patriot Relief Account is hereby created as a special*
23 *account in the State General Fund.*

24 *2. The money in the Patriot Relief Account does not lapse to*
25 *the State General Fund at the end of any fiscal year. The interest*
26 *and income earned on the money in the Patriot Relief Account,*
27 *after deducting any applicable charges, must be credited to the*
28 *Account. All claims against the Patriot Relief Account must be*
29 *paid as other claims against the State are paid.*

30 *3. The Office may accept gifts, grants and donations from*
31 *any source for deposit in the Patriot Relief Account.*

32 *4. The money in the Patriot Relief Account may only be used*
33 *to provide:*

34 *(a) Reimbursement to members of the Nevada National Guard*
35 *for the cost of:*

36 *(1) Premiums on a policy of group life insurance purchased*
37 *pursuant to the provisions of 38 U.S.C. §§ 1965 et seq.; and*

38 *(2) Textbooks required for a course of study in which the*
39 *member is enrolled at an institution within the University and*
40 *Community College System of Nevada; and*

41 *(b) Monetary relief from economic hardships experienced by*
42 *members of the Nevada National Guard who have been called into*
43 *active service.*

44 *5. The Adjutant General shall adopt any regulations*
45 *necessary to determine eligibility for reimbursement or monetary*



1 *relief from the Patriot Relief Fund and to carry out a program to*
2 *provide such reimbursement and monetary relief.*

3 **Sec. 43.** Chapter 284 of NRS is hereby amended by adding
4 thereto a new section to read as follows:

5 *1. An officer or employee in the public service who performs*
6 *active military service in the Armed Forces of the United States or*
7 *any other category of persons designated by the President of the*
8 *United States or the Governor of this State, including, without*
9 *limitation, the Commissioned Corps of the United States Public*
10 *Health Service, in time of war or emergency is entitled to civil*
11 *leave with reduced pay for the period of such service.*

12 *2. The pay that an officer or employee is entitled to receive*
13 *pursuant to this section is the difference between the pay that he*
14 *would have otherwise received as an officer or employee and his*
15 *pay for active military service. If his pay for active military service*
16 *is greater than the pay that he would have otherwise received as*
17 *an officer or employee, the officer or employee is not entitled to*
18 *receive any additional pay pursuant to this section while he*
19 *performs active military service.*

20 *3. As used in this section, "pay for active military service"*
21 *means the base pay that a person receives for active military*
22 *service as determined by the rank or grade of the person. The term*
23 *does not include any other type of pay that a person may be*
24 *entitled to receive for active military service, including, without*
25 *limitation, imminent danger pay or family separation allowance.*

26 **Sec. 44.** Chapter 372 of NRS is hereby amended by adding
27 thereto the provisions set forth as sections 45 and 46 of this act.

28 **Sec. 45.** *In administering the provisions of NRS 372.325, the*
29 *Department shall apply the exemption for the sale of tangible*
30 *personal property to the State of Nevada, its unincorporated*
31 *agencies and instrumentalities to include all tangible personal*
32 *property that is sold to:*

33 *1. A member of the Nevada National Guard who is engaged*
34 *in full-time National Guard duty, as defined in 10 U.S.C. §*
35 *101(d)(5) and has been called into active service.*

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

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

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

42 **Sec. 46.** *1. A person who wishes to claim an exemption*
43 *pursuant to section 45 of this act must file an application with the*
44 *Department to obtain a letter of exemption. The application must*



1 *be on a form and contain such information as is required by the*
2 *Department.*

3 *2. If the Department determines that a person is eligible for*
4 *the exemption provided pursuant to section 45 of this act, the*
5 *Department shall issue a letter of exemption to the person. The*
6 *letter of exemption expires on the date on which the person no*
7 *longer meets the qualifications for eligibility.*

8 *3. To claim an exemption pursuant to section 45 of this act*
9 *for the sale of tangible personal property to such a person:*

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

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

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

16 **Sec. 47.** Chapter 374 of NRS is hereby amended by adding
17 thereto the provisions set forth as sections 48 and 49 of this act.

18 **Sec. 48.** *In administering the provisions of NRS 374.330, the*
19 *Department shall apply the exemption for the sale of tangible*
20 *personal property to the State of Nevada, its unincorporated*
21 *agencies and instrumentalities to include all tangible personal*
22 *property that is sold to:*

23 *1. A member of the Nevada National Guard who is engaged*
24 *in full-time National Guard duty, as defined in 10 U.S.C. §*
25 *101(d)(5) and has been called into active service.*

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

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

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

32 **Sec. 49.** *1. A person who wishes to claim an exemption*
33 *pursuant to section 48 of this act must file an application with the*
34 *Department to obtain a letter of exemption. The application must*
35 *be on a form and contain such information as is required by the*
36 *Department.*

37 *2. If the Department determines that a person is eligible for*
38 *the exemption provided pursuant to section 48 of this act, the*
39 *Department shall issue a letter of exemption to the person. The*
40 *letter of exemption expires on the date on which the person no*
41 *longer meets the qualifications for eligibility.*

42 *3. To claim an exemption pursuant to section 48 of this act,*
43 *for the sale of tangible personal property to such a person:*

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



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

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

5 **Sec. 50.** There is hereby appropriated from the State General
6 Fund to the Patriot Relief Account created by section 42 of this act:

7 For the Fiscal Year 2005-2006..... \$500,000

8 For the Fiscal Year 2006-2007..... \$500,000

9 **Sec. 51.** Chapter 422 of NRS is hereby amended by adding
10 thereto a new section to read as follows:

11 1. *The Director shall include in the State Plan for Medicaid a*
12 *requirement that an independent foster care adolescent is eligible*
13 *for Medicaid.*

14 2. *As used in this section, “independent foster care*
15 *adolescent” means:*

16 (a) *A person described in 42 U.S.C. § 1396d(w)(1), as that*
17 *section existed on July 1, 2005; or*

18 (b) *If the Director specifies a different category of adolescents*
19 *in the manner set forth in 42 U.S.C. § 1396a(a)(10)(A)(ii)(XVII),*
20 *as that section existed on July 1, 2005, a person who is within*
21 *such a category.*

22 **Sec. 52.** NRS 422.240 is hereby amended to read as follows:

23 422.240 1. Money to carry out the provisions of NRS
24 422.001 to 422.410, inclusive, *and section 51 of this act*, and
25 422.580, including, without limitation, any federal money allotted to
26 the State of Nevada pursuant to the program to provide Temporary
27 Assistance for Needy Families and the Program for Child Care and
28 Development, must, except as otherwise provided in NRS 422.3755
29 to 422.379, inclusive, and 439.630, be provided by appropriation by
30 the Legislature from the State General Fund.

31 2. Disbursements for the purposes of NRS 422.001 to 422.410,
32 inclusive, *and section 51 of this act*, and 422.580 must, except as
33 otherwise provided in NRS 422.3755 to 422.379, inclusive, and
34 439.630, be made upon claims duly filed and allowed in the same
35 manner as other money in the State Treasury is disbursed.

36 **Sec. 53.** 1. There is hereby appropriated from the State
37 General Fund to the following divisions of the Department of
38 Human Resources to carry out the provisions of sections 51 and 52
39 of this act:

40 Division of Health Care Financing and Policy

41 For the Fiscal Year 2005-2006 \$91,616

42 For the Fiscal Year 2006-2007 \$285,761

43 Welfare Division

44 For the Fiscal Year 2005-2006 \$86,890

45 For the Fiscal Year 2006-2007 \$32,711



1 Division of Child and Family Services
 2 For the Fiscal Year 2005-2006 \$35,727
 3 For the Fiscal Year 2006-2007 \$4,722

4 2. Any balance of the sums appropriated by subsection 1
 5 remaining at the end of the respective fiscal years must not be
 6 committed for expenditure after June 30 of the respective fiscal
 7 years and must be reverted to the State General Fund on or before
 8 September 15, 2006, and September 21, 2007, respectively.

9 3. Expenditure of the following sums not appropriated from the
 10 State General Fund or the State Highway Fund is hereby authorized
 11 during the fiscal years beginning July 1, 2005, and ending June 30,
 12 2006, and beginning July 1, 2006, and ending June 30, 2007, by the
 13 following divisions of the Department of Human Resources:

	2005-2006	2006-2007
14		
15	Division of Health Care	
16	Financing and Policy.....	\$112,202 \$338,989
17	Welfare Division	\$86,890 \$32,711
18	Division of Child and Family	
19	Services	\$31,153 \$4,722

20 **Sec. 54.** Chapter 555 of NRS is hereby amended by adding
 21 thereto a new section to read as follows:

22 *1. There is hereby created in the State General Fund the*
 23 *Account for the Control of Weeds to be administered by the*
 24 *Director. Money in the Account must be used for the abatement of*
 25 *weeds. The Director may adopt regulations for the administration*
 26 *of the Account.*

27 *2. The Account is a continuing account without reversion to*
 28 *the State General Fund. The money in the Account must be*
 29 *invested as the money in other state funds or accounts is invested.*
 30 *The interest and income earned on the money in the Account,*
 31 *after deducting any appropriate charges, must be credited to the*
 32 *Account. All claims against the Account must be paid as other*
 33 *claims against the State are paid.*

34 *3. The Director may accept gifts, grants and donations from*
 35 *any source for deposit in the Account.*

36 **Sec. 55.** There is hereby appropriated from the State General
 37 Fund to the Account for the Control of Weeds created by section 54
 38 of this act the sum of \$100,000.

39 **Sec. 56.** 1. There is hereby appropriated from the State
 40 General Fund to the Department of Education for the Fiscal Year
 41 2006-2007 for the support of nonprofit public broadcasting stations
 42 in Nevada whose programs are devoted primarily to serving the
 43 educational, informational and cultural needs of Nevada the sum of
 44 \$300,000.



1 2. Any remaining balance of the appropriation made by
2 subsection 1 must not be committed for expenditure after June 30,
3 2007, and must be reverted to the State General Fund on or before
4 September 21, 2007.

5 **Sec. 57.** There is hereby appropriated from the State General
6 Fund to the Department of Education for the purchase of portable
7 classrooms for the provision of full-day kindergarten the sum of
8 \$4,745,500.

9 **Sec. 58.** There is hereby appropriated from the State General
10 Fund to the Department of Education for the purchase of portable
11 classrooms for the provision of full-day kindergarten the sum of
12 \$2,650,000.

13 **Sec. 59.** 1. The Department of Education shall distribute the
14 money appropriated in sections 57 and 58 of this act to school
15 districts for the purchase of the necessary school facilities to provide
16 full-day kindergarten in the 2006-2007 school year. The Clark
17 County School District is not eligible to receive a distribution of
18 money pursuant to this subsection.

19 2. Any remaining balance of the appropriation made by section
20 57 or 58 of this act must not be committed for expenditure after
21 June 30, 2007, and must be reverted to the State General Fund on or
22 before September 21, 2007.

23 **Sec. 60.** 1. There is hereby appropriated from the State
24 General Fund to the Women's Research Institute of Nevada at the
25 University of Nevada, Las Vegas:

26 For the Fiscal Year 2005-2006..... \$150,000
27 For the Fiscal Year 2006-2007..... \$150,000

28 2. Any balance of the sums appropriated by subsection 1
29 remaining at the end of the respective fiscal years must not be
30 committed for expenditure after June 30 of the respective fiscal
31 years and must be reverted to the State General Fund on or before
32 September 15, 2006, and September 21, 2007, respectively.

33 **Sec. 61.** 1. There is hereby appropriated from the State
34 General Fund to the Division of State Library and Archives of the
35 Department of Cultural Affairs for grants to local libraries for
36 library collections:

37 For the Fiscal Year 2005-2006..... \$600,000
38 For the Fiscal Year 2006-2007..... \$600,000

39 2. Any balance of the sums appropriated by subsection 1
40 remaining at the end of the respective fiscal years must not be
41 committed for expenditure after June 30 of the respective fiscal
42 years and must be reverted to the State General Fund on or before
43 September 15, 2006, and September 21, 2007, respectively.

44 **Sec. 62.** 1. There is hereby appropriated from the State
45 General Fund to the Department of Education the sum of \$175,000



1 for distribution to school districts that establish pilot programs in
2 accordance with section 63 of this act.

3 2. Any remaining balance of the appropriation made by
4 subsection 1 must not be committed for expenditure after June 30,
5 2007, and must be reverted to the State General Fund on or before
6 September 21, 2007.

7 **Sec. 63.** 1. The Department of Education shall:

8 (a) Prescribe the form for an application to establish a pilot
9 program to teach the English language to children who have limited
10 proficiency in the English language during the summer before they
11 attend kindergarten;

12 (b) Prescribe the criteria for the selection of school districts to
13 establish a pilot program; and

14 (c) Develop a uniform method for evaluation of the pilot
15 programs that provides a longitudinal analysis of statistical data.

16 2. A school district that wishes to establish a pilot program to
17 teach the English language to children who have limited proficiency
18 in the English language during the summer before they attend
19 kindergarten shall:

20 (a) On or before October 1, 2005, submit to the Department of
21 Education an application on the form prescribed by the Department
22 pursuant to subsection 1;

23 (b) Submit proof to the Department that the school district has
24 obtained matching money from a private source to combine with the
25 money provided by the Department; and

26 (c) Agree to participate in the longitudinal evaluation of the pilot
27 programs developed by the Department pursuant to subsection 1.

28 3. An application submitted pursuant to subsection 2 must
29 contain a plan for a pilot program. Such a plan must:

30 (a) Contain an estimate of the number of children who will be
31 enrolled in the program.

32 (b) Set forth the manner in which the children will be screened
33 for participation in the pilot program. For each student that will
34 participate in the pilot program, all prekindergarten children who are
35 determined to have limited proficiency in the English language, who
36 speak a common language and who will be enrolled in kindergarten
37 at the school in the fall of 2006, must be enrolled in the same class
38 for the pilot program, unless fewer than 10 such children speak a
39 common language.

40 (c) Ensure that each class taught in the pilot program includes at
41 least one teacher and one paraprofessional, at least one of whom
42 must speak, read and write both the English language and the
43 primary language of the children enrolled in the class.



1 4. The Department shall not approve an application submitted
2 pursuant to subsection 2 if the applicant has not received matching
3 money from a private source.

4 5. On or before December 1, 2005, the Department of
5 Education shall make grants of money from the appropriation made
6 by section 62 of this act as follows:

7 (a) If the Department approves an application submitted by the
8 Clark County School District, \$100,000 to the School District to
9 carry out the pilot program before the beginning of the 2006-2007
10 school year.

11 (b) If the Department approves an application submitted by the
12 Washoe County School District, \$50,000 to the School District to
13 carry out the pilot program before the beginning of the 2006-2007
14 school year.

15 (c) If the Department approves applications submitted by school
16 districts other than the Clark County School District and Washoe
17 County School District, the Department shall distribute the amount
18 of money remaining from the appropriation made by section 62 of
19 this act to those school districts. The grants of money made to each
20 school district pursuant to this paragraph must be distributed
21 proportionately among the school districts based upon the number of
22 children who are estimated to participate in the pilot program in
23 each school district. A school district that receives a grant of money
24 pursuant to this paragraph shall use the money to carry out the
25 approved pilot program before the beginning of the 2006-2007
26 school year.

27 6. For each school district whose application is approved, the
28 school district shall distribute \$1,000 to each school that will
29 participate in the pilot program to promote parental involvement
30 with the parents and legal guardians of children enrolled in the
31 program. The money may be used by a school, without limitation,
32 for the purchase of translating materials for the parents and
33 guardians and providing training to the staff and parents and
34 guardians on effective methods to communicate with school
35 personnel and other methods designed to promote effective
36 involvement by parents and guardians in the education of their
37 children.

38 7. A school district that establishes a pilot program:

39 (a) Is responsible for all costs associated with the building,
40 maintenance, utilities, administration and supplies for the pilot
41 program offered at a school within the district.

42 (b) Shall submit an evaluation of the pilot program on or before
43 November 1, 2006, to the Department of Education in a format
44 required by the Department.



1 8. On or before February 1, 2007, the Department of Education
2 shall submit a report to the Director of the Legislative Counsel
3 Bureau for transmission to the 74th Session of the Nevada
4 Legislature. The report must include, without limitation:

5 (a) The name of each school district that received a grant of
6 money pursuant to subsection 5 and the amount of each grant;

7 (b) A compilation of the evaluations submitted by each school
8 district that established a pilot program;

9 (c) An evaluation of the pilot programs, including, without
10 limitation, the effect of the programs on the achievement and
11 proficiency in the English language of the children enrolled in the
12 program; and

13 (d) Any recommendations for legislation relating to the pilot
14 programs.

15 **Sec. 64.** 1. There is hereby appropriated from the State
16 General Fund to the Department of Education for pilot programs for
17 alternative programs of education for disruptive pupils established
18 pursuant to section 65 of this act:

19 For the Fiscal Year 2005-2006..... \$500,000

20 For the Fiscal Year 2006-2007..... \$500,000

21 2. Any remaining balance of the appropriation made by
22 subsection 1 must not be committed for expenditure after June 30,
23 2007, and must be reverted to the State General Fund on or before
24 September 21, 2007.

25 **Sec. 65.** 1. The Superintendent of Public Instruction shall
26 prescribe:

27 (a) The form for an application to establish a pilot program for
28 an alternative program of education for disruptive pupils; and

29 (b) Criteria for the selection of schools to establish such a pilot
30 program.

31 2. A public school in this State may submit an application to
32 the Department of Education to establish a pilot program pursuant to
33 this section. Such an application must include an estimate of the
34 costs of establishing a program. If a school is selected to establish a
35 pilot program, the school will receive a grant of money from the
36 appropriation made by section 64 of this act to carry out a program
37 in an amount based upon the estimated costs of establishing the
38 program.

39 3. A pilot program established pursuant to this section must:

40 (a) Comply with NRS 392.4642 to 392.4648, inclusive;

41 (b) Be provided in a setting outside the regular classroom of the
42 pupil;

43 (c) Ensure that pupils who are participating in the program are
44 separated from pupils who are not participating in the program;



- 1 (d) Provide supervision of and counseling to pupils who
2 participate in the program;
- 3 (e) Provide and emphasize instruction in English language arts,
4 mathematics, science and history, as appropriate to the grade level
5 of the pupils participating in the program;
- 6 (f) Provide and emphasize training in self-discipline;
- 7 (g) Provide for a transitional stage between in-school or in-home
8 suspension and regular school activities; and
- 9 (h) Include an evaluation phase based on the collection of data
10 to measure the effectiveness of the program.
- 11 4. A pilot program established pursuant to this section may:
- 12 (a) Be located on the grounds of the school or at another
13 location.
- 14 (b) Include programs that:
- 15 (1) Use innovative instructional, counseling or disciplinary
16 concepts.
- 17 (2) Encourage the effective involvement of the parents and
18 legal guardians of pupils who are participating in the program.
- 19 (c) Provide instructional and other services to pupils through the
20 existing staff at a public school or from other personnel, or any
21 combination thereof.
- 22 5. On or before October 1, 2006, the schools that establish a
23 pilot program pursuant to this section shall submit a report to the
24 Department of Education for the period ending September 1, 2006,
25 that includes:
- 26 (a) The manner in which the pilot program was carried out;
- 27 (b) The number of pupils who participated in the program;
- 28 (c) The expenditures made by the school for the program;
- 29 (d) The number of disciplinary referrals, suspensions and
30 expulsions that occurred at the school before and after the
31 establishment of the program; and
- 32 (e) An analysis of the academic achievement and performance
33 of the pupils before and after the pupils participated in the program.
- 34 6. The Department of Education shall evaluate the
35 effectiveness of the pilot programs established pursuant to this
36 section based on the reports submitted by the schools pursuant to
37 subsection 5. In addition, the Department shall solicit and analyze
38 data from schools that did not establish pilot programs pursuant to
39 this section but have established alternative programs of education
40 for disruptive pupils. The Department may spend not more than
41 \$10,000 of the amount appropriated pursuant to section 64 of this
42 act during the Fiscal Years 2005-2007 to hire a contractor to assist
43 with the evaluation.



1 7. On or before December 1, 2006, the Department of
2 Education shall submit a report of its findings to the Legislative
3 Committee on Education created pursuant to NRS 218.5352.

4 8. On or before February 1, 2007, the Department of Education
5 shall submit a final report of its findings to the Director of the
6 Legislative Counsel Bureau for transmission to the 74th Session of
7 the Nevada Legislature.

8 **Sec. 66.** 1. There is hereby appropriated from the State
9 General Fund to the Department of Administration for allocation to
10 the Las Vegas-Clark County Library District Foundation, Inc., the
11 sum of \$200,000 for the establishment of a "Homework Help
12 Center" at the West Las Vegas Library.

13 2. Any remaining balance of the appropriation made by
14 subsection 1 must not be committed for expenditure after June 30,
15 2007, and must be reverted to the State General Fund on or before
16 September 21, 2007.

17 **Sec. 67.** 1. There is hereby appropriated from the State
18 General Fund to the Department of Administration for allocation to
19 the M2 Foundation for Kids in this State the sum of \$200,000 for
20 enhancing educational programs for children.

21 2. Any remaining balance of the appropriation made by
22 subsection 1 must not be committed for expenditure after June 30,
23 2007, and must be reverted to the State General Fund on or before
24 September 21, 2007.

25 **Sec. 68.** Upon acceptance of the money appropriated by
26 section 66 or 67 of this act, the Las Vegas-Clark County Library
27 District Foundation, Inc., and the M2 Foundation for Kids,
28 respectively, shall:

29 1. Prepare and transmit a report to the Interim Finance
30 Committee on or before December 15, 2006, that describes each
31 expenditure made from the money appropriated by subsection 1
32 from the date on which the money was received by the Las Vegas-
33 Clark County Library District Foundation, Inc., or the M2
34 Foundation for Kids through December 1, 2006; and

35 2. Upon request of the Legislative Commission, make available
36 to the Legislative Auditor any books, accounts, claims, reports,
37 vouchers or other records of information, confidential or otherwise,
38 and regardless of their form or location, which the Legislative
39 Auditor deems necessary to conduct any audit of the use of the
40 money appropriated pursuant to subsection 1.

41 **Sec. 69.** 1. There is hereby appropriated from the State
42 General Fund to the Department of Education for grants of money to
43 school districts that adopt a program of performance pay and
44 enhanced compensation for the recruitment, retention and mentoring
45 of licensed personnel pursuant to this section:



1 For the Fiscal Year 2005-2006..... \$5,000,000
2 For the Fiscal Year 2006-2007..... \$5,000,000

3 2. To receive a grant of money, the board of trustees of a
4 school district may submit an application to the Department of
5 Education that:

6 (a) Sets forth a program of performance pay and enhanced
7 compensation for the recruitment, retention and mentoring of
8 licensed personnel adopted by the school district and negotiated
9 pursuant to chapter 288 of NRS, which includes one or more of the
10 following components:

11 (1) Skills-based pay pursuant to which licensed employees
12 develop certain skills verified through licensure, certification or
13 some other method.

14 (2) A "career ladder" program, pursuant to which licensed
15 employees who perform at or above specified standards receive an
16 increase in compensation. Each step requires additional growth,
17 professional development, expertise and additional responsibilities,
18 including, without limitation, mentoring.

19 (3) A program for the mentoring of teachers that provides for
20 the payment of increased compensation for mentor teachers and that
21 includes criteria for the selection of mentor teachers and teachers
22 who will be mentored.

23 (4) Market-based pay, pursuant to which one-time bonuses
24 are paid to retain licensed employees who provide instruction in
25 high-need subject areas such as mathematics, science and special
26 education and to retain licensed employees who teach in at-risk
27 schools.

28 (5) The payment of signing bonuses and other financial
29 incentives for licensed employees who:

30 (I) Are newly hired by the school district and have been
31 employed by the school district for at least 30 days; and

32 (II) Have not been previously employed by a school
33 district in this State.

34 (6) The payment of bonuses to licensed employees based
35 upon the attainment of specified standards of achievement by pupils.

36 (7) Notwithstanding the provisions of NRS 391.165 to the
37 contrary, the payment to licensed employees of the cost of
38 purchasing service pursuant to subsection 2 of NRS 286.300 or the
39 payment of equivalent financial incentives. If a school district
40 makes payments pursuant to this subparagraph, it shall be deemed to
41 have complied with NRS 391.165 on behalf of each employee who
42 is otherwise eligible for the purchase of service pursuant to that
43 section for each year of the 2005-2007 biennium that the school
44 district makes payments pursuant to this subparagraph.



1 (b) Includes the amount of money necessary to pay the enhanced
2 compensation pursuant to the program.

3 (c) Includes the number of licensed employees who are
4 estimated to be eligible for enhanced compensation pursuant to the
5 program.

6 3. To the extent money is available from the appropriation
7 made by subsection 1, the Department of Education shall provide
8 grants of money to school districts with approved applications based
9 upon the amount of money that is necessary to carry out each
10 program. If an insufficient amount of money is available to pay for
11 each program, the money from the appropriation must be distributed
12 pro rata based upon the number of licensed employees who are
13 estimated to be eligible to participate in the program in each school
14 district with an approved application.

15 4. The Department of Education shall, in consultation with
16 representatives appointed by the Nevada Association of School
17 Superintendents and the Nevada Association of School Boards,
18 develop a formula for identifying at-risk schools for purposes of this
19 section. The formula must be developed on or before July 1, 2005,
20 and include, without limitation, the following factors:

21 (a) The percentage of pupils who are eligible for free or reduced
22 price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

23 (b) The transiency rate of pupils;

24 (c) The percentage of pupils who are limited English proficient;

25 (d) The percentage of pupils who have individualized education
26 programs;

27 (e) The percentage of pupils who score in the bottom two
28 quarters on the mathematics portion or the reading portion, or both,
29 of the high school proficiency examination; and

30 (f) The percentage of pupils who drop out of high school before
31 graduation.

32 5. The board of trustees of each school district that receives a
33 grant of money pursuant to this section shall evaluate the
34 effectiveness of the program for which the grant was awarded. The
35 evaluation must include, without limitation, an evaluation of
36 whether the program is effective in recruiting and retaining qualified
37 licensed personnel. On or before February 1, 2007, the board of
38 trustees shall submit a report of its evaluation and any
39 recommendations to the:

40 (a) State Board of Education.

41 (b) Department of Education.

42 (c) Legislative Committee on Education.

43 (d) Director of the Legislative Counsel Bureau for transmission
44 to the 74th Session of the Nevada Legislature.



1 6. Any balance of the sums appropriated by subsection 1
2 remaining at the end of the respective fiscal years must not be
3 committed for expenditure after June 30 of the respective fiscal
4 years and must be reverted to the State General Fund on or before
5 September 15, 2006, and September 21, 2007, respectively.

6 **Sec. 70.** 1. There is hereby appropriated from the State
7 General Fund to Clark County the sum of \$175,000 for operating
8 expenses to launch a pilot project that will provide a discounted
9 medical services for uninsured working residents of Clark County.

10 2. Any remaining balance of the appropriation made by
11 subsection 1 must not be committed for expenditure after June 30,
12 2007, and must be reverted to the State General Fund on or before
13 September 21, 2007.

14 **Sec. 71.** 1. There is hereby appropriated from the State
15 General Fund to the Clark County Public Education Foundation,
16 Inc., the sum of \$250,000 for new programs and the expansion of
17 outreach efforts.

18 2. Upon acceptance of the money appropriated by subsection 1,
19 the Clark County Public Education Foundation, Inc., shall:

20 (a) Prepare and transmit a report to the Interim Finance
21 Committee on or before December 15, 2006, that describes each
22 expenditure made from the money appropriated by subsection 1
23 from the date on which the money was received by the Clark
24 County Public Education Foundation, Inc., through December 1,
25 2006; and

26 (b) Upon request of the Legislative Commission, make available
27 to the Legislative Auditor any of the books, accounts, claims,
28 reports, vouchers or other records of information, confidential or
29 otherwise of the Clark County Public Education Foundation, Inc.,
30 regardless of their form or location, that the Legislative Auditor
31 deems necessary to conduct an audit of the use of the money
32 appropriated pursuant to subsection 1.

33 3. Any remaining balance of the appropriation made by
34 subsection 1 must not be committed for expenditure after June 30,
35 2007, and must be reverted to the State General Fund on or before
36 September 21, 2007.

37 **Sec. 72.** 1. There is hereby appropriated from the State
38 General Fund to the Washoe County School District Educational
39 Foundation, Inc., the sum of \$150,000 for new programs and the
40 expansion of outreach efforts.

41 2. Upon acceptance of the money appropriated by subsection 1,
42 the Washoe County School District Educational Foundation, Inc.,
43 shall:

44 (a) Prepare and transmit a report to the Interim Finance
45 Committee on or before December 15, 2006, that describes each



1 expenditure made from the money appropriated by subsection 1
2 from the date on which the money was received by the Washoe
3 County School District Educational Foundation, Inc., through
4 December 1, 2006; and

5 (b) Upon request of the Legislative Commission, make available
6 to the Legislative Auditor any of the books, accounts, claims,
7 reports, vouchers or other records of information, confidential or
8 otherwise of the Washoe County School District Educational
9 Foundation, Inc., regardless of their form or location, that the
10 Legislative Auditor deems necessary to conduct an audit of the use
11 of the money appropriated pursuant to subsection 1.

12 3. Any remaining balance of the appropriation made by
13 subsection 1 must not be committed for expenditure after June 30,
14 2007, and must be reverted to the State General Fund on or before
15 September 21, 2007.

16 **Sec. 73.** 1. Notwithstanding the provisions of subsection 6 of
17 NRS 389.015 to the contrary, the Department of Education shall:

18 (a) On or before September 1, 2005, release one form of the
19 mathematics portion of the high school proficiency examination;
20 and

21 (b) On or before May 1, 2006, release one form of the reading
22 portion of the high school proficiency examination.

23 ↪ Each form that is released must be obtained from a current
24 version of the high school proficiency examination that was
25 administered to pupils enrolled in public schools who are scheduled
26 to graduate in the spring semester of 2006.

27 2. The Department of Education shall provide for the public
28 dissemination of the examinations that are released pursuant to
29 subsection 1 by:

30 (a) Posting a copy of the released examinations on the Internet
31 website maintained by the Department;

32 (b) Providing copies of the released examinations to the board of
33 trustees of each school district and the governing body of each
34 charter school;

35 (c) Providing notice of the availability of the released
36 examinations to at least one newspaper in each county of this State
37 that is of general circulation in that county; and

38 (d) Providing copies of the released examinations upon request.

39 3. The board of trustees of each school district and the
40 governing body of each charter school shall ensure that pupils
41 enrolled in the school district or charter school, the parents and
42 guardians of those pupils and the educational personnel employed
43 by the school district or charter school have sufficient notice
44 concerning the availability of the released examinations. Upon the
45 request of a pupil, parent, legal guardian, employee or member of



1 the general public, the school district or charter school, as
2 applicable, shall provide a copy of the released examinations.

3 **Sec. 74.** 1. The following sums are hereby appropriated from
4 the State General Fund to the Department of Education for the
5 development of examinations to replace the examinations that are
6 released pursuant to section 73 of this act:

7 (a) For the mathematics portion, \$161,500.

8 (b) For the reading portion, \$185,000.

9 2. Any remaining balance of the appropriation made by
10 subsection 1 must not be committed for expenditure after June 30,
11 2007, and must be reverted to the State General Fund on or before
12 September 21, 2007.

13 **Sec. 75.** 1. On or before September 1, 2005, the Legislative
14 Commission shall enter into a contract with a qualified, independent
15 consultant to carry out the duties set forth in this section, including
16 reviewing, evaluating, receiving and investigating complaints that
17 are filed by or on behalf of any child concerning the health, safety,
18 welfare, or civil or other rights of a child who is under the care of a
19 governmental entity or private facility, and to prepare a written
20 report as required pursuant to section 2 of this act.

21 2. The independent consultant to whom the contract is awarded
22 pursuant to subsection 1 shall:

23 (a) Receive and review copies of all guidelines used by
24 governmental entities and private facilities concerning the health,
25 safety, welfare, civil rights and treatment of children;

26 (b) Receive and review copies of and investigate complaints that
27 are filed by any child or any other person on behalf of a child who is
28 under the care of a governmental entity or private facility
29 concerning the health, safety, welfare, or civil or other rights of the
30 child during the period of the contract with the consultant;

31 (c) Perform unannounced site visits and on-site inspections of
32 governmental and private facilities;

33 (d) Review reports and other documents prepared by
34 governmental entities and private facilities concerning the
35 disposition of any complaints which were filed by a child or any
36 other person on behalf of a child concerning the health, safety,
37 welfare, or civil or other rights of the child for the period beginning
38 January 1, 2000, and ending on September 30, 2006;

39 (e) Review practices, policies and procedures of governmental
40 entities and private facilities for filing and investigating complaints
41 made by a child under their care or by any other person on behalf of
42 such a child concerning the health, safety, welfare, or civil or other
43 rights of the child; and

44 (f) Perform such other duties as directed by the subcommittee
45 appointed pursuant to section 2 of this act.



- 1 3. Each governmental entity and private facility shall:
- 2 (a) Cooperate fully with the consultant to whom the contract is
- 3 awarded pursuant to subsection 1;
- 4 (b) Allow the consultant to enter the governmental entity or
- 5 private facility, as applicable, and any area within the entity or
- 6 facility with or without prior notice;
- 7 (c) Allow the consultant to interview children and staff;
- 8 (d) Allow the consultant to inspect, review and copy any
- 9 records, reports and other documents relevant to the duties of the
- 10 consultant;
- 11 (e) Post information in a conspicuous place within the
- 12 governmental entity or private facility, as applicable, concerning the
- 13 role of the consultant to whom a contract is awarded pursuant to
- 14 subsection 1 and the manner in which a child or other person may
- 15 contact the consultant to file a complaint or provide other
- 16 information; and
- 17 (f) Forward to the consultant copies of any complaint that is
- 18 filed by a child under the care of a governmental entity or private
- 19 facility or by any other person on behalf of such a child concerning
- 20 the health, safety, welfare, or civil or other rights of the child during
- 21 the period beginning September 1, 2005, and ending on
- 22 September 30, 2006.
- 23 4. As used in this section:
- 24 (a) "Agency which provides child welfare services" has the
- 25 meaning ascribed to it in NRS 432B.030.
- 26 (b) "Governmental entity" includes, without limitation, a local,
- 27 regional or state facility for the detention of children, a public
- 28 agency or institution authorized to care for children, a treatment
- 29 facility of the Division of Child and Family Services of the
- 30 Department of Human Resources which provides services for the
- 31 mental health of children pursuant to NRS 433B.310, any other
- 32 governmental agency, facility or institution which has physical
- 33 custody of children pursuant to an order of a court of competent
- 34 jurisdiction and a public entity which provides care and supervision
- 35 of children. The term does not include a foster home.
- 36 (c) "Local facility for the detention of children" has the meaning
- 37 ascribed to it in NRS 62A.190.
- 38 (d) "Private facility" means a private agency, facility or
- 39 institution licensed by the Department of Human Resources or a
- 40 county which has physical custody of children pursuant to any order
- 41 of a court of competent jurisdiction and which receives funding
- 42 from a state or local government. The term does not include a foster
- 43 home.
- 44 (e) "Regional facility for the detention of children" has the
- 45 meaning ascribed to it in NRS 62A.280.



1 (f) "State facility for the detention of children" has the meaning
2 ascribed to it in NRS 62A.330.

3 **Sec. 76.** 1. The Legislative Commission shall appoint a
4 subcommittee to oversee the independent consultant to whom the
5 contract is awarded pursuant to section 1 of this act.

6 2. The independent consultant shall provide to the
7 subcommittee periodic reports of his activities at least quarterly and
8 at such other times as may be requested by the subcommittee.

9 3. On or before December 15, 2006, the independent consultant
10 shall submit a final written report to the subcommittee which must
11 include:

12 (a) A description of the work that the consultant has completed;

13 (b) A summary of the information that the consultant has
14 compiled;

15 (c) An analysis of the health, safety, welfare, and civil and other
16 rights of children placed under the care of governmental entities and
17 private facilities in this State;

18 (d) Any conclusions and recommendations of the consultant;
19 and

20 (e) Such other information as directed by the subcommittee.

21 4. The Director of the Legislative Counsel Bureau shall
22 provide such staff and other support as is necessary for the
23 subcommittee to perform its duty.

24 5. Upon acceptance of the final report, the subcommittee shall
25 forward a copy of the final report of the consultant to the Legislative
26 Commission. On or before February 5, 2007, the Legislative
27 Commission shall submit a copy of the final written report and any
28 recommendations for legislation to the Director of the Legislative
29 Counsel Bureau for transmission to the 74th Session of the Nevada
30 Legislature.

31 **Sec. 77.** There is hereby appropriated from the State General
32 Fund to the Legislative Fund created by NRS 218.085 the sum of
33 \$200,000 for use by the Legislative Commission to contract with a
34 qualified, independent consultant to conduct the evaluation and
35 review described in sections 75 and 76 of this act.

36 **Sec. 78.** There is hereby appropriated from the State General
37 Fund to the Health Division of the Department of Human Resources
38 the sum of \$250,000 for a power generator for the bioterrorism
39 laboratory in Nevada.

40 **Sec. 79.** Any remaining balance of the appropriation made by
41 section 78 of this act must not be committed for expenditure after
42 June 30, 2007, and must be reverted to the State General Fund on or
43 before September 21, 2007.

44 **Sec. 80.** 1. There is hereby appropriated from the State
45 General Fund to the Interim Finance Committee the sum of



1 \$4,000,000 for allocation to the School of Medicine of the Nevada
2 System of Higher Education for expenses relating to architectural
3 design, engineering and construction of an academic Medical Center
4 with an organ transplant center located in Clark County.

5 2. Any remaining balance of the appropriation made by
6 subsection 1 must not be committed for expenditure after June 30,
7 2009, and must be reverted to the State General Fund on or before
8 September 18, 2009.

9 **Sec. 81.** 1. There is hereby appropriated from the State
10 General Fund to Clark County for capital projects designed to assist
11 homeless persons, including, without limitation, the construction of
12 restrooms, showers and storage facilities as well as case
13 management and intervention services.

14 For the Fiscal Year 2005-2006 \$2,000,000
15 For the Fiscal Year 2006-2007 \$2,000,000

16 2. Any balance of the sums appropriated by section 1 of this
17 act remaining at the end of the respective fiscal years must not be
18 committed for expenditure after June 30 of the respective fiscal
19 years and must be reverted to the State General Fund on or before
20 September 15, 2006, and September 21, 2007, respectively.

21 3. Upon acceptance of the money appropriated by subsection 1,
22 Clark County shall:

23 (a) Prepare and transmit a report to the Interim Finance
24 Committee on or before December 15, 2006, that describes each
25 expenditure made from the money appropriated by subsection 1
26 from the date on which the money was received by Clark County
27 through December 1, 2006; and

28 (b) Upon request of the Legislative Commission, make available
29 to the Legislative Auditor any of the books, accounts, claims
30 reports, vouchers or other records of information, confidential or
31 otherwise, of Clark County, irrespective of their form or location,
32 that the Legislative Auditor deems necessary to conduct an audit of
33 the use of the money appropriated pursuant to subsection 1.

34 **Sec. 82.** 1. There is hereby appropriated from the State
35 General Fund to the Department of Education to establish advisory
36 technical skills committees and to provide for the support of career
37 and technical educational programs:

38 Fiscal Year 2005-2006 \$1,000,000
39 Fiscal Year 2006-2007 \$1,000,000

40 2. If the board of trustees of a school district or a charter school
41 has established a program of career and technical education pursuant
42 to NRS 388.380, the Department shall provide grants of money to
43 school districts or charter schools to establish technical skills
44 advisory committees that are to review the curriculum, design,



1 content and operation of the program of career and technical
2 education to determine its effectiveness.

3 3. The Department shall provide grants of money to establish,
4 maintain, and expand programs of career and technical education.

5 4. The Department shall:

6 (a) Develop an application form for the grants;

7 (b) Establish criteria for grants of money to school districts and
8 charter schools;

9 (c) Make determinations regarding the grants of money based
10 upon recommendations of the advisory technical skills committee
11 established by the school district or charter school, if applicable; and

12 (d) Allocate money to school districts and charter schools based
13 upon the total unduplicated enrollment of pupils in all career and
14 technical education classes in that school district or charter school
15 during the immediately preceding school year. Notwithstanding the
16 provision of this paragraph, the Department may establish a
17 minimum allocation for a school district located in a county whose
18 population is less than 50,000.

19 5. Any balance of the sums appropriated by subsection 1
20 remaining at the end of the respective fiscal years must not be
21 committed for expenditure after June 30 of the respective fiscal
22 years and must be reverted to the State General Fund on or before
23 September 15, 2006, and September 21, 2007, respectively.

24 **Sec. 83.** The appropriations made by the provisions of this act
25 are not intended to finance ongoing expenditures of state agencies
26 and the expenditures financed with those appropriations must not be
27 included as base budget expenditures in the proposed budget for the
28 Executive Branch of State Government for the 2007-2009 biennium.

29 **Sec. 84.** 1. This section and sections 2, 3, 23, 24, 27 to 38,
30 inclusive, 57, 59, 66, 67, 68, 71, 72, 75 to 77, inclusive, and 83 of
31 this act become effective upon passage and approval.

32 2. Section 69 of this act becomes effective upon passage and
33 approval for the purpose of developing a formula defining at-risk
34 schools and on July 1, 2005, for all other purposes.

35 3. Sections 1, 4 to 22, inclusive, 25, 26, 39 to 56, inclusive, 58,
36 60, 61, 62 to 65, inclusive, 70, 73, 74 and 78 to 82, inclusive, of this
37 act become effective on July 1, 2005.

38 4. Policy changes implemented in this act may be continued to
39 the extent that money is available from the State or Federal
40 Government or other sources.



