NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), May 30, 2021

Assembly called to order at 2:42 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Assemblywoman Alexis Hansen.

Our Father who art in Heaven, we are grateful to be gathered here on this beautiful spring Sabbath Day. The Sabbath Day is a reminder that we live in a great nation where our religious freedom to worship how, where, or what we may, is protected.

On this Memorial weekend, we are indeed grateful and humbled by those in the military and their families who have given the ultimate sacrifice to preserve our great nation and the freedoms that we have, which also enable all of us here today to stand as representatives in our republic for our constituents. Let us never forget our veterans' sacrifices and their families.

In these closing days of this legislative session, please help us to be able to discern truth from error; help us to be aware of our own weakness and our blind spots when dealing with others and legislation. Help us to strive to put public service ahead of self-interest, and please bless our hardworking staff for all their dedicated work and for preserving the dignity and tradition of this institution with their professionalism.

We humbly offer up these words of gratitude and petitions for assistance in the Name of our Redeemer, Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 147, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 451, 453, 454, 455, 456, 457, 458, 461, 462, 465, 466, 467, 469, 470, 474, 475, 477, 482, 484, 485.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 40, Amendment No. 811; Assembly Bill No. 67, Amendments Nos. 538, 768, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 164.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 805 to Senate Bill No. 410.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Peters and Watts:

Assembly Concurrent Resolution No. 3—Requiring the Legislative Commission to appoint an interim committee to conduct a study concerning environmental justice.

Assemblywoman Brittney Miller moved the adoption of the resolution.

Remarks by Assemblywoman Brittney Miller.

ASSEMBLYWOMAN BRITTNEY MILLER:

Assembly Concurrent Resolution 3 requires the Legislative Commission to appoint an interim committee to conduct a study concerning environmental justice.

Resolution adopted, as amended, and ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 164.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 194, 325, and 428 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 353 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 353.

Bill read third time.

The following amendment was proposed by Assemblywoman Brittney Miller:

Amendment No. 827.

AN ACT relating to education; requiring the Department of Education to review examinations and assessments for certain information; requiring the Department to adopt regulations that prescribe certain limitations on examinations and assessments; authorizing the board of trustees of a school district or the governing body of a charter school to request a waiver from the State Board of Education for certain limitations; authorizing the State Board to grant a waiver in certain circumstances; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the administration of examinations and assessments to measure the achievement and proficiency of pupils in various subjects. (NRS 390.055, 390.105) **Section 2** of this bill requires the Department of Education to review the examinations and assessments administered to pupils for: (1) the educational benefit of administering an examination or assessment; (2) the costs of administering an examination or assessment; and (3) redundancy in the information, skills or abilities measured by an examination or assessment. **Section 3** of this bill requires the Department to adopt regulations that prescribe limitations for: (1) the time taken from instruction to conduct an examination or assessment; and (2) the number of examinations or assessments administered in a school year. **Section 3** requires the board of trustees of a school district or the governing body of a charter school to request a waiver from the State Board of Education if the board of trustees or the governing body intends to administer an examination or assessment that would exceed the limits imposed by the Department. **Section 3** authorizes the State Board to grant a waiver from the limitations to a school district or charter school if the State Board deems a waiver to be appropriate. **Section 3.5** of this bill makes an appropriation to the Department for costs related to contract services and adopting regulations to carry out the provisions of this bill.

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

Section 1. Chapter 390 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***The Department shall review examinations and assessments administered pursuant to this chapter and examinations and assessments required to be administered by the board of trustees of a school district, the governing body of a charter school or a public school on a district-wide or school-wide basis, as applicable, for:***

1. The educational benefit of an examination or assessment;

2. The cost of administering an examination or assessment; and

3. Any redundancy in the information, skills or abilities measured by different examinations and assessments.

Sec. 3. ***1. The Department shall adopt regulations that , for an examination or assessment administered pursuant to this chapter or required to be administered by the board of trustees of a school district, the governing body of a charter school or a public school on a district-wide or school-wide basis, as applicable, prescribe limits on the:***

(a) Actual time taken from instruction to conduct an examination or assessment ; [pursuant to this chapter;] and

(b) Number of examinations or assessments administered to pupils [pursuant to this chapter] in a school year.

2. If the board of trustees of a school district or the governing body of a charter school intends to administer an examination or assessment [pursuant to this chapter] that would exceed a limitation in a regulation adopted by the Department pursuant to subsection 1, the board of trustees of the school district or the governing body of the charter school must request a waiver from the State Board to exceed the limitation. The State Board may grant a waiver requested pursuant to this subsection if the State Board deems it appropriate.

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Department of Education for costs related to contract services and adopting regulations to carry out the provisions of this act the following sums:

For the Fiscal Year 2021-2022 ..... $65,364

For the Fiscal Year 2022-2023 ..... $187,500

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 4. 1. This section and section 3.5 of this act become effective on July 1, 2021.

2. Sections 1, 2 and 3 of this act become effective on January 1, 2022.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 194.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 828.

AN ACT relating to education; establishing a State Seal of Civics Program; requiring the Superintendent of Public Instruction to establish criteria for certain designations related to civics; requiring a public high school to report certain test results to the Department of Education; requiring instruction provided in social studies to include civics **;** ~~[and a service learning project;]~~ requiring that various communities be included in the standards of content and performance for ethnic and diversity studies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Superintendent of Public Instruction to establish various state seals to be awarded to pupils who graduate high school with a high level of proficiency in certain subjects. (NRS 388.591, 388.594, 388.596, 388.597) **Section 2** of this bill similarly establishes a State Seal of Civics Program. **Section 3** of this bill sets forth the criteria for earning a State Seal of Civics.

Section 5 of this bill requires the Superintendent of Public Instruction to adopt regulations that establish criteria for the Superintendent to designate a school, pupil or teacher or other school employee as a School of Civic Excellence, Student Civic Leader or Educator Civic Leader, respectively.

Under existing law, a public high school must administer an examination with questions identical to the questions contained in the civics portion of the naturalization test adopted by the United States Citizenship and Immigration Services of the Department of Homeland Security and report the aggregate results of the examination to the board of trustees of the school district in which the high school is located. (NRS 389.009) **Section 8** of this bill requires the board of trustees of each school district to report the results of the examination to the Department of Education.

Existing law designates various core academic subjects, including, without limitation, social studies, which includes only the subjects of history, geography, economics and government. (NRS 389.018) **Section 9** of this bill adds civics to the list of subjects included within social studies. ~~[Beginning with the graduating class of 2027, section 9 requires instruction in social studies to require a pupil to complete a service learning project during high school.]~~ **Section 10** of this bill makes a conforming change related to the addition of civics to social studies.

Under existing law, the Council to Establish Academic Standards for Public Schools is required to establish standards of content and performance for ethnic and diversity studies for certain pupils. The standards must, without limitation, examine the culture, history and contributions of certain American communities. (NRS 389.525) **Section 11** of this bill includes additional communities in the list of communities whose culture, history and contributions must be examined.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. The Superintendent of Public Instruction shall establish a State Seal of Civics Program to recognize pupils who graduate from a public high school, including, without limitation, a charter school and a university school for profoundly gifted pupils, who have attained a high level of proficiency in civics.***

2. The Superintendent of Public Instruction shall:

(a) Create a State Seal of Civics that may be affixed to the diploma and noted on the transcript of a pupil to recognize that the pupil has met the requirements of section 3 of this act; and

(b) Deliver the State Seal of Civics to each school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of Civics Program.

3. Any school district, charter school and university school for profoundly gifted pupils may participate in the State Seal of Civics Program by notifying the Superintendent of Public Instruction of its intent to participate in the Program.

4. Each board of trustees of a school district and governing body of a charter school or university school for profoundly gifted pupils that participates in the State Seal of Civics Program shall:

(a) Identify the pupils who have met the requirements to be awarded the State Seal of Civics; and

(b) Affix the State Seal of Civics to the diploma and note the receipt of the State Seal of Civics on the transcript of each pupil who meets those requirements.

5. The Superintendent of Public Instruction may adopt regulations as necessary to carry out the provisions of this section and section 3 of this act.

Sec. 3. ***1. A school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of Civics Program established pursuant to section 2 of this act must award a pupil, upon graduation from high school, a high school diploma with a State Seal of Civics if the pupil:***

(a) Earns at least a 3.25 grade point average on a 4.0 grading scale or, if a different grading scale is used, a 3.85 weighted grade point average on a grading scale approved by the Superintendent of Public Instruction.

(b) Demonstrates proficiency in civics by earning:

(1) At least 3 credits in social studies;

(2) A score of at least ~~[85]~~ 90 percent on the examination for civics required pursuant to NRS 389.009; and

(3) A satisfactory score in citizenship.

(c) Completes a service learning project. ~~[pursuant to NRS 389.018.]~~

2. The Department shall develop a rubric and set forth a satisfactory score to determine if a pupil meets the requirements for a satisfactory score in citizenship for the purposes of subparagraph (3) of paragraph (b) of subsection 1.

3. The Department shall provide guidance to public schools regarding the requirements for completing a service learning project for the purposes of paragraph (c) of subsection 1.

Sec. 4. (Deleted by amendment.)

Sec. 5. ***1. The Superintendent of Public Instruction may designate:***

(a) A school district, charter school or university school for profoundly gifted pupils as a Nevada School of Civic Excellence;

(b) A pupil as a Student Civic Leader; or

(c) A teacher or other school employee as an Educator Civic Leader.

2. The Superintendent of Public Instruction shall adopt regulations that set forth the criteria to earn a designation pursuant to subsection 1.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 389.009 is hereby amended to read as follows:

389.009 1. A public high school shall administer an examination containing a number of questions, determined by the public high school, which are identical to the questions contained in the civics portion of the naturalization test adopted by the United States Citizenship and Immigration Services of the Department of Homeland Security, to each pupil enrolled in the public high school.

2. A public high school shall:

(a) Determine the course in which the examination will be administered;

(b) Establish the number of questions which will be included on the examination, which must not be less than 50;

(c) Determine the desired score on the examination and the manner in which the results of the examination administered to a pupil will affect the grade of the pupil in the course in which the examination is administered; and

(d) Not later than August 31 of each year, aggregate the results of the examination for all pupils at the public high school and report the aggregated results to the board of trustees of the school district in which the public high school is located.

3. Except as otherwise provided in subsection 4, no pupil in any public high school may receive a certificate or diploma of graduation without having taken the examination described in subsection 1.

4. A pupil may receive a waiver from the examination administered pursuant to subsection 1 if:

(a) The pupil is a pupil with a disability and the waiver is in accordance with his or her individualized education program;

(b) The pupil is identified as an English learner and the public high school is unable to offer the examination in the language which would be most likely to provide accurate results for the pupil; or

(c) The principal or administrator of the public high school determines that the pupil has completed all other academic requirements to receive a certificate or diploma of graduation and has shown good cause for a waiver. The principal or administrator of a public high school shall not grant a waiver pursuant to this paragraph to more than 10 percent of each graduating class of the public high school.

5. ***On or before December 31 of each year, the board of trustees of each school district shall report the aggregated results of the examination received by the board of trustees of the school district pursuant to subsection 2 to the Department.***

6. As used in this section, "public high school" includes, without limitation, any charter school that operates as a high school.

Sec. 9. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English language arts;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics ***, civics*** and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English language arts;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) American government;

(2) American history; and

(3) World history or geography.

➥ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma, an adjusted diploma or an alternative diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;
(b) Computer education and technology;
(c) Health; and
(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021 and the instruction prescribed by subsection 1 of NRS 389.064, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

4. Instruction in health and physical education provided pursuant to subsection 3 must include, without limitation, instruction concerning the importance of annual physical examinations by a provider of health care and the appropriate response to unusual aches and pains.

~~***[5. Commencing with the graduating class of 2027 and with each graduating class thereafter, instruction in social studies provided pursuant to subsection 2 must require, without limitation, a pupil to complete a service learning project. A pupil may complete a service learning project during any year of high school.]***~~

Sec. 10. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 5, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English language arts;
(2) Mathematics;
(3) Science;
(4) Social studies, which includes only the subjects of history, geography, economics ***, civics*** and government;
(5) The arts;
(6) Computer education and technology, which includes computer science and computational thinking;
(7) Health;
(8) Physical education; and
(9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The standards for health must include mental health and the relationship between mental health and physical health.

5. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

6. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

7. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➥ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

8. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

9. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 11. NRS 389.525 is hereby amended to read as follows:

389.525 1. The Council shall establish standards of content and performance for ethnic and diversity studies for pupils enrolled in high school. The Council shall develop the standards in consultation with:

(a) Faculty of ethnic or diversity studies at colleges and universities in this State that have an ethnic or diversity studies program;

(b) Representatives of the school districts in this State, a majority of whom are teachers in kindergarten through grade 12 and who have experience or an educational background in the study and teaching of ethnic or diversity studies; and

(c) Other qualified persons who represent the diverse communities of this State and the United States.

2. The standards established pursuant to subsection 1 must:

(a) Examine the culture, history and contributions of diverse American communities, including, without limitation, African Americans, Hispanic Americans, Native Americans, Asian Americans, European Americans, Basque Americans ***, Pacific Islander Americans, Chicano Americans, Latino Americans, Middle Eastern Americans, women, persons with disabilities, immigrants or refugees, persons who are lesbian, gay, bisexual, transgender or questioning*** and any other ethnic or diverse American communities the Council deems appropriate;

(b) Emphasize human relations, sensitivity towards all races and diverse populations and work-related cultural competency skills;

(c) Be written in a manner that allows a school district or charter school to modify the content to reflect and support the demographics of pupils in the community, as long as the prescribed standard is met; and

(d) Comply with any applicable admissions requirements for colleges and universities in this State.

3. The board of trustees of a school district and the governing body of a charter school that operates as a high school may provide instruction in ethnic and diversity studies to pupils enrolled in high school within the school district or in the charter school, as applicable. If provided, the instruction must comply with the standards of content and performance established by the Council pursuant to this section.

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

Sec. 12. (Deleted by amendment.)

Sec. 13. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 12, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2021, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 325.

Bill read third time.

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

Amendment No. 819.

AN ACT relating to health care; requiring the State Board of Pharmacy to prescribe a protocol authorizing a pharmacist to prescribe**,** ~~[and]~~ dispense **and administer** drugs to prevent the acquisition of human immunodeficiency virus and perform certain laboratory tests; requiring certain health plans to include coverage for such drugs and testing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "practice of pharmacy" for the purpose of determining which activities require a person to be registered and regulated by the State Board of Pharmacy as a pharmacist. (NRS 639.0124) **Section 1** of this bill requires the State Board of Pharmacy to prescribe a protocol to allow a pharmacist to: (1) order any laboratory test necessary for therapy that uses a drug approved by the United States Food and Drug Administration for

preventing the acquisition of human immunodeficiency virus; (2) conduct such tests as necessary for such therapy; and (3) prescribe**, [~~and~~]** dispense **and administer** such drugs without a prescription from a practitioner. **Section 1** authorizes a pharmacist who is covered by sufficient liability coverage, as defined by regulations adopted by the Board, to take the actions authorized by the protocol. **Section 2** of this bill provides that the practice of pharmacy includes actions authorized by the protocol. **Section 8.5** of this bill makes a conforming change to account for the provisions of **section 1** authorizing a pharmacist to dispense a drug that has not been prescribed by a practitioner. The Board would be authorized to suspend or revoke the registration of a pharmacist who orders or conducts a laboratory test or prescribes**, [~~or~~]** dispenses **or administers** drugs under the protocol issued pursuant to **section 1** without complying with the provisions of the protocol. (NRS 639.210)

Sections 4-7, 10, 12, 13, 15-17 and 20 of this bill require public and private health plans, including Medicaid and health plans for state and local government employees, to: (1) provide coverage for drugs that prevent the acquisition of human immunodeficiency virus and any related laboratory or diagnostic procedures; and (2) reimburse laboratory testing, prescribing**, [~~and~~]** dispensing **and administering** by a pharmacist in accordance with **section 1** at a rate equal to that provided to a physician, physician assistant or advanced practice registered nurse for similar services. [~~Sections 4, 5, 8-10, 12, 13, 15-17 and 20 of this bill prohibit such a health plan from requiring prior authorization or step therapy.~~] **Sections 3, 11 and 14** of this bill make conforming changes to indicate the placement of **sections 6, 10 and 13**, respectively, of this bill in the Nevada Revised Statutes. **Section 19** of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of **section 17** of this bill. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of **sections 10, 12, 13, 15, 16 and 20** of this bill. (NRS 680A.200)

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent authorized by federal law, a pharmacist who meets the requirements prescribed by the Board pursuant to subsection 2 may, in accordance with the requirements of the protocol prescribed pursuant to subsection 2:

(a) Order and perform laboratory tests that are necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; and

(b) Prescribe , [~~and~~] dispense and administer any drug described in paragraph (a) to a patient.

2. The Board shall adopt regulations:

(a) Requiring a pharmacist who takes the actions authorized by this section to be covered by adequate liability insurance, as determined by the Board; and

(b) Establishing a protocol for the actions authorized by this section.

Sec. 2. NRS 639.0124 is hereby amended to read as follows:

639.0124 ***1.*** "Practice of pharmacy" includes, but is not limited to, the:

~~[1.]~~ ***(a)*** Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

~~[2.]~~ ***(b)*** Interpretation and evaluation of prescriptions or orders for medicine.

~~[3.]~~ ***(c)*** Participation in drug evaluation and drug research.

~~[4.]~~ ***(d)*** Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

~~[5.]~~ ***(e)*** Selection of the source, storage and distribution of a drug.

~~[6.]~~ ***(f)*** Maintenance of proper documentation of the source, storage and distribution of a drug.

~~[7.]~~ ***(g)*** Interpretation of clinical data contained in a person's record of medication.

~~[8.]~~ ***(h)*** Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility or in a setting that is affiliated with a medical facility where the patient is receiving care and which authorize collaborative drug therapy management. The written guidelines and protocols must comply with NRS 639.2629.

~~[9.]~~ ***(i)*** Implementation and modification of drug therapy, administering drugs and ordering and performing tests in accordance with a collaborative practice agreement.

(j) Prescribing , ~~[and]~~ dispensing and administering of drugs for preventing the acquisition of human immunodeficiency virus and ordering and conducting

laboratory tests necessary for therapy that uses such drugs pursuant to the protocol prescribed pursuant to section 1 of this act.

~~[10.]~~

2. The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583 ~~[.]~~ ***and section 1 of this act.***

Sec. 3. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 6 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 4. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, ***and section 12 of this act,*** 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance

exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 5. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, 689B.255, 695G.150, 695G.155, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.174, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 20 of this act*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 6. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

1. Any laboratory testing that is necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; and

2. The services of a pharmacist described in section 1 of this act. The State must provide reimbursement for such services at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

Sec. 7. NRS 422.4025 is hereby amended to read as follows:

422.4025 1. The Department shall:

(a) By regulation, develop a list of preferred prescription drugs to be used for the Medicaid program and the Children's Health Insurance Program, and each public or nonprofit health benefit plan that elects to use the list of preferred prescription drugs as its formulary pursuant to NRS 287.012, 287.0433 or 687B.407; and

(b) Negotiate and enter into agreements to purchase the drugs included on the list of preferred prescription drugs on behalf of the health benefit plans described in paragraph (a) or enter into a contract pursuant to NRS 422.4053 with a pharmacy benefit manager or health maintenance organization, as appropriate, to negotiate such agreements.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus or acquired immunodeficiency syndrome, including, without limitation, protease inhibitors and antiretroviral medications;

(b) Antirejection medications for organ transplants;

(c) Antihemophilic medications; and

(d) Any prescription drug which the Board identifies as appropriate for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Board makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred

prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation ~~[, any]~~ ***:***

(a) Any prescription drug determined by the Board to be essential for treating sickle cell disease and its variants ~~[.]~~ ***; and***

(b) Prescription drugs to prevent the acquisition of human immunodeficiency virus.

5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Board reviews the product or the evidence.

6. On or before February 1 of each year, the Department shall:

(a) Compile a report concerning the agreements negotiated pursuant to paragraph (b) of subsection 1 and contracts entered into pursuant to NRS 422.4053 which must include, without limitation, the financial effects of obtaining prescription drugs through those agreements and contracts, in total and aggregated separately for agreements negotiated by the Department, contracts with a pharmacy benefit manager and contracts with a health maintenance organization; and

(b) Post the report on an Internet website maintained by the Department and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislature; or

(2) In even-numbered years, the Legislative Commission.

Sec. 8. ~~[NRS 422.403 is hereby amended to read as follows:~~

~~422.403 1. The Department shall, by regulation, establish and manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs.~~

~~2. The Drug Use Review Board shall:~~

~~(a) Advise the Department concerning the use by the Medicaid program of step therapy and prior authorization for prescription drugs;~~

~~(b) Develop step therapy protocols and prior authorization policies and procedures for use by the Medicaid program for prescription drugs; and~~

~~(c) Review and approve, based on clinical evidence and best clinical practice guidelines and without consideration of the cost of the prescription drugs being considered, step therapy protocols used by the Medicaid program for prescription drugs.~~

~~3. The Department shall not require the Drug Use Review Board to develop, review or approve prior authorization policies or procedures necessary for the operation of the list of preferred prescription drugs developed pursuant to NRS 422.4025.~~

~~4. The Department shall accept recommendations from the Drug Use Review Board as the basis for developing or revising step therapy protocols~~

~~and prior authorization policies and procedures used by the Medicaid program for prescription drugs.~~

~~*5. The Department shall not require a recipient of Medicaid to undergo step therapy for a prescription drug for the prevention of human immunodeficiency virus.*~~ **(Deleted by amendment.)**

Sec. 8.5. NRS 683A.179 is hereby amended to read as follows:

683A.179 1. A pharmacy benefit manager shall not:

(a) Prohibit a pharmacist or pharmacy from providing information to a covered person concerning:

(1) The amount of any copayment or coinsurance for a prescription drug; or

(2) The availability of a less expensive alternative or generic drug including, without limitation, information concerning clinical efficacy of such a drug;

(b) Penalize a pharmacist or pharmacy for providing the information described in paragraph (a) or selling a less expensive alternative or generic drug to a covered person;

(c) Prohibit a pharmacy from offering or providing delivery services directly to a covered person as an ancillary service of the pharmacy; or

(d) If the pharmacy benefit manager manages a pharmacy benefits plan that provides coverage through a network plan, charge a copayment or coinsurance for a prescription drug in an amount that is greater than the total amount paid to a pharmacy that is in the network of providers under contract with the third party.

2. The provisions of this section:

(a) Must not be construed to authorize a pharmacist to dispense a drug that has not been prescribed by a practitioner, as defined in NRS 639.0125 ~~.~~ , ***except to the extent authorized by section 1 of this act.***

(b) Do not apply to an institutional pharmacy, as defined in NRS 639.0085, or a pharmacist working in such a pharmacy as an employee or independent contractor.

3. As used in this section, "network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

Sec. 9. ~~NRS 687B.225 is hereby amended to read as follows:~~

~~687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0317, 689B.0374, 695B.1912, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1745, 695C.1751, 695G.170, 695G.171 and 695G.177, *and sections 10, 12, 13, 15, 16 and 19 of this act,* any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured~~

~~or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:~~

~~(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and~~

~~(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.~~

~~2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.]~~ **(Deleted by amendment.)**

Sec. 10. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) ~~[Any drug]~~ Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of health insurance shall reimburse a pharmacist who participates in the network plan of the insurer for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. An insurer ~~[shall not require an insured to undergo step therapy or receive prior authorization in order to receive the]~~ may subject the benefits required by subsection 1 ~~[,]~~ to reasonable medical management techniques.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part,

through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

[(b)] ***(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.***

Sec. 11. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~.~~ ***, and section 10 of this act.***

Sec. 12. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) ***[Any drug]*** ***Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;***

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of group health insurance shall reimburse a pharmacist who participates in the network plan of the insurer for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. An insurer ***[shall not require an insured to undergo step therapy or receive prior authorization in order to receive]*** ***may subject the benefits required by subsection 1*** ***.]*** ***to reasonable medical management techniques.***

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

~~[(b)]~~ (c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) ~~[Any drug]~~ Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the health benefit plan of the carrier.

2. A carrier that offers or issues a health benefit plan shall reimburse a pharmacist who participates in the health benefit plan of the carrier for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A carrier ~~[shall not require an insured to undergo step therapy or receive prior authorization in order to receive]~~ may subject the benefits required by subsection 1 ~~[.]~~ to reasonable medical management techniques.

4. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

~~*[(b)]*~~ *(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 14. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 13 of this act*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 15. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that offers or issues a benefit contract shall include in the benefit coverage for:

(a) ~~[Any drug]~~ Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the society.

2. A society that offers or issues a benefit contract shall reimburse a pharmacist who participates in the network plan of the society for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A society ~~[shall not require an insured to undergo step therapy or receive prior authorization in order to receive]~~ may subject the benefits required by subsection 1 ~~[.]~~ to reasonable medical management techniques.

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

~~*[(b)]*~~ *(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 16. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) ~~*[Any drug]*~~ *Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;*

(b) Laboratory testing that is necessary for therapy using such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the hospital or medical services corporation.

2. A hospital or medical services corporation that offers or issues a policy of health insurance shall reimburse a pharmacist who participates in the network plan of the hospital or medical services corporation for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A hospital or medical services corporation ~~*[shall not require an insured to undergo step therapy or receive prior authorization in order to receive]*~~ *may subject the benefits required by subsection 1* ~~*[,]*~~ *to reasonable medical management techniques.*

4. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

~~[(b)]~~ *(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 17. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) ~~*[Any drug]*~~ *Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;*

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the health maintenance organization.

2. A health maintenance organization that offers or issues a health care plan shall reimburse a pharmacist who participates in the network plan of the health maintenance organization for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A health maintenance organization ~~*[shall not require an enrollee to undergo step therapy or receive prior authorization in order to receive]*~~ *may subject the benefits required by subsection 1* ~~*[,]*~~ *to reasonable medical management techniques.*

4. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

~~*[(b)]*~~ *(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 18. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 ***, and section 17 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 19. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with

the requirements of NRS 695C.1691 to 695C.200, inclusive, ***or section 17 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 20. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) ~~[Any drug]~~ Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the managed care organization.

2. A managed care organization that offers or issues a health care plan shall reimburse a pharmacist who participates in the network plan of the managed care organization for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A managed care organization ~~[shall not require an insured to undergo step therapy or receive prior authorization in order to receive]~~ may subject the benefits required by subsection 1 ~~[.]~~ to reasonable medical management techniques.

4. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

~~[(b)]~~ (c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 21. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 22. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 21, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2021, for all other purposes.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 428.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 832.

AN ACT making appropriations to the Nevada Highway Patrol Division of the Department of Public Safety for the replacement of vehicles and motorcycles and certain equipment; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $10,433,390 for the replacement of fleet vehicles and associated special equipment.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 2. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $278,772 for the replacement of fleet motorcycles and associated special equipment.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation

is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 3. ~~[1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $400,750 for oral fluid mobile analyzers and cartridges to be used for drug-related offenses.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.]~~ **(Deleted by amendment.)**

Sec. 4. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $1,211,984 for the replacement of mobile data computer tablets.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 5. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $238,989 for equipment items for the Division's multidisciplinary investigation and reconstruction teams.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 6. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $143,043 for the replacement of printers and associated mobile adapters.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 7. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $198,050 for the replacement of computer hardware and software.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 8. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 147.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 837.

AN ACT relating to criminal procedure; authorizing a victim to request that a court issue an order imposing a condition of release that prohibits the contact or attempted contact of certain persons; requiring the court to consider such a request; **requiring the court to notify a person subject to such an order of certain consequences that may be imposed on the person for violating the order;** establishing provisions relating to the expiration and renewal of **such** an order **;** ~~[imposing a condition of release that prohibits the contact or attempted contact of certain persons;]~~ requiring a copy of ~~[an]~~ **the** order ~~[imposing a condition of release that prohibits the contact or attempted contact of certain persons]~~ to be transmitted to the Central Repository for Nevada Records of Criminal History; providing that a person who knowingly violates any such order ~~[may be punished for unlawful trespass and dealt with for contempt of court; revising the acts constituting unlawful trespass;]~~ **is guilty of a misdemeanor;** providing a penalty; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court under certain circumstances, before convicting and releasing a person, to impose reasonable conditions on the person as it deems necessary for certain purposes, including, without limitation, a condition that prohibits the person from contacting or attempting to contact a specific person or causing or attempting to cause another person to contact that person. (NRS 178.484, 178.4851) **Section 1** of this bill: (1) authorizes a victim to request that a court issue an order imposing a condition of release that prohibits such contact or attempted contact; (2) requires the court to consider such a request; (3) **requires the court to notify a person subject to such an order of certain consequences that may result if the order is violated by the person; (4)** provides that **such** an order **,** ~~[imposing a condition of release that prohibits such contact or attempted contact,]~~ or a modification thereof, expires within 120 calendar days after ~~[the]~~ **its** issuance ~~[of the order; (4)]~~ **; (5)** authorizes the court to renew the order for good cause shown; ~~[(5)]~~ **(6)** requires a court to transmit to the Central Repository for Nevada Records of Criminal History a copy of an order imposing, modifying, suspending or canceling a condition that prohibits such contact or attempted contact; and ~~[(6)]~~ **(7)** provides that a person who knowingly violates an order imposing a condition that prohibits such contact or attempted contact ~~[may be punished for unlawful trespass and dealt with as for contempt of court.]~~ **is guilty of a misdemeanor.** **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

~~[Existing law makes it a misdemeanor for a person to go upon the land or into any building of another in certain circumstances, including willfully going or remaining on land or in a building after being warned by the owner or occupant thereof not to trespass. (NRS 207.200) Section 3 of this bill extends the acts which constitute such unlawful conduct to include being on public or private property in violation of an order imposing a condition of release prohibiting contact.]~~

Existing law requires the Repository for Information Concerning Orders for Protection to contain certain records within the Central Repository for Nevada Records of Criminal History of certain temporary and extended orders for protection. (NRS 179A.350) Section 2.5 of this bill requires the Repository for Information Concerning Orders for Protection to contain records relating to the issuance, modification, suspension or cancellation of an order prohibiting the contact or attempted contact of a specific person.

Section 4 of this bill makes an appropriation from the State General Fund to the Central Repository for Nevada Records of Criminal History for the costs of computer programming to carry out the provisions of this bill.

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

Section 1. Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before a court makes a determination of bail concerning a person, a victim may request that a court issue an order imposing a condition of release prohibiting contact.

2. A court shall consider a request described in subsection 1.

3. Upon the issuance of an order imposing a condition of release prohibiting contact, the court shall notify the person subject to the order that violating the order may result in:

(a) The person being charged with a misdemeanor;

(b) The modification or addition of any condition of release;

(c) The revocation of bail and remand of the person to custody; or

(d) The imposition of any other penalty prescribed by law.

4. An order imposing a condition of release prohibiting contact, and any modification thereof, expires within such time, not to exceed 120 calendar days, as the court fixes.

[4.] 5. The court may, before the expiration of an order imposing a condition of release prohibiting contact and upon motion or at the discretion of the court, after notice and a hearing, renew the order for good cause shown.

[5.] 6. After the court issues an order imposing, modifying, suspending or canceling a condition of release prohibiting contact, the court shall transmit, as soon as practicable [,] and in a manner prescribed by the Central Repository for Nevada Records of Criminal History, a copy of the order to the Central Repository . [for Nevada Records of Criminal History.

6.] 7. A person who knowingly violates an order imposing a condition of release prohibiting contact [may be:

(a) Punished for unlawful trespass pursuant to NRS 207.200; and

(b) Dealt with as for contempt of court.

7.] is guilty of a misdemeanor.

8. Nothing in this section shall be construed to require a court to receive a request pursuant to subsection 1 before issuing an order imposing a condition of release prohibiting contact.

[8.] 9. As used in this section:

(a) "Cancel" includes, without limitation, any act that would effectively terminate a condition of release prohibiting contact, including, without limitation:

(1) The dismissal of the action or proceeding against the person;

(2) A prosecuting attorney declining to prosecute the person;

(3) The conviction of the person; or

[(3)] (4) The acquittal of the person.

(b) "Condition of release prohibiting contact" means a condition placed on a person who is released [before conviction pursuant to NRS 178.484 or 178.4851] pending trial that prohibits the person from contacting or

attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf.

Sec. 2. NRS 178.483 is hereby amended to read as follows:

178.483 As used in NRS 178.483 to 178.548, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "electronic transmission," "electronically transmit" or "electronically transmitted" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which:

1. Is suitable for the retention, retrieval and reproduction of information by the recipient; and

2. Is retrievable and reproducible in paper form by the recipient through an automated process used in conventional commercial practice.

Sec. 2.5. **NRS 179A.350 is hereby amended to read as follows:**

179A.350 1. The Repository for Information Concerning Orders for Protection is hereby created within the Central Repository.

2. Except as otherwise provided in subsection 10, the Repository for Information Concerning Orders for Protection must contain a complete and systematic record of all:

(a) Temporary and extended orders for protection against domestic violence issued or registered in the State of Nevada and all Canadian domestic-violence protection orders registered in the State of Nevada, including, without limitation, any information received pursuant to NRS 33.095;

(b) Temporary and extended orders for protection against stalking, aggravated stalking or harassment issued in this State pursuant to NRS 200.599; ~~[and]~~

(c) Temporary and extended orders for protection against a person alleged to have committed the crime of sexual assault issued in this State pursuant to NRS 200.37835 ~~[.]~~ ***; and***

(d) Orders imposing, modifying, suspending or canceling a condition of release prohibiting contact issued in this State pursuant to section 1 of this act.

3. The records contained in the Repository for Information Concerning Orders for Protection must be kept in accordance with the regulations adopted by the Director of the Department.

4. Information received by the Central Repository pursuant to NRS 33.095, 200.37835 and 200.599 ***, and section 1 of this act*** must be entered in the Repository for Information Concerning Orders for Protection.

5. The information in the Repository for Information Concerning Orders for Protection must be accessible by computer at all times to each agency of criminal justice.

6. The Repository for Information Concerning Orders for Protection shall retain all records of an expired temporary or extended order for protection ***and all records of an expired, suspended or cancelled order imposing a condition of release prohibiting contact,*** unless ***any*** such ~~[an]~~ order is sealed by a court of competent jurisdiction.

7. The existence of a record of an expired temporary or extended order for protection ***or a record of an expired, suspended or cancelled order imposing a condition of release prohibiting contact*** in the Repository for Information Concerning Orders for Protection does not prohibit a person from obtaining a firearm or a permit to carry a concealed firearm unless such conduct violates:

(a) A court order; or

(b) Any provision of federal or state law.

8. On or before July 1 of each year, the Director of the Department shall submit to the Director of the Legislative Counsel Bureau a written report concerning all temporary and extended orders for protection issued pursuant to NRS 33.020, 200.378 and 200.591 during the previous calendar year that were transmitted to the Repository for Information Concerning Orders for Protection. The report must include, without limitation, information for each court that issues temporary or extended orders for protection pursuant to NRS 33.020, 200.378 and 200.591, respectively, concerning:

(a) The total number of temporary and extended orders that were granted by the court during the calendar year to which the report pertains;

(b) The number of temporary and extended orders that were granted to women;

(c) The number of temporary and extended orders that were granted to men;

(d) The number of temporary and extended orders that were vacated or expired;

(e) The number of temporary orders that included a grant of temporary custody of a minor child; and

(f) The number of temporary and extended orders that were served on the adverse party.

9. The information provided pursuant to subsection 8 must include only aggregate information for statistical purposes and must exclude any identifying information relating to a particular person.

10. The Repository for Information Concerning Orders for Protection must not contain any information concerning an event that occurred before October 1, 1998.

11. As used in this section, "Canadian domestic-violence protection order" has the meaning ascribed to it in NRS 33.119.

Sec. 3. ~~[NRS 207.200 is hereby amended to read as follows:~~

~~207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who, under circumstances not amounting to a burglary:~~

~~(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; [or]~~

~~(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass [,] *; or*~~

~~*(c) Is found on private or public property in violation of an order imposing a condition of release prohibiting contact issued pursuant to section 1 of this act,*~~

~~is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections 2 and 4.~~

~~2. A sufficient warning against trespassing, within the meaning of this section, is given by any of the following methods:~~

~~(a) Painting with fluorescent orange paint:~~

~~(1) Not less than 50 square inches of a structure or natural object or the top 12 inches of a post, whether made of wood, metal or other material, at:~~

~~(I) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet; and~~

~~(II) Each corner of the land, upon or near the boundary; and~~

~~(2) Each side of all gates, cattle guards and openings that are designed to allow human ingress to the area;~~

~~(b) Fencing the area;~~

~~(c) Posting "no trespassing" signs or other notice of like meaning at:~~

~~(1) Intervals of such a distance as is necessary to ensure that at least one such sign would be within the direct line of sight of a person standing next to another such sign, but at intervals of not more than 500 feet; and~~

~~(2) Each corner of the land, upon or near the boundary;~~

~~(d) Using the area as cultivated land; or~~

~~(e) By the owner or occupant of the land or building making an oral or written demand to any guest to vacate the land or building.~~

~~3. It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in subsection 2 without lawful business with the owner or occupant of the property.~~

~~4. An entryman on land under the laws of the United States is an owner within the meaning of this section.~~

~~5. As used in this section:~~

~~(a) "Cultivated land" means land that has been cleared of its natural vegetation and is presently planted with a crop.~~

~~(b) "Fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence. The term does not include a barrier made of barbed wire.~~

~~(c) "Guest" means any person entertained or to whom hospitality is extended, including, but not limited to, any person who stays overnight. The term does not include a tenant as defined in NRS 118A.170.~~] **(Deleted by amendment.)**

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety the sum of $44,522 for the costs of computer programming to carry out the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which

the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 5. 1. This section and section 4 of this act become effective upon passage and approval.

2. Sections 1 ~~[, 2 and]~~ **to** 3 **, inclusive,** of this act become effective on October 1, 2021.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved Senate Bills Nos. 310, 416, 417, 424, 428, 430, 431, 432, 433, 434, 435, 441, 445, 449, 450, and 457 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 386 be taken from the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 386.

Bill read third time.

Remarks by Assemblywomen Carlton and Kasama.

ASSEMBLYWOMAN CARLTON:

Senate Bill 386 relates to employment and the Declaration of Emergency for the Coronavirus Disease of 2019. It requires certain employers who laid off employees because of the declaration of the emergency to offer job positions to those employees under certain conditions. The bill prescribes an order of preference that the employer must follow when extending a job offer to such employees, and it also requires those employers, in the event of a layoff, to provide an employee who is to be laid off with a written notice containing certain information concerning the layoff.

It prohibits the employer from terminating, reducing compensation, refusing to employ, or otherwise taking any adverse action against a person who takes certain actions in relation to the provisions of this bill. An aggrieved employee who establishes certain requirements may file a complaint with the Labor Commissioner or bring a civil action in court. The bill sets forth certain standards for establishing and rebutting certain presumptions concerning violations of the provisions of this bill in such an action and specifies certain awards that may be granted to an aggrieved employee who prevails in such an action. This bill also establishes minimum labor standards and does not preempt or prevent employment standards that are more protective and beneficial for employees, nor does the bill supersede an employee's right to recall pursuant to a collective bargaining agreement.

In addition, the bill revises provisions requiring the Director of the Department of Health and Human Services and the district boards of health to adopt regulations prescribing requirements to reduce and prevent the transmission of the virus that causes COVID-19 in public accommodation facilities such as hotel/casinos, resorts, hotels, motels, hostels, bed and breakfast facilities, and similar facilities. Finally, the bill provides that the regulations adopted by the Director and district boards of health to reduce and prevent COVID-19 transmission must be amended to reflect the new requirements and that provisions in these regulations that conflict with this bill are unenforceable.

This bill has gotten such a light shined on it in this legislative body that I felt it important to make sure the floor statement was very clear so that there is a distinct legislative record. I said in the committee, and I will say again for the body so that it is part of our record, this bill protects the people that built this state. They are the economic engine of Las Vegas. The day that they were all told to stay home from work was probably one of the worst days in the history of Clark County. We saw grass growing up in the cracks of the Las Vegas Strip because no one was driving down it. Two days later, these folks were all at food pantries and looking for rental assistance because we literally shut down this state's industry, for the right reason, I might add. We protected a lot of people by doing it. It was the right thing to do, and this is the right thing to do. Those employees who were good employees the day they were told to stay home are the same employees that get to have their jobs back if they want it back. This protects everyone in the system.

ASSEMBLYWOMAN KASAMA:

I rise in opposition to Senate Bill 386. I am pleased to see a compromise, but I have reservations with this legislation. Small business is traditionally defined as 50 employees or less. The 30-employee number seems arbitrary and this bill will make the hiring process harder and create new risk of potential lawsuits. It is a burden on our small businesses. I am voting no and urge all my colleagues to do the same.

Roll call on Senate Bill No. 386:

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—16.

Senate Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 310.

Bill read third time.

Roll call on Senate Bill No. 310:

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Wheeler—6.

Senate Bill No. 310 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 416.

Bill read third time.

Roll call on Senate Bill No. 416:

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Wheeler—6.

Senate Bill No. 416 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 417.
Bill read third time.
Roll call on Senate Bill No. 417:
YEAS—37.
NAYS—Black, Dickman, Matthews, McArthur, Wheeler—5.
Senate Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 424.
Bill read third time.
Roll call on Senate Bill No. 424:
YEAS—34.
NAYS—Black, Dickman, Ellison, Hansen, Matthews, McArthur, Titus, Wheeler—8.
Senate Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 428.
Bill read third time.
Roll call on Senate Bill No. 428:
YEAS—39.
NAYS—Black, Matthews, McArthur—3.
Senate Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 430.
Bill read third time.
Roll call on Senate Bill No. 430:
YEAS—38.
NAYS—Black, Dickman, Matthews, McArthur—4.
Senate Bill No. 430 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 431.
Bill read third time.
Roll call on Senate Bill No. 431:
YEAS—38.
NAYS—Black, Ellison, Matthews, McArthur—4.
Senate Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 432.
Bill read third time.
Roll call on Senate Bill No. 432:

YEAS—39.
NAYS—Black, Matthews, McArthur—3.

Senate Bill No. 432 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 433.

Bill read third time.

Roll call on Senate Bill No. 433:

YEAS—39.
NAYS—Black, Matthews, McArthur—3.

Senate Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 434.

Bill read third time.

Roll call on Senate Bill No. 434:

YEAS—37.
NAYS—Black, Ellison, Matthews, McArthur, Wheeler—5.

Senate Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 435.

Bill read third time.

Roll call on Senate Bill No. 435:

YEAS—32.
NAYS—Black, Dickman, Ellison, Hansen, Krasner, Matthews, McArthur, O'Neill, Titus, Wheeler—10.

Senate Bill No. 435 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 441.

Bill read third time.

Roll call on Senate Bill No. 441:

YEAS—26.
NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—16.

Senate Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 445.

Bill read third time.

Roll call on Senate Bill No. 445:

YEAS—37.
NAYS—Black, Dickman, Matthews, McArthur, Wheeler—5.

Senate Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 449.

Bill read third time.

Roll call on Senate Bill No. 449:

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Wheeler—6.

Senate Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 450.

Bill read third time.

Roll call on Senate Bill No. 450:

YEAS—31.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Krasner, Matthews, McArthur, O'Neill, Titus, Wheeler—11.

Senate Bill No. 450 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 55, 442, 453, and 456 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 55.

Bill read third time.

Roll call on Senate Bill No. 55:

YEAS—31.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Kasama, Matthews, McArthur, O'Neill, Titus, Wheeler—11.

Senate Bill No. 55 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 442.

Bill read third time.

Remarks by Assemblywoman Kasama.

ASSEMBLYWOMAN KASAMA:

Senate Bill 442, in its first reprint, prohibits the Governor's Office of Energy from accepting an application for a partial abatement of certain property taxes for a building or other structure that meets certain energy efficiency standards under the Green Building Rating System adopted by the Director of the Office on or after July 1, 2021. The bill additionally prohibits the Director from altering or amending the Green Building Rating System after July 1, 2021, and requires that the standards and ratings in effect on that date remain in effect.

Roll call on Senate Bill No. 442:
YEAS—42.
NAYS—None.
Senate Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 453.
Bill read third time.
Roll call on Senate Bill No. 453:
YEAS—42.
NAYS—None.
Senate Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 456.
Bill read third time.
Roll call on Senate Bill No. 456:
YEAS—42.
NAYS—None.
Senate Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 454, 205, 210, 211, 219, 236, 318, and 340 be taken from their positions on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 454.
Bill read third time.
Roll call on Senate Bill No. 454:
YEAS—35.
NAYS—Black, Dickman, Ellison, Matthews, McArthur, Titus, Wheeler—7.
Senate Bill No. 454 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 205.
Bill read third time.
Roll call on Senate Bill No. 205:
YEAS—42.
NAYS—None.

Senate Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 210.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Senate Bill 210 requires a psychiatric hospital or residential mental health treatment facility to which a child with an emotional disturbance is admitted, to develop a plan for continuing the child's education in consultation with the school in which the child was most recently enrolled, the school district, the agency providing child welfare services, and any person responsible for the child's education. Additionally, SB 210 requires the school district in which the child was enrolled to monitor the child's progress in a facility and participate in the discharge planning for transitioning the child into the educational setting.

Roll call on Senate Bill No. 210:

YEAS—42.

NAYS—None.

Senate Bill No. 210 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 211.

Bill read third time.

Roll call on Senate Bill No. 211:

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Wheeler—6.

Senate Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 219.

Bill read third time.

Roll call on Senate Bill No. 219:

YEAS—34.

NAYS—Black, Dickman, Ellison, Hafen, Matthews, McArthur, Titus, Wheeler—8.

Senate Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 236.

Bill read third time.

Roll call on Senate Bill No. 236:

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—16.

Senate Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 318.
Bill read third time.
Roll call on Senate Bill No. 318:
YEAS—34.
NAYS—Black, Dickman, Ellison, Kasama, Matthews, McArthur, O'Neill, Wheeler—8.
Senate Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 340.
Bill read third time.
Roll call on Senate Bill No. 340:
YEAS—26.
NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—16.
Senate Bill No. 340 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 457 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 443 and 254 be taken from their positions on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 443.
Bill read third time.
Roll call on Senate Bill No. 443:
YEAS—26.
NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—16.
Senate Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 254.
Bill read third time.
Roll call on Senate Bill No. 254:
YEAS—24.
NAYS—Black, Considine, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler, Yeager—18.

Senate Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 460.

The following Senate amendment was read:

Amendment No. 812.

AN ACT making an appropriation to the Division of Museums and History of the Department of Tourism and Cultural Affairs to restore the school bus program to reimburse transportation costs for public school students to visit state museums; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Division of Museums and History of the Department of Tourism and Cultural Affairs the sum of ~~[$100,000]~~ **$200,000** to restore the school bus program to reimburse transportation costs for public school students to visit state museums.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved that the Assembly concur in the Senate Amendment No. 812 to Assembly Bill No. 460.

Remarks by Assemblywoman Carlton.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 480.

The following Senate amendment was read:

Amendment No. 803.

AN ACT relating to criminal defense; revising various provisions relating to the appointment of attorneys; removing limitations on fees earned by certain attorneys; revising provisions relating to claims for compensation and expenses made by certain attorneys; creating the Special Account for the Support of Indigent Defense Services; revising certain deadlines for

requirements placed on boards of county commissioners relating to the transfer of responsibility for the provision of indigent defense services to the State Public Defender; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a magistrate, master or district court from appointing an attorney other than a public defender to represent a person charged with any offense or delinquent act unless the magistrate, master or district court finds that the public defender is disqualified from providing representation and explains the reasons for the disqualification. (NRS 7.115) **Section 5** of this bill provides that if the public defender is disqualified, the magistrate, master or district court is required to refer the selection of the attorney: (1) in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), to the Department of Indigent Defense Services (hereinafter "Department") or its designee in compliance with the plan of the county for the provision of indigent defense services; or (2) in a county whose population is 100,000 or more (currently Clark and Washoe Counties), in compliance with the plan of the county for the provision of indigent defense services. **Sections 11 and 17** of this bill, respectively, make similar changes in cases where: (1) a county public defender or the State Public Defender is unable to represent an indigent defendant or other good cause appears; and (2) a magistrate or district court decides to appoint an attorney other than or in addition to a county public defender for an indigent person.

Existing law provides, in general, that an attorney other than a public defender who is appointed to represent or defend a person during any stage of a criminal proceeding is entitled to receive certain fees for his or her services. Existing law also places limits on the amount of the fee that such an attorney is able to receive but allows a court to grant a fee in excess of such limits in certain circumstances. (NRS 7.125) **Section 6** of this bill removes such limits. Existing law further authorizes such an attorney to be reimbursed for certain expenses and employ persons to provide necessary investigative, expert or other services but places a limit on the compensation paid to any person providing those services. (NRS 7.135) **Section 7** of this bill provides that an attorney may be reimbursed for such expenses and employ such persons: (1) in a county whose population is less than 100,000, subject to the prior approval of the Department or its designee and in compliance with the plan of the county for the provision of indigent defense services; or (2) in a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services. **Section 7** also provides that a claim for compensation and expenses may be certified and approved by a judge if the claim is denied. Existing law further requires a claim for compensation and expenses to be submitted to a magistrate or district court, as applicable, not later than 60 days after the appointment of the attorney is terminated. (NRS 7.145) **Section 8** of this bill instead requires such a claim to be submitted within 60 days after representation is terminated: (1) in a county whose population is less than 100,000, to the Department or its designee in

compliance with the plan of the county for the provision of indigent defense services; or (2) in a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services. **Section 8** also: (1) requires each claim to be reviewed and, if necessary, modified, and paid in compliance with the plan of the applicable county for the provision of indigent defense services; and (2) authorizes any dispute regarding the approval, denial or modification of a claim to be reviewed by the trial court.

Section 9 of this bill requires, in general, the juvenile court to order the appointment of an attorney for a child who is alleged to be delinquent or in need of supervision and refer the selection of the attorney in the manner set forth in **section 5** in cases where the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney for the child. Existing law authorizes the juvenile court to appoint an attorney for a parent or guardian of such a child in certain circumstances and provides that each appointed attorney, other than a public defender, is entitled to the same compensation and expenses as attorneys appointed to represent persons charged with criminal offenses. (NRS 62D.100) **Section 10** of this bill removes the exclusion of public defenders. **Section 18** of this bill makes the same change with regard to attorneys appointed in cases relating to children alleged to have been abused or neglected.

Section 12 of this bill creates the Special Account for the Support of Indigent Defense Services. **Section 12** authorizes the Department to apply for and accept any available grants, bequests, devises, donations or gifts from any public or private source to carry out the duties of the Department and the Board on Indigent Defense Services (hereinafter "Board") and requires the Department to deposit any money received in the Account.

Existing law establishes certain requirements for the board of county commissioners of a county that is required to transfer or voluntarily transfers responsibility for the provision of all indigent defense services for the county to the State Public Defender. (NRS 180.450) **Section 14** of this bill revises certain deadlines relating to such requirements.

Existing law requires the Board to adopt certain regulations, including regulations establishing standards for the provision of indigent defense services. (NRS 180.320) Existing law also requires the compensation of the public defender of a county to be fixed by the board of county commissioners. (NRS 260.040) **Section 15** of this bill requires that in counties whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the compensation of the public defender of a county must comply with the regulations adopted by the Board.

Existing law provides that in a county whose population is 700,000 or more (currently Clark County), deputy public defenders are governed by the merit personnel system of the county. (NRS 260.040) **Section 15** provides that the compensation of such deputy public defenders is not subject to the regulations adopted by the Board.

Existing law provides that a person who is alleged to be a person in a mental health crisis, or any relative or friend on behalf of the person, is entitled to retain counsel to represent the person in proceedings relating to the involuntary court-ordered admission of the person to a mental health facility or program of community-based or outpatient services. If the person fails or refuses to obtain counsel, the court is required to appoint counsel, who may be the public defender or a deputy of the public defender. (NRS 433A.270) **Section 19** of this bill removes the provision requiring that such appointed counsel be the public defender or his or her deputy.

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

Section 1. Chapter 7 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in NRS 7.115 to 7.175, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Department" means the Department of Indigent Defense Services created by NRS 180.400.***

Sec. 4. ***"Selection" means the choosing of an attorney to provide representational services for a person.***

Sec. 5. NRS 7.115 is hereby amended to read as follows:

7.115 A magistrate, master or ~~[a]~~ district court shall not ~~[appoint]~~ ***order the appointment of*** an attorney other than a public defender to represent a person charged with any offense or delinquent act by petition, indictment or information unless the magistrate, master or district court makes a finding, entered into the record of the case, that the public defender is disqualified from furnishing the representation and sets forth the ~~[reason or]~~ reasons for the disqualification. ***If the public defender is disqualified, the magistrate, master or district court shall, after making a finding of the disqualification on the record and the reasons therefor, refer the selection of the attorney:***

1. In a county whose population is less than 100,000, to the Department or its designee in compliance with the plan of the county for the provision of indigent defense services; or

2. In a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services.

Sec. 6. NRS 7.125 is hereby amended to read as follows:

7.125 ~~[1. Except as limited by subsections 2, 3 and 4, an]~~ ***An*** attorney, other than a public defender, who is ~~[appointed by a magistrate or a district court]~~ ***selected pursuant to NRS 7.115*** to represent or defend a defendant at any stage of the criminal proceedings from the defendant's initial appearance before the magistrate or the district court through the appeal, if any, is entitled to receive a fee for court appearances and other time reasonably spent on the matter to which the appointment is made of $125 per hour in cases in which

the death penalty is sought and $100 per hour in all other cases. Except for cases in which the most serious crime is a felony punishable by death or by imprisonment for life with or without possibility of parole, this ~~[subsection]~~ ***section*** does not preclude a governmental entity from contracting with a private attorney who agrees to provide such services for a lesser rate of compensation.

~~[2. Except as otherwise provided in subsection 4, the total fee for each attorney in any matter regardless of the number of offenses charged or ancillary matters pursued must not exceed:~~

~~(a) If the most serious crime is a felony punishable by death or by imprisonment for life with or without possibility of parole, $20,000;~~

~~(b) If the most serious crime is a felony other than a felony included in paragraph (a) or is a gross misdemeanor, $2,500;~~

~~(c) If the most serious crime is a misdemeanor, $750;~~

~~(d) For an appeal of one or more misdemeanor convictions, $750; or~~

~~(e) For an appeal of one or more gross misdemeanor or felony convictions, $2,500.~~

~~3. Except as otherwise provided in subsection 4, an attorney appointed by a district court to represent an indigent petitioner for a writ of habeas corpus or other postconviction relief, if the petitioner is imprisoned pursuant to a judgment of conviction of a gross misdemeanor or felony, is entitled to be paid a fee not to exceed $750.~~

~~4. If the appointing court because of:~~

~~(a) The complexity of a case or the number of its factual or legal issues;~~

~~(b) The severity of the offense;~~

~~(c) The time necessary to provide an adequate defense; or~~

~~(d) Other special circumstances,~~

~~➥ deems it appropriate to grant a fee in excess of the applicable maximum, the payment must be made, but only if the court in which the representation was rendered certifies that the amount of the excess payment is both reasonable and necessary and the payment is approved by the presiding judge of the judicial district in which the attorney was appointed, or if there is no such presiding judge or if he or she presided over the court in which the representation was rendered, then by the district judge who holds seniority in years of service in office.~~

~~5. The magistrate, the district court, the Court of Appeals or the Supreme Court may, in the interests of justice, substitute one appointed attorney for another at any stage of the proceedings, but the total amount of fees granted to all appointed attorneys must not exceed those allowable if but one attorney represented or defended the defendant at all stages of the criminal proceeding.]~~

Sec. 7. NRS 7.135 is hereby amended to read as follows:

7.135 ~~[The]~~

1. An attorney ~~[appointed by a magistrate or district court]~~ ***who is selected pursuant to NRS 7.115*** to represent a defendant is entitled, in addition to the fee provided by NRS 7.125 for the attorney's services, to be reimbursed for

expenses reasonably incurred by the attorney in representing the defendant and may employ ~~[, subject to the prior approval of the magistrate or the district court in an ex parte application,]~~ such investigative, expert or other services as may be necessary for an adequate defense ~~[. Compensation to any person furnishing such investigative, expert or other services must not exceed $500, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is:~~

~~1. Certified]~~ ***:***

(a) In a county whose population is less than 100,000, subject to the prior approval of the Department or its designee and in compliance with the plan of the county for the provision of indigent defense services; or

(b) In a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services.

2. If a claim for compensation and expenses made pursuant to subsection 1 is denied, the claim may be:

(a) Certified by the trial judge of the court, or by the magistrate if the services were rendered in connection with a case disposed of entirely before the magistrate, as necessary to provide fair compensation for services of an unusual character or duration; and

~~[2.]~~ ***(b)*** Approved by the presiding judge of the judicial district in which the attorney was appointed or, if there is no presiding judge, by the district judge who holds seniority in years of service in office.

Sec. 8. NRS 7.145 is hereby amended to read as follows:

7.145 1. A claim for compensation and expenses made pursuant to NRS 7.125 or 7.135 must not be paid unless it is submitted within 60 days after the ~~[appointment]~~ ***representation*** is terminated ~~[to:~~

~~(a) The magistrate in cases in which the representation was rendered exclusively before the magistrate; and~~

~~(b) The district court in all other cases.]~~ ***:***

(a) In a county whose population is less than 100,000, to the Department or its designee in compliance with the plan of the county for the provision of indigent defense services; or

(b) In a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services.

2. Each claim must be ~~[supported]~~ ***:***

(a) Supported by a sworn statement specifying the time expended in court, the services rendered out of court and the time expended therein, the expenses incurred while the case was pending and the compensation and reimbursement applied for or received in the same case from any other source. ~~[Except as otherwise provided for the approval of payments in excess of the statutory limit, the magistrate or the court to which the claim is submitted shall fix and certify the compensation and expenses to be paid, and the amounts so certified must be paid in accordance with NRS 7.155.]~~

(b) Reviewed and, if necessary, modified, and paid in compliance with the plan of the county for the provision of indigent defense services.

3. Any dispute regarding the approval, denial or modification of a claim may be reviewed by the trial court based upon reasonable and necessary standards.

Sec. 9. NRS 62D.030 is hereby amended to read as follows:

62D.030 1. If a child is alleged to be delinquent or in need of supervision, the juvenile court shall advise the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings.

2. If a parent or guardian of a child is indigent, the parent or guardian may request the appointment of an attorney to represent the child pursuant to the provisions in NRS 171.188.

3. Except as otherwise provided in this section, the juvenile court shall ~~[appoint]~~ ***order the appointment of*** an attorney for a child ***and refer the selection of the attorney in the manner set forth in NRS 7.115*** if the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney for the child.

4. A child may waive the right to be represented by an attorney if:

(a) A petition is not filed and the child is placed under informal supervision pursuant to NRS 62C.200; or

(b) A petition is filed and the record of the juvenile court shows that the waiver of the right to be represented by an attorney is made knowingly, intelligently, voluntarily and in accordance with any applicable standards established by the juvenile court.

5. Except as otherwise provided in NRS 424.085, if the juvenile court ~~[appoints]~~ ***orders the appointment of*** an attorney to represent a child ~~[,]~~ ***and refers the selection of the attorney in the manner set forth in NRS 7.115,*** the parent or guardian must not be required to pay the fees and expenses of the attorney.

6. Each attorney, other than a public defender, who is appointed under the provisions of this section is entitled to the same compensation and expenses from the county as is provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with criminal offenses.

Sec. 10. NRS 62D.100 is hereby amended to read as follows:

62D.100 1. A parent or guardian of a child who is alleged to be delinquent or in need of supervision may be represented by an attorney at all stages of the proceedings. The juvenile court may not appoint an attorney for a parent or guardian, unless the juvenile court:

(a) Finds that such an appointment is required in the interests of justice; and

(b) Specifies in the record the reasons for the appointment.

2. Each attorney ~~[, other than a public defender,]~~ who is appointed pursuant to subsection 1 is entitled to the same compensation and expenses from the county as is provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with criminal offenses.

Sec. 11. NRS 171.188 is hereby amended to read as follows:

171.188 1. Any defendant charged with a public offense who is an indigent may, by oral statement to the district judge, justice of the peace, municipal judge or master, request the appointment of an attorney to represent the defendant. The record in each such case must indicate that the defendant was provided an opportunity to make an oral statement and whether the defendant made such a statement or declined to request the appointment of an attorney. If the defendant declined to request the appointment of an attorney, the record must also indicate that the decision to decline was made knowingly and voluntarily and with an understanding of the consequences.

2. The request must be accompanied by the defendant's affidavit, which must state:

(a) That the defendant is without means of employing an attorney; and

(b) Facts with some particularity, definiteness and certainty concerning the defendant's financial disability.

3. The district judge, justice of the peace, municipal judge or master shall forthwith consider the application and shall make such further inquiry as he or she considers necessary. If the district judge, justice of the peace, municipal judge or master:

(a) Finds that the defendant is without means of employing an attorney; and

(b) Otherwise determines that representation is required,

➥ the judge, justice or master shall designate the public defender of the county or the State Public Defender, as appropriate, to represent the defendant.

4. If the appropriate public defender is unable to represent the defendant, or other good cause appears, ***the judge, justice or master shall order the appointment of*** another attorney ~~[must be appointed.~~

~~4.]~~ ***and refer the selection of the attorney:***

(a) In a county whose population is less than 100,000, to the Department of Indigent Defense Services or its designee in compliance with the plan of the county for the provision of indigent defense services; or

(b) In a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services.

5. The county or State Public Defender must be reimbursed by the city for costs incurred in appearing in municipal court. The county shall reimburse the State Public Defender for costs incurred in appearing in Justice Court, unless the county has transferred the responsibility to provide all indigent defense services for the county to the State Public Defender pursuant to NRS 180.450. If a private attorney is appointed as provided in this section, the private attorney must be reimbursed by the county for appearance in Justice Court or the city for appearance in municipal court **.** ~~[in an amount not to exceed $75 per case.]~~

Sec. 12. Chapter 180 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department may apply for and accept any available grants, bequests, devises, donations or gifts from any public or private source to carry out the duties of the Department and Board.

2. Any money received pursuant to subsection 1 must be deposited in the Special Account for the Support of Indigent Defense Services, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used to carry out the duties of the Department and the Board.

3. Any money in the Account remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 13. NRS 180.060 is hereby amended to read as follows:

180.060 1. The State Public Defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when the indigent person has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. The State Public Defender shall, when designated pursuant to NRS 62D.030 ~~[, 62D.100,]~~ ***or*** 171.188 ***,*** ~~[or 432B.420,]~~ represent without charge each indigent person for whom the State Public Defender is appointed.

3. When representing an indigent person, the State Public Defender shall:

(a) Counsel and defend the indigent person at every stage of the proceedings, including ***, without limitation, during the initial appearance and proceedings relating to admission to bail or the*** revocation of probation or parole; and

(b) Prosecute any appeals or other remedies before or after conviction that the State Public Defender considers to be in the interests of justice.

4. In cases of postconviction proceedings and appeals arising in counties in which the office of public defender has been created pursuant to the provisions of chapter 260 of NRS, where the matter is to be presented to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution, the State Public Defender shall prepare and present the case and the public defender of the county shall assist and cooperate with the State Public Defender.

5. The State Public Defender may contract with any county in which the office of public defender has been created to provide representation for indigent persons when the court, for cause, disqualifies the county public defender or when the county public defender is otherwise unable to provide representation.

Sec. 14. NRS 180.450 is hereby amended to read as follows:

180.450 1. If a corrective action plan is recommended pursuant to NRS 180.440, the deputy director and the board of county commissioners must collaborate on the manner in which the county will meet the minimum

standards for the provision of indigent defense services and the time by which the county must meet those minimum standards. Any disagreement must be resolved by the Board. Each corrective action plan must be submitted to and approved by the Board.

2. If the plan established pursuant to subsection 1 will cause the county to expend more money than budgeted by the county in the previous budget year plus inflation for the provision of indigent defense services, the Executive Director shall include the additional amount needed by the county in the next budget for the Department of Indigent Defense Services to help support the indigent defense services provided by the county. If additional money is needed to carry out the plan before the next budget cycle, the Executive Director shall submit a request to the Interim Finance Committee for an allocation from the Contingency Account pursuant to NRS 353.266 to cover the additional costs.

3. For any county that is not required to have an office of public defender pursuant to NRS 260.010, if the additional amount included in the budget of the Department pursuant to subsection 2 is not approved, the board of county commissioners for the county to which the amount applies may determine whether to continue providing indigent defense services for the county or enter into an agreement with the Executive Director to transfer responsibility for the provision of such services to the State Public Defender.

4. If a county does not meet the minimum standards for the provision of indigent defense services within the period established in the corrective action plan for the county, the deputy director shall inform the Executive Director.

5. Upon being informed by the deputy director pursuant to subsection 4 that a county has not complied with a corrective action plan, the Executive Director must review information regarding the provision of indigent defense services in the county and determine whether to recommend establishing another corrective action plan with the board of county commissioners of the county. For a county that is not required to have an office of public defender pursuant to NRS 260.010, the Executive Director may instead recommend requiring the board of county commissioners to transfer responsibility for the provision of all indigent defense services for the county to the State Public Defender. The recommendation of the Executive Director must be submitted to and approved by the Board. Once approved, the board of county commissioners shall comply with the decision of the Board.

6. If a county is required to transfer or voluntarily transfers responsibility for the provision of all indigent defense services for the county to the State Public Defender:

(a) The board of county commissioners for the county shall notify the State Public Defender in writing on or before ~~[March]~~ ***November*** 1 of the next ~~[odd]~~ ***even***-numbered year and the responsibilities must transfer at a specified time on or after July 1 of the ~~[same]~~ ***odd-numbered year following the*** year in which the notice was given, as determined by the Executive Director.

(b) The board of county commissioners for the county shall pay the State Public Defender in the same manner and in an amount determined in the same manner as other counties for which the State Public Defender has responsibility for the provision of indigent defense services. The amount that a county may be required to pay must not exceed the maximum amount determined using the formula established by the Board pursuant to NRS 180.320.

Sec. 15. NRS 260.040 is hereby amended to read as follows:

260.040 1. The compensation of the public defender must be fixed by the board of county commissioners ~~,~~ ***and, in counties whose population is less than 100,000, must comply with the regulations adopted by the Board on Indigent Defense Services pursuant to NRS 180.320.*** The public defender of any two or more counties must be compensated and be permitted private civil practice of the law as determined by the boards of county commissioners of those counties, subject to the provisions of subsection 4 of this section and NRS 7.065.

2. The public defender may appoint as many deputies or assistant attorneys, clerks, investigators, stenographers and other employees as the public defender considers necessary to enable him or her to carry out his or her responsibilities, with the approval of the board of county commissioners. An assistant attorney must be a qualified attorney licensed to practice in this State and may be placed on a part-time or full-time basis. The appointment of a deputy, assistant attorney or other employee pursuant to this subsection must not be construed to confer upon that deputy, assistant attorney or other employee policymaking authority for the office of the public defender or the county or counties by which the deputy, assistant attorney or other employee is employed.

3. The compensation of persons appointed under subsection 2 must be fixed by the board of county commissioners of the county or counties so served.

4. The public defender and his or her deputies and assistant attorneys in a county whose population is less than 100,000 may engage in the private practice of law. Except as otherwise provided in this subsection, in any other county, the public defender and his or her deputies and assistant attorneys shall not engage in the private practice of law except as otherwise provided in NRS 7.065. An attorney appointed to defend a person for a limited duration with limited jurisdiction may engage in private practice which does not present a conflict with his or her appointment.

5. The board of county commissioners shall provide office space, furniture, equipment and supplies for the use of the public defender suitable for the conduct of the business of his or her office. However, the board of county commissioners may provide for an allowance in place of facilities. Each of those items is a charge against the county in which public defender services are rendered. If the public defender serves more than one county,

expenses that are properly allocable to the business of more than one of those counties must be prorated among the counties concerned.

6. In a county whose population is 700,000 or more, deputies are governed by the merit personnel system of the county ~~[.]~~ ***, and their compensation is not subject to the regulations adopted by the Board on Indigent Defense Services pursuant to NRS 180.320.***

Sec. 16. NRS 260.050 is hereby amended to read as follows:

260.050 1. The public defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when he or she has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. The public defender shall, when designated pursuant to NRS 62D.030 ~~[,]~~ ***or*** 171.188 ***,*** ~~[or 432B.420,]~~ represent without charge each indigent person for whom he or she is appointed.

3. When representing an indigent person, the public defender shall:

(a) Counsel and defend the person at every stage of the proceedings, including ***, without limitation, during the initial appearance and proceedings relating to admission to bail and the*** revocation of probation or parole; and

(b) Prosecute, subject to the provisions of subsection 4 of NRS 180.060, any appeals or other remedies before or after conviction that he or she considers to be in the interests of justice.

Sec. 17. NRS 260.060 is hereby amended to read as follows:

260.060 For cause, the magistrate or district court may, on its own motion or upon motion of the public defender or the indigent person, ~~[appoint]~~ ***order the appointment of another attorney*** and ~~[compensate out of county funds]~~ ***refer the selection of the attorney in the manner set forth in NRS 7.115. Such*** an attorney ***:***

1. May be other than, or in addition to, the public defender to represent such indigent person at any stage of the proceedings or on appeal in accordance with the laws of this state pertaining to the appointment of counsel to represent indigent criminal defendants.

2. Must be compensated out of county funds.

Sec. 18. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive. Except as otherwise provided in subsection 3, if the person is indigent, the court may appoint an attorney to represent the person.

2. A child who is alleged to have been abused or neglected shall be deemed to be a party to any proceedings under NRS 432B.410 to 432B.590, inclusive. The court shall appoint an attorney to represent the child. The child must be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive. The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings.

3. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

➥ as provided in the Indian Child Welfare Act.

4. Each attorney, other than ~~[a public defender or]~~ an attorney compensated through a program for legal aid described in NRS 19.031 and 247.305, if appointed under the provisions of subsection 1 or 2, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime.

Sec. 19. NRS 433A.270 is hereby amended to read as follows:

433A.270 1. The person alleged to be a person in a mental health crisis or any relative or friend on the person's behalf is entitled to retain counsel to represent the person in any proceeding before the district court relating to involuntary court-ordered admission, and if he or she fails or refuses to obtain counsel, the court shall advise the person and the person's guardian or next of kin, if known, of such right to counsel and shall appoint counsel **.** ~~[, who may be the public defender or his or her deputy.]~~

2. Any counsel appointed pursuant to subsection 1 must be awarded compensation by the court for his or her services in an amount determined by it to be fair and reasonable. The compensation must be charged against the estate of the person for whom the counsel was appointed or, if the person is indigent, against the county where the person alleged to be a person in a mental health crisis last resided.

3. The court shall, at the request of counsel representing the person alleged to be a person in a mental health crisis in proceedings before the court relating to involuntary court-ordered admission, grant a recess in the proceedings for the shortest time possible, but for not more than 5 days, to give the counsel an opportunity to prepare his or her case.

4. If the person alleged to be a person in a mental health crisis is involuntarily admitted to a program of community-based or outpatient services, counsel shall continue to represent the person until the person is released from the program. The court shall serve notice upon such counsel of any action that is taken involving the person while the person is admitted to the program of community-based or outpatient services.

5. Each district attorney or his or her deputy shall appear and represent the State in all involuntary court-ordered admission proceedings in the district attorney's county. The district attorney is responsible for the presentation of evidence, if any, in support of the involuntary court-ordered admission of a person to a mental health facility or to a program of community-based or outpatient services in proceedings held pursuant to NRS 433A.200 and 433A.210.

Sec. 20. ~~[This act becomes effective on July 1, 2021.]~~ **(Deleted by amendment.)**

Assemblywoman Carlton moved that the Assembly concur in the Senate Amendment No. 803 to Assembly Bill No. 480.

Remarks by Assemblywoman Carlton.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 67.

The following Senate amendment was read:

Amendment No. 538.

AN ACT relating to education; revising provisions relating to the suspension, expulsion or permanent expulsion of a pupil from a public school, charter school or university school for profoundly gifted pupils in certain circumstances; providing that certain hearings and proceedings relating to suspending, expelling or permanently expelling a pupil are not subject to the Open Meeting Law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes a pupil to be suspended or expelled from a public school in certain circumstances; and (2) provides that a pupil who is not more than 10 years of age must not be permanently expelled from a public school, except in certain circumstances. (NRS 392.466, 392.467) Existing law requires a pupil to be expelled or permanently expelled if the pupil is found with a firearm or dangerous weapon at a public school, at a public school-sponsored activity or on a public school bus. (NRS 392.466, 392.467) Existing law imposes similar requirements on charter schools and university schools for profoundly gifted pupils. (NRS 388A.495, 388C.150)

Sections 12, 13 and 15 of this bill define "expel," "permanently expel" and "suspend," respectively, for the purposes of school discipline. **Sections 6, 8, 23 and 24** of this bill revise the circumstances in which a pupil may be suspended, expelled or permanently expelled. Existing law authorizes a pupil who is enrolled in or participating in a program of special education to be suspended or expelled in certain circumstances. (NRS 388A.495, 388C.150, 392.466, 392.467) **Sections 6, 8, 23 and 24** instead authorize a pupil with a disability to be suspended, expelled or permanently expelled in certain circumstances, while **section 14** of this bill defines "pupil with a disability." **Sections 1-5, 7, 9, 16-21, 25 and 26** of this bill make conforming changes relating to the terms defined in **sections 12-15**.

Existing law provides that a pupil may be deemed a habitual disciplinary problem if the pupil has received five suspensions in one school year and the pupil has not entered into and participated in a plan of behavior. (NRS 392.4655) **Section 28** of this bill eliminates the requirement that a pupil be deemed suspended from school if: (1) the pupil is prohibited from attending school for 3 or more consecutive days; and (2) a conference or communication with the parent or guardian of the pupil is required before the pupil may return

to school. (NRS 392.4657) **Section 22** of this bill instead requires that only significant suspensions be considered to determine whether a pupil is deemed a habitual disciplinary problem. **Section 22** defines a significant suspension as one in which: (1) the pupil is prohibited from attending school for 3 or more consecutive days; and (2) a conference or communication with the parent or guardian of the pupil is required before the pupil may return to school.

Existing law, commonly known as the Open Meeting Law, generally requires that public bodies conduct deliberations and take actions in meetings that are open to the public. (Chapter 241 of NRS) Existing law provides that the provisions of the Open Meeting Law do not apply to a hearing conducted relating to the suspension or expulsion of a pupil. (NRS 392.467) **Sections 6, 8, 23, 24 and 27** of this bill provide that the provisions of the Open Meeting Law do not apply to certain hearings or proceedings, including, without limitation, a hearing or proceeding conducted relating to the suspension, expulsion or permanent expulsion of a pupil who commits a battery, distributes a controlled substance or possesses a firearm or dangerous weapon on school premises.

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

Section 1. NRS 385A.250 is hereby amended to read as follows:

385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension ***, expulsion*** or ***permanent*** expulsion ~~[, or both,]~~ of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension ***, expulsion*** or ***permanent*** expulsion ~~[, or both,]~~ for bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Expulsion" has the meaning ascribed to it in section 12 of this act.

(d) "Permanent expulsion" has the meaning ascribed to it in section 13 of this act.

(e) "Suspension" has the meaning ascribed to it in section 15 of this act.

Sec. 2. NRS 385A.460 is hereby amended to read as follows:

385A.460 1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the discipline of pupils, including, without limitation:

(a) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(c) The suspension ***, expulsion*** and ***permanent*** expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) For each school district, including, without limitation, each charter school in the district, and for this State as a whole:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension ***, expulsion*** or ***permanent*** expulsion for bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of bullying or cyber-bullying, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in each school district, including, without limitation, each charter school that operates as a high school, and for the high schools in this State as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Expulsion" has the meaning ascribed to it in section 12 of this act.

(d) "Permanent expulsion" has the meaning ascribed to it in section 13 of this act.

(e) "Suspension" has the meaning ascribed to it in section 15 of this act.

Sec. 3. NRS 385A.840 is hereby amended to read as follows:

385A.840 1. Each public school in this State shall collect data on the discipline of pupils. Such data must:

(a) Be reported annually to the Department through the automated system of accountability information established pursuant to NRS 385A.800;

(b) Be disaggregated into subgroups of pupils; and

(c) Include occurrences of suspension ***, expulsion*** and ***permanent*** expulsion as separate offenses.

2. The Department shall:

(a) Develop and provide guidance to each school district in this State on methods and procedures for the collection of data on the discipline of pupils pursuant to subsection 1;

(b) Establish standard definitions of an offense for which a pupil may be disciplined and any related sanctions; and

(c) Provide training and professional development to educational personnel relating to the reporting and analysis of data on the discipline of pupils. Such training must, without limitation, provide educational personnel with the ability to create a report of any data on the discipline of pupils, interpret the results of such a report and develop a responsive plan of action based on the results of such a report.

3. As used in this section:

(a) "Expulsion" has the meaning ascribed to it in section 12 of this act.

(b) "Permanent expulsion" has the meaning ascribed to it in section 13 of this act.

(c) "Suspension" has the meaning ascribed to it in section 15 of this act.

Sec. 4. NRS 388A.246 is hereby amended to read as follows:

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

1. A summary of the plan for the proposed charter school.

2. A clear written description of the mission of the charter school and the goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(a) Improving the academic achievement of pupils;

(b) Encouraging the use of effective and innovative methods of teaching;

(c) Providing an accurate measurement of the educational achievement of pupils;

(d) Establishing accountability and transparency of public schools;

(e) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(f) Creating new professional opportunities for teachers.

3. A clear description of the indicators, measures and metrics for the categories of academics, finances and organization that the charter school proposes to use, the external assessments that will be used to assess performance in those categories and the objectives that the committee to form a charter school plans to achieve in those categories, which must be expressed

in terms of the objectives, measures and metrics. The objectives and the indicators, measures and metrics used by the charter school must be consistent with the performance framework adopted by the sponsor pursuant to NRS 388A.270.

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

5. The proposed location of, or the geographic area to be served by, the charter school and evidence of a need and community support for the charter school in that area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Conduct parent-teacher conferences; and

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

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

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

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

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

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

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

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

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

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

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

(b) A term sheet that sets forth:

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

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

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

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

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

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

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

committee to form a charter school or the board of directors of the charter management organization, as applicable.

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

➥ ***As used in this section, "pupil with a disability" has the meaning ascribed to it in NRS 388.417.***

Sec. 5. NRS 388A.3965 is hereby amended to read as follows:

388A.3965 1. A parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school may file a complaint relating to that charter school directly with the State Public Charter School Authority if the person has evidence that the charter school has:

(a) Violated any law or regulation relating to the health and safety of pupils;

(b) Violated any law or regulation relating to the civil rights of pupils, except for a law or regulation described in subsection 1 of NRS 388A.396;

(c) Violated any law or regulation or policy of the sponsor of the charter school relating to the enrollment, suspension ***, expulsion*** or ***permanent*** expulsion of pupils;

(d) Committed fraud, financial mismanagement or financial malfeasance; or

(e) Committed academic dishonesty, including, without limitation, engaging in a policy or practice that has the intent or effect of inappropriately increasing the graduation rate or inappropriately increasing performance on assessments mandated by this State or the State Public Charter School Authority.

2. If the State Public Charter School Authority determines that credible evidence exists to support a complaint submitted pursuant to subsection 1, the State Public Charter School Authority shall investigate the complaint and respond to the complaining party in writing.

3. As used in this section:

(a) "Expulsion" has the meaning ascribed to it in section 12 of this act.

(b) "Permanent expulsion" has the meaning ascribed to it in section 13 of this act.

(c) "Suspension" has the meaning ascribed to it in section 15 of this act.

Sec. 6. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. If suspension ***, expulsion*** or ***permanent*** expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension ***, expulsion*** or ***permanent*** expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has been

given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing ***or proceeding*** conducted pursuant to this section. Such a hearing ***or proceeding*** must be closed to the public.

3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.

4. A pupil ***with a disability*** who is at least 11 years of age and who is enrolled in a charter school ~~[and participating in a program of special education pursuant to NRS 388.419]~~ may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body ***or its designee*** has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence ~~[.]~~ ***of proscribed conduct.***

(b) ***Expelled from school pursuant to this section.***

(c) Permanently expelled from school pursuant to this section.

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

7. As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in section 12 of this act.

(b) "Permanently expel" or "permanent expulsion" has the meaning ascribed to it in section 13 of this act.

(c) "Pupil with a disability" has the meaning ascribed to it in NRS 388.417.

(d) "Suspend" or "suspension" has the meaning ascribed to it in section 15 of this act.

Sec. 7. NRS 388A.740 is hereby amended to read as follows:

388A.740 ***1.*** The Department shall adopt any regulations necessary to carry out the provisions of NRS 388A.462 and 388A.700 to 388A.740, inclusive, including, without limitation, regulations for:

~~[1.]~~ ***(a)*** The delegation of oversight responsibilities to any subcommittee of the State Public Charter School Authority.

~~[2.]~~ ***(b)*** Establishing different requirements for the operation or regulation of or any other matter that requires the different treatment of charter schools for distance education sponsored by the State Public Charter School Authority and traditional charter schools sponsored by the State Public Charter School Authority.

~~[3.]~~ ***(c)*** Determining when a pupil enrolled at a charter school for distance education may be suspended ***, expelled*** or ***permanently*** expelled from such charter school pursuant to NRS 388A.495 for failing to actively participate in the charter school for distance education.

2. As used in this section:

(a) "Expel" has the meaning ascribed to it in section 12 of this act.

(b) "Permanently expel" has the meaning ascribed to it in section 13 of this act.

(c) "Suspend" has the meaning ascribed to it in section 15 of this act.

Sec. 8. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. If suspension ***, expulsion*** or ***permanent*** expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension ***, expulsion*** or ***permanent*** expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing ***or proceeding*** conducted pursuant to this section. Such a hearing ***or proceeding*** must be closed to the public.

3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed only after the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.

4. A pupil ***with a disability*** who is at least 11 years of age and who is enrolled in a university school for profoundly gifted pupils ~~[and participating in a program of special education pursuant to NRS 388.419]~~ may, in

accordance with the procedural policy adopted by the governing body of the university school for such matters and only after the governing body ***or its designee*** has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence ~~.~~ ***of proscribed conduct.***

(b) ***Expelled from school pursuant to this section.***

(c) Permanently expelled from school pursuant to this section.

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

6. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

7. As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in section 12 of this act.

(b) "Permanently expel" or "permanent expulsion" has the meaning ascribed to it in section 13 of this act.

(c) "Pupil with a disability" has the meaning ascribed to it in NRS 388.417.

(d) "Suspend" or "suspension" has the meaning ascribed to it in section 15 of this act.

Sec. 9. NRS 389.155 is hereby amended to read as follows:

389.155 1. The State Board shall, by regulation, establish a program pursuant to which a pupil:

(a) Enrolled full-time in public school;

(b) Enrolled in an alternative program pursuant to NRS 388.537;

(c) Enrolled in a program designed to meet the requirements for an adult standard diploma; or

(d) Except as otherwise provided in subsection 4, who has been suspended ***, expelled*** or ***permanently*** expelled from a public school,

➥ may complete any required or elective course by independent study outside of the normal classroom setting. A program of independent study provided pursuant to this section may be offered through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

2. The regulations must:

(a) Require that:

(1) The teacher of the course assign to the pupil the work assignments necessary to complete the course; and

(2) For each course in which the pupil is enrolled, the pupil and the teacher of the course meet or otherwise communicate with each other at least once each week for the duration of the course to discuss the pupil's progress; or

(b) Require that the program of independent study satisfies the requirements of a plan to operate an alternative program of education submitted by the school district and approved pursuant to NRS 388.537.

3. The board of trustees of a school district may, in accordance with the regulations adopted pursuant to subsections 1 and 2, provide for independent study by the pupils described in subsection 1.

4. A program of independent study offered pursuant to this section must not allow a pupil who has been suspended ***, expelled*** or ***permanently*** expelled from a public school to attend that public school during the period of his or her suspension ***, expulsion*** or ***permanent*** expulsion.

5. As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in section 12 of this act.

(b) "Permanently expel" or "permanent expulsion" has the meaning ascribed to it in section 13 of this act.

(c) "Suspend" or "suspension" has the meaning ascribed to it in section 15 of this act.

Sec. 10. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to ~~[15,]~~ **15.5,** inclusive, of this act.

Sec. 11. ***As used in NRS 392.461 to 392.472, inclusive, and sections 11 to ~~[15,]~~ 15.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 12 to 15, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 12. ***"Expel" or "expulsion" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled for more than one school semester with the possibility of :***

1. Except as otherwise provided in subsection 2, returning to the school in which the pupil is currently enrolled or another public school within the school district after the expulsion ~~.~~ ; and

2. Enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled during the period of expulsion.

Sec. 13. ***"Permanently expel" or "permanent expulsion" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled :***

1. Except as otherwise provided in subsection 2, without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district ~~.~~ ; and

2. With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Sec. 14. ***"Pupil with a disability" has the meaning ascribed to it in NRS 388.417.***

Sec. 15. ***"Suspend" or "suspension" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled for not more than one school semester.***

Sec. 15.5. The Department shall adopt any regulations necessary to carry out the provisions of NRS 392.461 to 392.472, inclusive, and sections 11 to 15.5, inclusive, of this act.

Sec. 16. NRS 392.463 is hereby amended to read as follows:

392.463 1. Each school district shall adopt a plan to ensure that the public schools within the school district are safe and free of controlled substances. The plan must comply with the Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101 et seq.

2. Each school district shall prescribe written rules of behavior required of and prohibited for pupils attending school within their district and shall prescribe appropriate punishments for violations of the rules. If suspension ***, expulsion*** or ***permanent*** expulsion is used as a punishment for a violation of the rules, the school district shall follow the procedures in NRS 392.467.

3. A copy of the plan adopted pursuant to subsection 1 and the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments prescribed pursuant to subsection 2 must be distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year. Copies must also be made available for inspection at each school located in that district in an area on the grounds of the school which is open to the public.

Sec. 17. NRS 392.4634 is hereby amended to read as follows:

392.4634 1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

(a) Simulating a firearm or dangerous weapon while playing; or

(b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.

2. Simulating a firearm or dangerous weapon includes, without limitation:

(a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;

(b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;

(c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;

(d) Using a finger or hand to simulate a firearm or dangerous weapon;

(e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and

(f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:

(a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;

(b) Causes bodily harm to another person; or

(c) Places another person in reasonable fear of bodily harm.

4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.

5. The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.

6. As used in this section:

(a) "Dangerous weapon" has the meaning ascribed to it in paragraph (b) of subsection ~~[11]~~ ***12*** of NRS 392.466.

(b) "Firearm" has the meaning ascribed to it in paragraph (c) of subsection ~~[11]~~ ***12*** of NRS 392.466.

Sec. 18. NRS 392.4635 is hereby amended to read as follows:

392.4635 1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.

2. The policy established pursuant to subsection 1 may include, without limitation:

(a) The provision of training for the prevention of the activities of criminal gangs on school property.

(b) If the policy includes training:

(1) A designation of the grade levels of the pupils who must receive the training.

(2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).

➥ The board of trustees of each school district shall ensure that the training is provided to the pupils and personnel designated in the policy.

(c) Provisions which prohibit:

(1) A pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang; and

(2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.

(d) Provisions which provide for the suspension ***, expulsion*** or ***permanent*** expulsion pursuant to NRS 392.466 and 392.467 of pupils who violate the policy.

3. The board of trustees of each school district may develop the policy required pursuant to subsection 1 in consultation with:

(a) Local law enforcement agencies;

(b) School police officers, if any;

(c) Persons who have experience regarding the actions and activities of criminal gangs;

(d) Organizations which are dedicated to alleviating criminal gangs or assisting members of criminal gangs who wish to disassociate from the gang; and

(e) Any other person deemed necessary by the board of trustees.

4. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 213.1263.

Sec. 19. NRS 392.4643 is hereby amended to read as follows:

392.4643 An action must not be taken pursuant to the provisions of NRS 392.4642 to 392.4648, inclusive, against a pupil with a disability ~~[who is participating in a program of special education pursuant to NRS 388.417 to 388.469, inclusive,]~~ unless the action complies with:

1. The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

2. The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;

3. Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq.;

4. Any other federal law applicable to children with disabilities; and

5. The procedural policy adopted by the board of trustees of the school district for such matters.

Sec. 20. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. The plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section may be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension ***, expulsion*** or ***permanent*** expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➥ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

Sec. 21. NRS 392.4648 is hereby amended to read as follows:

392.4648 1. If the teacher or other staff member who removed a pupil from the classroom or other premises of a public school does not agree with the recommendation of the principal pursuant to subsection 6 of NRS 392.4646, the principal shall continue the temporary alternative placement of the pupil and shall immediately convene a meeting of the committee created pursuant to NRS 392.4647. The principal shall inform the parent or legal guardian of the pupil that the committee will be conducting a meeting. The committee shall review the circumstances of the pupil's removal from the classroom or other premises of the public school and the pupil's behavior that caused the pupil to be removed from the classroom or other premises. Based upon its review, the committee shall assess the best placement available for the pupil and shall, without limitation:

(a) Direct that the pupil be returned to the classroom or other premises from which he or she was removed;

(b) Assign the pupil to another appropriate classroom or other premises;

(c) Assign the pupil to an alternative program of education, if available;

(d) Recommend the suspension ***, expulsion*** or ***permanent*** expulsion of the pupil in accordance with NRS 392.467; or

(e) Take any other appropriate disciplinary action against the pupil that the committee deems necessary.

2. A principal shall report to the school district each time a committee created pursuant to NRS 392.4647 is convened and, upon the conclusion of the committee's review of a placement, shall supplement the report with the result of the assessment of the committee.

3. Each school district shall compile the reports submitted to the school district pursuant to subsection 2 and, on or before July 1 of each year, submit an annual report to the Legislative Committee on Education containing such information for all schools located in the school district.

Sec. 22. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five ***significant*** suspensions from the school for any reason; and

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 5.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five ***significant*** suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 5, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school ***;*** ~~[for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or]~~

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school; ***or***

(3) Permanently expelled from the school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil ~~[has]~~ ***is a pupil with*** a disability ***,*** ~~[and is participating in a program of special education pursuant to NRS 388.419,]~~ an explanation of the effect of subsection 10 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended ***,***

expelled or ***permanently*** expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 5.

4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

5. If a pupil is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) ~~[Expelled or suspended]~~ ***Suspended, expelled or permanently expelled*** from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

6. If a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior pursuant to subsection 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of

the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

9. As used in this section, "significant suspension" means the school in which the pupil is enrolled:

(a) Prohibits the pupil from attending school for 3 or more consecutive days; and

(b) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

Sec. 23. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil. The pupil may be ***suspended, expelled or permanently*** expelled from the school ~~.~~ , in which case the pupil shall:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended ***, expelled*** or ***permanently*** expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil ***with a disability*** who committed the battery ***,*** ~~[and is participating in a program of special education pursuant to NRS 388.419,]~~ the board of trustees of the school district ***or its designee*** has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil ***of any age, including, without limitation, a pupil with a disability,*** who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school ***.*** ~~[and:~~

~~(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or~~

~~(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.~~

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled ***, permanently expelled*** or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school ~~[or the board of trustees of the school district of the new school]~~ to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, ***based on the seriousness of the acts which were the basis for the discipline,*** the pupil may be:

(a) Suspended from the school ***;*** ~~[for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or]~~

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school ~~[.]~~ ***; or***

(c) Permanently expelled from the school under extraordinary circumstances as determined by the principal of the school.

6. If the pupil is expelled ~~[.]~~ ***or permanently expelled*** or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended ***, expelled*** or ***permanently*** expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a suspension ***, expulsion*** or ***permanent*** expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall

allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.

8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

9. Except as otherwise provided in this ~~[section,]~~ ***subsection and subsection 3,*** a pupil who is ~~[not more]~~ ***less*** than ~~[10]~~ ***11*** years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended ~~[from school]~~ ***, expelled*** or permanently expelled from school pursuant to this section only after the board of trustees of the school district ***or its designee*** has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

10. ~~[A]~~ ***Except as otherwise provided in subsection 3, a*** pupil ***with a disability*** who is at least 11 years of age ~~[and who is participating in a program of special education pursuant to NRS 388.419]~~ may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district ***or its designee*** has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) ***Expelled from school pursuant to this section.***

(c) Permanently expelled from school pursuant to this section.

11. ***The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.***

12. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) "Restorative justice" has the meaning ascribed to it in subsection 6 of NRS 392.472.

~~[12.]~~ ***13.*** The provisions of this section do not prohibit a pupil who is suspended ***, expelled*** or ***permanently*** expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension ***, expulsion*** or ***permanent*** expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 24. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections 5 and 6 and NRS 392.466, the board of trustees of a school district ***or its designee*** may authorize the suspension ***, expulsion*** or ***permanent*** expulsion of any pupil who is at least 11 years of age from any public school within the school district. Except as otherwise provided in ***this subsection and subsection 3 of*** NRS 392.466, a pupil who is ~~[not more]~~ ***less*** than ~~[10]~~ ***11*** years of age must not be permanently expelled from school. ***In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district.***

2. Except as otherwise provided in subsection 6, no pupil may be suspended ***, expelled*** or ***permanently*** expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's ~~[suspension]~~ ***expulsion*** or ***permanent*** expulsion.

3. The board of trustees of a school district ***or its designee*** may authorize the expulsion, ***permanent expulsion,*** suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:

(a) Conducts an independent investigation of the conduct of the pupil; and

(b) Gives notice of the charges brought against the pupil by the school to the pupil.

4. The provisions of chapter 241 of NRS do not apply to any hearing ***or proceeding*** conducted pursuant to this section. Such hearings ***or proceedings*** must be closed to the public.

5. The board of trustees of a school district ***or its designee*** shall not authorize the expulsion, ***permanent expulsion,*** suspension or removal of any pupil from the public school system solely for offenses related to attendance

or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

6. A pupil ~~[who is participating in a program of special education pursuant to NRS 388.419, other than a pupil who receives early intervening services,]~~ ***with a disability*** may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district ***or its designee*** has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days for each occurrence ~~[.]~~ ***of proscribed conduct.***

(b) ***Expelled from school pursuant to this section.***

(c) Permanently expelled from school pursuant to this section.

Sec. 25. NRS 392.4675 is hereby amended to read as follows:

392.4675 1. Except as otherwise provided in this section, a pupil who is suspended ***, expelled*** or ***permanently*** expelled from:

(a) Any public school in this State pursuant to NRS 392.466; or

(b) Any school outside of this State for the commission of any act which, if committed within this State, would be a ground for suspension ***, expulsion*** or ***permanent*** expulsion from public school pursuant to NRS 392.466,

➥ is ineligible to attend any public school in this State during the period of that suspension ***, expulsion*** or ***permanent*** expulsion.

2. A school district or a charter school, if the charter school offers the applicable program, may allow a pupil who is ineligible to attend a public school pursuant to this section to enroll in:

(a) An alternative program for the education of pupils at risk of dropping out of school provided pursuant to NRS 388.537;

(b) A program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended ***, expelled*** or ***permanently*** expelled from public school;

(c) A program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive;

(d) Any program of instruction offered pursuant to the provisions of NRS 388.550; or

(e) A challenge school,

➥ if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable school or program. A school district or charter school may conduct an investigation of the background of any such pupil to determine if the educational needs of the pupil may be satisfied without undue disruption to the school or program. If an investigation is conducted, the board of trustees of the school district or the governing body of the charter school shall, based on the results of the investigation, determine if the pupil will be allowed to enroll in such a school or program.

3. The provisions of subsections 1 and 2 do not prohibit a pupil from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension ***, expulsion*** or ***permanent*** expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 26. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS 392.466 and to the extent practicable, a public school shall provide a plan of action based on restorative justice before ***expelling or permanently*** expelling a pupil from school.

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:

(a) Positive behavioral interventions and support;

(b) A plan for behavioral intervention;

(c) A referral to a team of student support;

(d) A referral to an individualized education program team;

(e) A referral to appropriate community-based services; and

(f) A conference with the principal of the school or his or her designee and any other appropriate personnel.

3. The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.

4. The Department shall post on its Internet website a guidance document that includes, without limitation:

(a) A description of the requirements of this section and NRS 392.462;

(b) A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;

(c) One or more models of restorative justice and best practices relating to restorative justice;

(d) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and

(e) One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

5. ~~[The Department shall adopt regulations necessary to carry out the provisions of this section.~~

~~6.]~~ As used in this section:

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

(b) "Restorative justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 27. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, ***392.466,*** 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 28. NRS 392.4657 is hereby repealed.

Sec. 29. This act becomes effective on July 1, 2021.

TEXT OF REPEALED SECTION

392.4657 Conditions under which pupil deemed suspended. A pupil shall be deemed suspended from school if the school in which the pupil is enrolled:

1. Prohibits the pupil from attending school for 3 or more consecutive days; and

2. Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 538 to Assembly Bill No. 67.

Remarks by Assemblywoman Bilbray-Axelrod.

The following Senate amendment was read:

Amendment No. 768.

AN ACT relating to education; revising provisions relating to the suspension ~~[, expulsion]~~ or ~~[permanent]~~ expulsion of a pupil from a public school, charter school or university school for profoundly gifted pupils in certain circumstances; providing that certain hearings and proceedings relating to suspending ~~[, expelling]~~ or ~~[permanently]~~ expelling a pupil are not subject to the Open Meeting Law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes a pupil to be suspended or expelled from a public school in certain circumstances; and (2) provides that a pupil who is not more than 10 years of age must not be permanently expelled from a public school, except in certain circumstances. (NRS 392.466, 392.467) Existing law requires a pupil to be expelled or permanently expelled if the pupil is found with a firearm or dangerous weapon at a public school, at a public school-sponsored activity or on a public school bus. (NRS 392.466, 392.467) Existing law imposes similar requirements on charter schools and university schools for profoundly gifted pupils. (NRS 388A.495, 388C.150)

Sections 12 ~~[, 13]~~ **and 15** of this bill define ~~["expel," "permanently expel"]~~ **"expel"** and "suspend," respectively, for the purposes of school discipline. ~~[Sections 6, 8, 23 and 24 of this bill revise the circumstances in which a pupil may be suspended, expelled or permanently expelled.]~~ Existing law authorizes a pupil who is enrolled in or participating in a program of special education to be suspended or permanently expelled in certain circumstances. (NRS 388A.495, 388C.150, 392.466, 392.467) Sections 6, 8, **19, 22,** 23 and 24 instead authorize a pupil with a disability to be suspended, expelled or permanently expelled in certain circumstances, while **section 14** of this bill defines "pupil with a disability." **Section 4 of this bill makes a conforming change to a reference to section 6.** ~~[Sections 1-5, 7, 9, 16-21, 25]~~ **Section 17 of this bill makes a conforming change to a reference to section 23. Sections 1-3, 5, 7, 9, 23 and** ~~[26]~~ **24** of this bill make conforming changes relating to the terms defined in **sections** ~~[12-15.]~~ **12, 14 and 15. Section 15.5 of this bill requires the Department of Education to adopt regulations necessary to carry out certain provisions of the Nevada Revised Statutes related to pupil discipline. Section 26 of this bill makes a conforming change related to the regulatory authority of the Department.**

Existing law provides that a pupil may be deemed a habitual disciplinary problem if the pupil has received five suspensions in one school year and the pupil has not entered into and participated in a plan of behavior. (NRS 392.4655) **Section 28** of this bill eliminates the requirement that a pupil be deemed suspended from school if: (1) the pupil is prohibited from attending school for 3 or more consecutive days; and (2) a conference or communication with the parent or guardian of the pupil is required before the pupil may return to school. (NRS 392.4657) **Section 22** of this bill instead requires that only significant suspensions be considered to determine whether a pupil is deemed

a habitual disciplinary problem. **Section 22** defines a significant suspension as one in which: (1) the pupil is prohibited from attending school for 3 or more consecutive days; and (2) a conference or communication with the parent or guardian of the pupil is required before the pupil may return to school.

Existing law, commonly known as the Open Meeting Law, generally requires that public bodies conduct deliberations and take actions in meetings that are open to the public. (Chapter 241 of NRS) Existing law provides that the provisions of the Open Meeting Law do not apply to a hearing conducted relating to the suspension or expulsion of a pupil. (NRS 392.467) **Sections 6, 8, 23, 24 and 27** of this bill provide that the provisions of the Open Meeting Law do not apply to certain hearings or proceedings, including, without limitation, a hearing or proceeding conducted relating to the suspension, expulsion or permanent expulsion of a pupil who commits a battery, distributes a controlled substance or possesses a firearm or dangerous weapon on school premises.

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

Section 1. NRS 385A.250 is hereby amended to read as follows:

385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension ~~*[, expulsion]*~~ or ~~*[permanent]*~~ expulsion , or both, of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension ~~*[, expulsion]*~~ or ~~*[permanent]*~~ expulsion , or both, for bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Expulsion" has the meaning ascribed to it in section 12 of this act.

(d) ~~["Permanent expulsion" has the meaning ascribed to it in section 13 of this act.~~

~~(e)]~~ "Suspension" has the meaning ascribed to it in section 15 of this act.

Sec. 2. NRS 385A.460 is hereby amended to read as follows:

385A.460 1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the discipline of pupils, including, without limitation:

(a) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(c) The suspension ~~[, expulsion]~~ and ~~[permanent]~~ expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) For each school district, including, without limitation, each charter school in the district, and for this State as a whole:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension ~~[, expulsion]~~ or ~~[permanent]~~ expulsion for bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of bullying or cyber-bullying, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in each school district, including, without limitation, each charter school that operates as a high school, and for the high schools in this State as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Expulsion" has the meaning ascribed to it in section 12 of this act.

(d) ~~["Permanent expulsion" has the meaning ascribed to it in section 13 of this act.~~

~~(c)]~~ "Suspension" has the meaning ascribed to it in section 15 of this act.

Sec. 3. NRS 385A.840 is hereby amended to read as follows:

385A.840 1. Each public school in this State shall collect data on the discipline of pupils. Such data must:

(a) Be reported annually to the Department through the automated system of accountability information established pursuant to NRS 385A.800;

(b) Be disaggregated into subgroups of pupils; and

(c) Include occurrences of suspension ~~*[, expulsion]*~~ and ~~*[permanent]*~~ expulsion as separate offenses.

2. The Department shall:

(a) Develop and provide guidance to each school district in this State on methods and procedures for the collection of data on the discipline of pupils pursuant to subsection 1;

(b) Establish standard definitions of an offense for which a pupil may be disciplined and any related sanctions; and

(c) Provide training and professional development to educational personnel relating to the reporting and analysis of data on the discipline of pupils. Such training must, without limitation, provide educational personnel with the ability to create a report of any data on the discipline of pupils, interpret the results of such a report and develop a responsive plan of action based on the results of such a report.

3. As used in this section:

(a) "Expulsion" has the meaning ascribed to it in section 12 of this act.

(b) ~~*["Permanent expulsion" has the meaning ascribed to it in section 13 of this act.*~~

~~*(c)]*~~ ***"Suspension" has the meaning ascribed to it in section 15 of this act.***

Sec. 4. NRS 388A.246 is hereby amended to read as follows:

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

1. A summary of the plan for the proposed charter school.

2. A clear written description of the mission of the charter school and the goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(a) Improving the academic achievement of pupils;

(b) Encouraging the use of effective and innovative methods of teaching;

(c) Providing an accurate measurement of the educational achievement of pupils;

(d) Establishing accountability and transparency of public schools;

(e) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(f) Creating new professional opportunities for teachers.

3. A clear description of the indicators, measures and metrics for the categories of academics, finances and organization that the charter school proposes to use, the external assessments that will be used to assess performance in those categories and the objectives that the committee to form a charter school plans to achieve in those categories, which must be expressed

in terms of the objectives, measures and metrics. The objectives and the indicators, measures and metrics used by the charter school must be consistent with the performance framework adopted by the sponsor pursuant to NRS 388A.270.

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

5. The proposed location of, or the geographic area to be served by, the charter school and evidence of a need and community support for the charter school in that area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Conduct parent-teacher conferences; and

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

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

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

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

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

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

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

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

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

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

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

(b) A term sheet that sets forth:

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

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

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

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

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

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

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

committee to form a charter school or the board of directors of the charter management organization, as applicable.

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

➥ ***As used in this section, "pupil with a disability" has the meaning ascribed to it in NRS 388.417.***

Sec. 5. NRS 388A.3965 is hereby amended to read as follows:

388A.3965 1. A parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school may file a complaint relating to that charter school directly with the State Public Charter School Authority if the person has evidence that the charter school has:

(a) Violated any law or regulation relating to the health and safety of pupils;

(b) Violated any law or regulation relating to the civil rights of pupils, except for a law or regulation described in subsection 1 of NRS 388A.396;

(c) Violated any law or regulation or policy of the sponsor of the charter school relating to the enrollment, suspension ~~*[, expulsion]*~~ or ~~*[permanent]*~~ expulsion of pupils;

(d) Committed fraud, financial mismanagement or financial malfeasance; or

(e) Committed academic dishonesty, including, without limitation, engaging in a policy or practice that has the intent or effect of inappropriately increasing the graduation rate or inappropriately increasing performance on assessments mandated by this State or the State Public Charter School Authority.

2. If the State Public Charter School Authority determines that credible evidence exists to support a complaint submitted pursuant to subsection 1, the State Public Charter School Authority shall investigate the complaint and respond to the complaining party in writing.

3. As used in this section:

(a) "Expulsion" has the meaning ascribed to it in section 12 of this act.

(b) ~~*[*~~***"Permanent expulsion" has the meaning ascribed to it in section 13 of this act.***

~~*(c)]*~~ ***"Suspension" has the meaning ascribed to it in section 15 of this act.***

Sec. 6. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. If suspension ~~*[, expulsion]*~~ or ~~*[permanent]*~~ expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension ~~*[, expulsion]*~~ or ~~*[permanent]*~~ expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has

been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing ***or proceeding*** conducted pursuant to this section. Such a hearing ***or proceeding*** must be closed to the public.

3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.

4. A pupil ***with a disability*** who is at least 11 years of age and who is enrolled in a charter school ~~[and participating in a program of special education pursuant to NRS 388.419]~~ may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body ***or its designee*** has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence ~~[.]~~ ***of proscribed conduct.***

(b) ***Expelled from school pursuant to this section.***

(c) Permanently expelled from school pursuant to this section.

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

7. As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in section 12 of this act.

(b) "Permanently ~~[expel" or "permanent expulsion" has the meaning ascribed to it in section 13 of this act,]~~ expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(c) "Pupil with a disability" has the meaning ascribed to it in NRS 388.417.

(d) "Suspend" or "suspension" has the meaning ascribed to it in section 15 of this act.

Sec. 7. NRS 388A.740 is hereby amended to read as follows:

388A.740 ***1.*** The Department shall adopt any regulations necessary to carry out the provisions of NRS 388A.462 and 388A.700 to 388A.740, inclusive, including, without limitation, regulations for:

~~[1.]~~ ***(a)*** The delegation of oversight responsibilities to any subcommittee of the State Public Charter School Authority.

~~[2.]~~ ***(b)*** Establishing different requirements for the operation or regulation of or any other matter that requires the different treatment of charter schools for distance education sponsored by the State Public Charter School Authority and traditional charter schools sponsored by the State Public Charter School Authority.

~~[3.]~~ ***(c)*** Determining when a pupil enrolled at a charter school for distance education may be suspended ~~***[, expelled]***~~ or ~~***[permanently]***~~ expelled from such charter school pursuant to NRS 388A.495 for failing to actively participate in the charter school for distance education.

2. As used in this section:

(a) "Expel" has the meaning ascribed to it in section 12 of this act.

(b) ~~***["Permanently expel" has the meaning ascribed to it in section 13 of this act.***~~

~~***(c)]***~~ ***"Suspend" has the meaning ascribed to it in section 15 of this act.***

Sec. 8. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. If suspension ~~***[, expulsion]***~~ or ~~***[permanent]***~~ expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension ~~***[, expulsion]***~~ or ~~***[permanent]***~~ expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing ***or proceeding*** conducted pursuant to this section. Such a hearing ***or proceeding*** must be closed to the public.

3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed only after the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative

justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.

4. A pupil ***with a disability*** who is at least 11 years of age and who is enrolled in a university school for profoundly gifted pupils ~~[and participating in a program of special education pursuant to NRS 388.419]~~ may, in accordance with the procedural policy adopted by the governing body of the university school for such matters and only after the governing body ***or its designee*** has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence ~~[.]~~ ***of proscribed conduct.***

(b) ***Expelled from school pursuant to this section.***

(c) Permanently expelled from school pursuant to this section.

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

6. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

7. As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in section 12 of this act.

(b) "Permanently ~~[expel" or "permanent expulsion" has the meaning ascribed to it in section 13 of this act.]~~ expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(c) "Pupil with a disability" has the meaning ascribed to it in NRS 388.417.

(d) "Suspend" or "suspension" has the meaning ascribed to it in section 15 of this act.

Sec. 9. NRS 389.155 is hereby amended to read as follows:

389.155 1. The State Board shall, by regulation, establish a program pursuant to which a pupil:

(a) Enrolled full-time in public school;

(b) Enrolled in an alternative program pursuant to NRS 388.537;

(c) Enrolled in a program designed to meet the requirements for an adult standard diploma; or

(d) Except as otherwise provided in subsection 4, who has been suspended ~~*[, expelled]*~~ or ~~*[permanently]*~~ expelled from a public school,

➥ may complete any required or elective course by independent study outside of the normal classroom setting. A program of independent study provided pursuant to this section may be offered through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

2. The regulations must:

(a) Require that:

(1) The teacher of the course assign to the pupil the work assignments necessary to complete the course; and

(2) For each course in which the pupil is enrolled, the pupil and the teacher of the course meet or otherwise communicate with each other at least once each week for the duration of the course to discuss the pupil's progress; or

(b) Require that the program of independent study satisfies the requirements of a plan to operate an alternative program of education submitted by the school district and approved pursuant to NRS 388.537.

3. The board of trustees of a school district may, in accordance with the regulations adopted pursuant to subsections 1 and 2, provide for independent study by the pupils described in subsection 1.

4. A program of independent study offered pursuant to this section must not allow a pupil who has been suspended ~~*[, expelled]*~~ or ~~*[permanently]*~~ expelled from a public school to attend that public school during the period of his or her suspension ~~*[, expulsion]*~~ or ~~*[permanent]*~~ expulsion.

5. As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in section 12 of this act.

(b) ~~*["Permanently expel" or "permanent expulsion" has the meaning ascribed to it in section 13 of this act.*~~

~~*(c)]*~~ ***"Suspend" or "suspension" has the meaning ascribed to it in section 15 of this act.***

Sec. 10. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 15.5, inclusive, of this act.

Sec. 11. ***As used in NRS 392.461 to 392.472, inclusive, and sections 11 to 15.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 12 to 15, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 12. ***"Expel" or "expulsion" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled for more than one school semester with the possibility of:***

1. Except as otherwise provided in subsection 2, returning to the school in which the pupil is currently enrolled or another public school within the school district after the expulsion; and

2. Enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled during the period of expulsion.

Sec. 13. ~~[***"Permanently expel" or "permanent expulsion" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:***~~

~~***1. Except as otherwise provided in subsection 2, without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and***~~

~~***2. With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.]*** **(Deleted by amendment.)**

Sec. 14. ***"Pupil with a disability" has the meaning ascribed to it in NRS 388.417.***

Sec. 15. ***"Suspend" or "suspension" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled for not more than one school semester.***

Sec. 15.5. ***The Department shall adopt any regulations necessary to carry out the provisions of NRS 392.461 to 392.472, inclusive, and sections 11 to 15.5, inclusive, of this act.***

Sec. 16. ~~[NRS 392.463 is hereby amended to read as follows:~~

~~392.463 1. Each school district shall adopt a plan to ensure that the public schools within the school district are safe and free of controlled substances. The plan must comply with the Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101 et seq.~~

~~2. Each school district shall prescribe written rules of behavior required of and prohibited for pupils attending school within their district and shall prescribe appropriate punishments for violations of the rules. If suspension~~ ***, expulsion*** ~~or~~ ***permanent*** ~~expulsion is used as a punishment for a violation of the rules, the school district shall follow the procedures in NRS 392.467.~~

~~3. A copy of the plan adopted pursuant to subsection 1 and the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments prescribed pursuant to subsection 2 must be distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year. Copies must also be made available for inspection at each school located in that district in an area on the grounds of the school which is open to the public.]~~ **(Deleted by amendment.)**

Sec. 17. NRS 392.4634 is hereby amended to read as follows:

392.4634 1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

(a) Simulating a firearm or dangerous weapon while playing; or

(b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.

2. Simulating a firearm or dangerous weapon includes, without limitation:

(a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;

(b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;

(c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;

(d) Using a finger or hand to simulate a firearm or dangerous weapon;

(e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and

(f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:

(a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;

(b) Causes bodily harm to another person; or

(c) Places another person in reasonable fear of bodily harm.

4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.

5. The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.

6. As used in this section:

(a) "Dangerous weapon" has the meaning ascribed to it in paragraph (b) of subsection ~~[11]~~ ***12*** of NRS 392.466.

(b) "Firearm" has the meaning ascribed to it in paragraph (c) of subsection ~~[11]~~ ***12*** of NRS 392.466.

Sec. 18. ~~[NRS 392.4635 is hereby amended to read as follows:~~

~~392.4635 1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.~~

~~2. The policy established pursuant to subsection 1 may include, without limitation:~~

~~(a) The provision of training for the prevention of the activities of criminal gangs on school property.~~

~~(b) If the policy includes training:~~

~~(1) A designation of the grade levels of the pupils who must receive the training.~~

~~(2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).~~

~~➥ The board of trustees of each school district shall ensure that the training is provided to the pupils and personnel designated in the policy.~~

~~(c) Provisions which prohibit:~~

~~(1) A pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang; and~~

~~(2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.~~

~~(d) Provisions which provide for the suspension *, expulsion* or *permanent* expulsion pursuant to NRS 392.466 and 392.467 of pupils who violate the policy.~~

~~3. The board of trustees of each school district may develop the policy required pursuant to subsection 1 in consultation with:~~

~~(a) Local law enforcement agencies;~~

~~(b) School police officers, if any;~~

~~(c) Persons who have experience regarding the actions and activities of criminal gangs;~~

~~(d) Organizations which are dedicated to alleviating criminal gangs or assisting members of criminal gangs who wish to disassociate from the gang; and~~

~~(e) Any other person deemed necessary by the board of trustees.~~

~~4. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 213.1263.~~] **(Deleted by amendment.)**

Sec. 19. NRS 392.4643 is hereby amended to read as follows:

392.4643 An action must not be taken pursuant to the provisions of NRS 392.4642 to 392.4648, inclusive, against a pupil with a disability [~~who is participating in a program of special education pursuant to NRS 388.417 to 388.469, inclusive,~~] unless the action complies with:

1. The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

2. The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;

3. Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq.;

4. Any other federal law applicable to children with disabilities; and

5. The procedural policy adopted by the board of trustees of the school district for such matters.

Sec. 20. [~~NRS 392.4645 is hereby amended to read as follows:~~

~~392.4645 1. The plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the~~

~~other pupils to learn or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.~~

~~2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section may be assigned to a temporary alternative placement pursuant to which the pupil:~~

~~(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;~~

~~(b) Studies or remains under the supervision of appropriate personnel of the school district; and~~

~~(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.~~

~~3. The principal shall not assign a pupil to a temporary alternative placement if the suspension~~ ***, expulsion*** ~~or~~ ***permanent*** ~~expulsion of a pupil who is removed from the classroom pursuant to this section is:~~

~~(a) Required by NRS 392.466; or~~

~~(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.~~

~~If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.]~~

(Deleted by amendment.)

Sec. 21. **[**~~NRS 392.4648 is hereby amended to read as follows:~~

~~392.4648 1. If the teacher or other staff member who removed a pupil from the classroom or other premises of a public school does not agree with the recommendation of the principal pursuant to subsection 6 of NRS 392.4646, the principal shall continue the temporary alternative placement of the pupil and shall immediately convene a meeting of the committee created pursuant to NRS 392.4647. The principal shall inform the parent or legal guardian of the pupil that the committee will be conducting a meeting. The committee shall review the circumstances of the pupil's removal from the classroom or other premises of the public school and the pupil's behavior that caused the pupil to be removed from the classroom or other premises. Based upon its review, the committee shall assess the best placement available for the pupil and shall, without limitation:~~

~~(a) Direct that the pupil be returned to the classroom or other premises from which he or she was removed;~~

~~(b) Assign the pupil to another appropriate classroom or other premises;~~

~~(c) Assign the pupil to an alternative program of education, if available;~~

~~(d) Recommend the suspension~~ ***, expulsion*** ~~or~~ ***permanent*** ~~expulsion of the pupil in accordance with NRS 392.467; or~~

~~(e) Take any other appropriate disciplinary action against the pupil that the committee deems necessary.~~

~~2. A principal shall report to the school district each time a committee created pursuant to NRS 392.4647 is convened and, upon the conclusion of the committee's review of a placement, shall supplement the report with the result of the assessment of the committee.~~

~~3. Each school district shall compile the reports submitted to the school district pursuant to subsection 2 and, on or before July 1 of each year, submit an annual report to the Legislative Committee on Education containing such information for all schools located in the school district.~~] **(Deleted by amendment.)**

Sec. 22. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five ***significant*** suspensions from the school for any reason; and

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 5.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five ***significant*** suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 5, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school ***;*** ~~[for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline;]~~ or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school; ~~***[or***~~

~~***(3) Permanently expelled from the school under extraordinary circumstances as determined by the principal of the school;]***~~

(d) If the pupil ~~[has]~~ ***is a pupil with*** a disability ***,*** ~~[and is participating in a program of special education pursuant to NRS 388.419,]~~ an explanation of the effect of subsection 10 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended ~~***[, expelled]***~~ or ~~***[permanently]***~~ expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 5.

4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

5. If a pupil is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended ~~***[Suspended, expelled or permanently expelled]***~~ from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

6. If a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior pursuant to subsection 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

9. As used in this section, "significant suspension" means the school in which the pupil is enrolled:

(a) Prohibits the pupil from attending school for 3 or more consecutive days; and

(b) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

Sec. 23. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil. The pupil may be ***suspended ~~[, expelled]~~ or ~~[permanently]~~*** expelled from the school, in which case the pupil shall:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended ***~~[, expelled]~~*** or ***~~[permanently]~~*** expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil ***with a disability*** who committed the battery ***,*** ~~[and is participating in a program of special education pursuant to NRS 388.419,]~~ the

board of trustees of the school district ***or its designee*** has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil ***of any age, including, without limitation, a pupil with a disability,*** who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school**.** ~~[and:~~

~~(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or~~

~~(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.]~~

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled ~~*[, permanently expelled]*~~ or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school ~~[or the board of trustees of the school district of the new school]~~ to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, ***based on the seriousness of the acts which were the basis for the discipline,*** the pupil may be:

(a) Suspended from the school ***;*** ~~[for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or]~~

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school ***, [; or***

~~***(c) Permanently expelled from the school under extraordinary circumstances as determined by the principal of the school.]***~~

6. If the pupil is expelled ***, [or permanently expelled]*** or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended ~~*[, expelled]*~~ or ~~*[permanently]*~~ expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a suspension ~~*[, expulsion]*~~ or ~~*[permanent]*~~ expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.

8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

9. Except as otherwise provided in this ~~[section,]~~ ***subsection and subsection 3,*** a pupil who is ~~[not more]~~ ***less*** than ~~[10]~~ ***11*** years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended ~~[from school]~~***, expelled*** or permanently expelled from school pursuant to this section only after the board of trustees of the school district ***or its designee*** has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

10. ~~[A]~~ ***Except as otherwise provided in subsection 3, a*** pupil ***with a disability*** who is at least 11 years of age ~~[and who is participating in a program of special education pursuant to NRS 388.419]~~ may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district ***or its designee*** has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) ***Expelled from school pursuant to this section.***

(c) Permanently expelled from school pursuant to this section.

11. ***The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.***

12. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) ***"Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:***

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(e) "Restorative justice" has the meaning ascribed to it in subsection ~~[6]~~ ***5*** of NRS 392.472.

~~[12.]~~ ***13.*** The provisions of this section do not prohibit a pupil who is suspended ~~***[, expelled]***~~ or ~~***[permanently]***~~ expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension ~~***[, expulsion]***~~ or ~~***[permanent]***~~ expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 24. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections 5 and 6 and NRS 392.466, the board of trustees of a school district ***or its designee*** may authorize the suspension ~~***[, expulsion]***~~ or ~~***[permanent]***~~ expulsion of any pupil who is at least 11 years of age from any public school within the school district. Except as otherwise provided in ***this subsection and subsection 3 of*** NRS 392.466, a pupil who is ~~[not more]~~ ***less*** than ~~[10]~~ ***11*** years of age must not be permanently expelled from school. ***In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district.***

2. Except as otherwise provided in subsection 6, no pupil may be suspended ~~***[, expelled]***~~ or ~~***[permanently]***~~ expelled until the pupil has been

given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension ~~***[expulsion]***~~ or ~~***[permanent]***~~ expulsion.

3. The board of trustees of a school district ***or its designee*** may authorize the expulsion, ~~***[permanent expulsion,]***~~ suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:

(a) Conducts an independent investigation of the conduct of the pupil; and

(b) Gives notice of the charges brought against the pupil by the school to the pupil.

4. The provisions of chapter 241 of NRS do not apply to any hearing ***or proceeding*** conducted pursuant to this section. Such hearings ***or proceedings*** must be closed to the public.

5. The board of trustees of a school district ***or its designee*** shall not authorize the expulsion, ~~***[permanent expulsion,]***~~ suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

6. A pupil ~~[who is participating in a program of special education pursuant to NRS 388.419, other than a pupil who receives early intervening services,]~~ ***with a disability*** may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district ***or its designee*** has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days for each occurrence ~~[.]~~ ***of proscribed conduct.***

(b) ***Expelled from school pursuant to this section.***

(c) Permanently expelled from school pursuant to this section.

7. As used in this section, "permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(a) Except as otherwise provided in paragraph (b), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(b) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Sec. 25. ~~[NRS 392.4675 is hereby amended to read as follows:~~

~~392.4675 1. Except as otherwise provided in this section, a pupil who is suspended *, expelled* or *permanently* expelled from:~~

~~(a) Any public school in this State pursuant to NRS 392.466; or~~

~~(b) Any school outside of this State for the commission of any act which, if committed within this State, would be a ground for suspension *, expulsion* or *permanent* expulsion from public school pursuant to NRS 392.466,~~

~~* is ineligible to attend any public school in this State during the period of that suspension *, expulsion* or *permanent* expulsion.~~

~~2. A school district or a charter school, if the charter school offers the applicable program, may allow a pupil who is ineligible to attend a public school pursuant to this section to enroll in:~~

~~(a) An alternative program for the education of pupils at risk of dropping out of school provided pursuant to NRS 388.537;~~

~~(b) A program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended *, expelled* or *permanently* expelled from public school;~~

~~(c) A program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive;~~

~~(d) Any program of instruction offered pursuant to the provisions of NRS 388.550; or~~

~~(e) A challenge school,~~

~~* if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable school or program. A school district or charter school may conduct an investigation of the background of any such pupil to determine if the educational needs of the pupil may be satisfied without undue disruption to the school or program. If an investigation is conducted, the board of trustees of the school district or the governing body of the charter school shall, based on the results of the investigation, determine if the pupil will be allowed to enroll in such a school or program.~~

~~3. The provisions of subsections 1 and 2 do not prohibit a pupil from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension *, expulsion* or *permanent* expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.]~~ **(Deleted by amendment.)**

Sec. 26. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS 392.466 and to the extent practicable, a public school shall provide a plan of action based on restorative justice before ***[expelling or permanently]*** expelling a pupil from school.

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:

(a) Positive behavioral interventions and support;

(b) A plan for behavioral intervention;

(c) A referral to a team of student support;

(d) A referral to an individualized education program team;

(e) A referral to appropriate community-based services; and

(f) A conference with the principal of the school or his or her designee and any other appropriate personnel.

3. The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.

4. The Department shall post on its Internet website a guidance document that includes, without limitation:

(a) A description of the requirements of this section and NRS 392.462;

(b) A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;

(c) One or more models of restorative justice and best practices relating to restorative justice;

(d) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and

(e) One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

5. ~~[The Department shall adopt regulations necessary to carry out the provisions of this section.~~

~~6.]~~ As used in this section:

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

(b) "Restorative justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 27. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220,

288.590, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, ***392.466,*** 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 28. NRS 392.4657 is hereby repealed.

Sec. 29. This act becomes effective on July 1, 2021.

TEXT OF REPEALED SECTION

392.4657 Conditions under which pupil deemed suspended. A pupil shall be deemed suspended from school if the school in which the pupil is enrolled:

1. Prohibits the pupil from attending school for 3 or more consecutive days; and

2. Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 768 to Assembly Bill No. 67.

Remarks by Assemblywoman Bilbray-Axelrod.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 40.

The following Senate amendment was read:

Amendment No. 811.

AN ACT relating to storage tanks; **revising the method by which certain representatives who are members of the Board to Review Claims in the Division of Environmental Protection of the State Department of Conservation and Natural Resources are nominated;** revising provisions governing responsibility for discharges from certain storage tanks; revising the requirements relating to the eligibility of a storage tank for the coverage of certain costs from the Fund for Cleaning Up Discharges of Petroleum; authorizing the distribution of additional amounts from the Fund to cover the

cost for cleaning up certain discharges; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law: (1) the Department of Motor Vehicles is required to impose fees on the importation of certain fuels into this State; and (2) the Division of Environmental Protection of the State Department of Conservation and Natural Resources is required to impose an annual fee on certain operators of storage tanks for the registration of storage tanks used to store petroleum in this State. (NRS 445C.330, 445C.340) The money collected from such fees is required to be deposited into the Fund for Cleaning Up Discharges of Petroleum, and used, in part, to: (1) reimburse the Division for the costs of cleaning up discharges involving petroleum, heating oil and certain petrochemicals from storage tanks and mobile tanks; and (2) provide financial assistance to operators of petroleum storage tanks for certain costs related to compliance with federal laws and regulations relating to preventing discharge of petroleum from a storage tank. (NRS 445C.310, 445C.320, 445C.360-445C.380) The Board to Review Claims is required by existing law to adopt regulations relating to the Fund. (NRS 445C.310)

For the purposes of this existing law, **sections 1 and 2** of this bill expand the definitions of "operator" and "storage tank." (NRS 445C.250, 445C.280) **Section 1** expands the definition of "operator" from a person who owns, controls, or is responsible for the operation of a storage tank to a person who: (1) owns, controls or is responsible for the operation and management of a storage tank or a discharge from a storage tank; (2) was previously in charge of a storage tank immediately before the use of the storage tank was discontinued; (3) owns the property on which the storage tank is or was previously located; or (4) owns property on which a discharge from a storage tank has occurred and is responsible for the management and cleanup of the discharge. **Section 3** of this bill makes a conforming change by removing a conflicting definition of "operator." **Section 2** revises the definition of "storage tank" to include the distribution piping associated with the tank. **Sections 4-8** of this bill make conforming changes by replacing certain references to a "tank" with "storage tank."

Existing law creates the Board to Review Claims in the Division and provides that the Board consists of certain members, including representatives of certain fields of enterprise. Existing law requires the Governor to appoint each representative from a list of three persons who are nominated by persons engaged in that field of enterprise in this State, through their trade association if one exists. (NRS 445C.300) Section 2.5 of this bill requires the persons engaged in each field of enterprise, through their trade association if one exists, to submit to the Governor the name of their nominee or a list of names of not more than three nominees. Section 2.5 requires the Governor to appoint as the representatives: (1) the person named as the nominee; or (2) if a list of nominees is submitted, one of the persons listed as a nominee.

Federal regulations set forth tank tightness testing standards for storage tanks. (40 C.F.R. § 280.43(c)) Unless a tank has been tested for tightness according to those federal regulations since July 1, 1988, existing law requires each operator who is required, or who chooses, to register a tank to test the tank pursuant to those federal regulations before the tank is eligible for coverage of certain costs from the Fund. (NRS 445C.360) Federal regulations additionally set forth line tightness testing standards. (40 C.F.R. § 280.44(b)) **Section 4** of this bill instead requires that, before a storage tank is eligible for the coverage of certain costs from the Fund, the operator must, unless the storage tank has been tested for tank and line tightness according to both federal regulations within the previous 6 months, demonstrate that: (1) the storage tank is being monitored for a discharge; and (2) a discharge has not occurred.

Existing law allocates the costs of payment relating to the cleanup of discharges of petroleum from storage tanks and the liability for damages for such discharges between the Fund and the operator of the storage tank. (NRS 445C.370, 445C.380) Existing law limits the total amount that may be paid from the Fund in any 1 fiscal year to certain operators to $1,900,000 for the cleanup of such discharges and $1,900,000 for liability for such damages. (NRS 445C.380) **Section 6** of this bill increases each of these amounts to $1,950,000.

Existing law provides that any further cost for cleaning up or for damages which is in excess of the amount paid to an operator from the Fund must be paid by the operator. (NRS 445C.380) **Section 6** additionally provides that any further cost for cleaning up which is in excess of the amount paid to an operator must be paid by the operator unless: (1) the Division requires additional cleanup to occur in compliance with certain requirements; and (2) the Board determines that certain conditions are met. **Section 6** provides that if these conditions are met and the amount paid to the operator from the Fund has been exhausted, the Board may approve the operator to receive an additional allotment of not more than $1,000,000 from the Fund for cleaning up discharged petroleum at the site of the storage tank. **Section 6** authorizes the Board to approve additional allotments of not more than $1,000,000 per allotment for cleaning up discharged petroleum at the site of the storage tank if: (1) the conditions continue to be met; and (2) the previous allotment has been exhausted. **Section 6** further requires an operator which has received an additional allotment to pay a certain amount of the costs of cleaning up discharged petroleum at the site of the storage tank depending on the type of operator.

Existing law prescribes a specific allocation with respect to the operator which is a small business who is responsible for a discharge. (NRS 445C.380) **Section 6** removes the definition of "small business" in existing law and instead requires the Board to Review Claims to define "small business" by regulation. **Sections 4 and 8** of this bill remove references to inapplicable existing law relating to the allocation of costs for discharges.

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

Section 1. NRS 445C.250 is hereby amended to read as follows:

445C.250 "Operator" means a person who ~~[owns,]~~ ***:***

1. Owns, controls or is responsible for the operation ***and management*** of a storage tank ~~[.]~~ ***or a discharge from a storage tank;***

2. Previously owned, controlled or was responsible for the operation and management of a storage tank immediately before the use of the storage tank was discontinued;

3. Owns the property on which a storage tank is operated and managed, or was previously operated and managed if the use of the storage tank was discontinued; or

4. Owns property on which a discharge from a storage tank has occurred and is responsible for the management and cleanup of the discharge.

Sec. 2. NRS 445C.280 is hereby amended to read as follows:

445C.280 "Storage tank" means any tank ***, and the distribution piping associated with the tank,*** used to store petroleum, except petroleum for use in a chemical process.

Sec. 2.5. **NRS 445C.300 is hereby amended to read as follows:**

445C.300 1. The Board to Review Claims is hereby created in the Division. The Board consists of:

(a) The Administrator of the Division;

(b) The Director of the Department;

(c) The State Fire Marshal;

(d) A representative of refiners of petroleum;

(e) A representative of independent dealers in petroleum;

(f) A representative of independent retailers of petroleum; and

(g) A representative of the general public.

2. An officer designated as a member of the Board may designate a substitute. ***Persons engaged in a field of enterprise in this State that is listed in paragraph (d), (e) or (f) of subsection 1, through their trade association if one exists, shall submit to the Governor the name of their nominee or a list of names of not more than three nominees.*** The Governor shall appoint ***the person so nominated or, if more than one person is nominated, one of the persons from the list of nominees as*** the ~~[respective representatives]~~ ***representative*** designated as ~~[members]~~ ***a member*** of the Board. ~~[Each representative of a field of enterprise must be appointed from a list of three persons nominated by persons engaged in that field in this State, through their trade association if one exists.]~~

3. The Board shall select its Chair. The Administrator of the Division shall provide administrative assistance to the Board as required.

4. Each member who is appointed by the Governor is entitled to receive a salary of not more than $80, as fixed by the Board, for each day's attendance at a meeting of the Board.

5. While engaged in the business of the Board, each member of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 3. NRS 445C.320 is hereby amended to read as follows:

445C.320 Notwithstanding any provision of NRS 445C.150 to 445C.410, inclusive, to the contrary, and except as otherwise provided in this section:

1. The Division may expend not more than $2,000,000 from the Fund per fiscal year as reimbursement for necessary costs incurred by the Division in the response to and cleanup of discharges in the State, including discharges from a storage tank and discharges from a mobile tank that occur during the transportation of petroleum or a petrochemical on roads and highways. The Interim Finance Committee may approve the expenditure of more than $2,000,000 from the Fund in a fiscal year for the purposes described in this subsection. If a discharge also involves another hazardous material, the Division may expend money pursuant to this section in the cleanup of the discharge and the other hazardous material. The Division shall not expend money from the Fund pursuant to this section to clean up discharges from pipelines.

2. Except as otherwise provided in this subsection, money from the Fund expended by the Division pursuant to this section must be used to augment, and must not be used to replace or supplant, any money available from other sources for the cleanup of discharges, including, without limitation, reimbursements by operators required to be made to the Division pursuant to NRS 445C.340 and 445C.360. If no money is available from those other sources, the Division may expend money from the Fund pursuant to this section to reimburse the Division for any costs specified in subsection 1.

3. If the Division expends money pursuant to this section to clean up a discharge involving:

(a) Petroleum, the operator of the tank shall reimburse the Division for the operator's share of the costs for cleaning up the discharge.

(b) A petrochemical, the person who is responsible for the discharge shall reimburse the Division for the person's share of the costs for cleaning up the discharge.

➥ The Division shall, upon being reimbursed pursuant to this subsection, deposit that money in the Fund.

4. As used in this section:

(a) "Discharge" means, unless authorized by state or federal law, any:

(1) Release of a petrochemical into water or soil; or

(2) Release, leaking or spilling of petroleum or a petrochemical from a tank into water or soil.

(b) ~~[~~"Operator" means a person who owns, controls or is responsible for the operation of a tank.

~~(c)]~~ "Petrochemical" means a chemical derived from petroleum or a petroleum feedstock, including, without limitation, perchloroethylene and any degradation product of perchloroethylene.

~~[(d)]~~ ***(c)*** "Tank" means a storage tank or a mobile tank used to transport petroleum or a petrochemical received for sale or use in this State.

Sec. 4. NRS 445C.360 is hereby amended to read as follows:

445C.360 1. The operator of every storage tank, and every person who for compensation puts petroleum into a storage tank, shall report to the Division every discharge from that ***storage*** tank of which the operator or other person is aware or has reason to believe has occurred. The Division shall undertake or contract for cleaning up the discharge unless the operator or another person is already acting properly to clean it up. If the Division cleans up the discharge, the operator shall reimburse the Division for the operator's share of the costs. If, in cleaning up the discharge, the Division expends money from the Fund in accordance with NRS 445C.320, the Division shall, upon being reimbursed by the operator of the storage tank pursuant to this subsection, deposit that money in the Fund.

2. ~~[Each]~~ ***Before a storage tank is eligible for the coverage provided by NRS 445C.380, each*** operator who is required ***pursuant to subsection 1 of NRS 445C.340*** or who chooses to register a ***storage*** tank must, unless the ***storage*** tank has been tested for tightness under the federal standards embodied in 40 C.F.R. ~~[§ 280.43c since July 1, 1988, test the tank pursuant to those standards before it is eligible for the coverage provided by NRS 445C.370 and 445C.380.]~~ ***§§ 280.43(c) and 280.44(b) within the previous 6 months, demonstrate that:***

(a) The storage tank is being monitored for a discharge; and

(b) A discharge has not occurred.

Sec. 5. NRS 445C.370 is hereby amended to read as follows:

445C.370 The costs resulting from a discharge from a storage tank which has a capacity of 1,100 gallons or less and is used to store heating oil for consumption on the same premises where the oil is stored must be paid as follows, to the extent applicable:

1. The first $250 for cleaning up and the first $250 of liability for damages to a person other than this State or the operator of the ***storage*** tank, or both amounts, by the operator.

2. If necessary to protect the environment or the public health and safety, the next $250,000 for cleaning up and the next $250,000 for damages to a person other than this State or the operator of the ***storage*** tank, or both amounts, from the Fund. These limits apply to any one discharge and to the total for discharges from storage tanks controlled by any one operator in any fiscal year. For the purpose of this limitation, a group of operators more than 50 percent of whose net worth is beneficially owned by the same person or persons constitutes one operator.

3. Any further cost for cleaning up or for damages, by the operator.

Sec. 6. NRS 445C.380 is hereby amended to read as follows:

445C.380 ***1.*** If the costs resulting from a discharge from any other storage tank exceed $5,000, the costs must be paid as follows, to the extent applicable:

[1.] ***(a)*** By an operator which is an agency, department, division or political subdivision of the State, 10 percent or $10,000, whichever is less, of the first $1,000,000 for cleaning up each ***storage*** tank and of the first $1,000,000 of liability for damages from each ***storage*** tank to any person other than this State or the operator of the ***storage*** tank, or both amounts. The balance of the first $1,000,000 for cleaning up each ***storage*** tank or for damages from each ***storage*** tank must be paid from the Fund, but the total amount paid from the Fund pursuant to this [subsection] ***paragraph*** in any one fiscal year for discharges from two or more storage tanks under the control of any one operator must not exceed $1,980,000 for cleaning up ***the tanks*** and $1,980,000 for damages.

[2.] ***(b)*** By an operator which is a small business, [10] ***5*** percent of the first $1,000,000 for cleaning up each ***storage*** tank and of the first $1,000,000 of liability for damages from each ***storage*** tank to a person other than this State or the operator of the ***storage*** tank, or both amounts. The total amount paid by an operator pursuant to this [subsection] ***paragraph*** must not exceed $50,000 for cleaning up and $50,000 for damages regardless of the number of storage tanks involved. The balance of the first $1,000,000 for cleaning up each ***storage*** tank or for damages from each ***storage*** tank must be paid from the Fund, but the total amount paid from the Fund pursuant to this [subsection] ***paragraph*** in any one fiscal year for discharges from two or more storage tanks under the control of any one operator must not exceed [$1,900,000] ***$1,950,000*** for cleaning up ***the storage tanks*** and [$1,900,000] ***$1,950,000*** for damages. For the purpose of this limitation, a group of operators more than 50 percent of whose net worth is beneficially owned by the same person or persons constitutes one operator.

[3.] ***(c)*** By all other operators:

[(a)] ***(1)*** Ten percent of the first $1,000,000 for cleaning up each ***storage*** tank and of the first $1,000,000 of liability for damages from each ***storage*** tank to a person other than this State or the operator of the ***storage*** tank, or both amounts.

[(b)] ***(2)*** Ninety percent of the first $1,000,000 for cleaning up each ***storage*** tank [or] ***and of the first $1,000,000 of liability*** for damages from each ***storage*** tank must be paid from the Fund.

➥ The total amount paid from the Fund pursuant to [paragraph (b)] ***subparagraph (2)*** in any one fiscal year for discharges from two or more storage tanks under the control of any one operator must not exceed $1,800,000 for cleaning up ***the storage tanks*** and $1,800,000 for damages. For the purpose of this limitation, a group of operators more than 50 percent of whose net worth is beneficially owned by the same person or persons constitutes one operator.

[4.] ***2.*** Any ***further cost for damages which is in excess of the amount paid pursuant to subsection 1 must be paid by the operator.***

3. Except as otherwise provided in subsections 4 and 5, any further cost for cleaning up [or for damages] which is in excess of the [amounts] ***amount***

paid pursuant to ~~[subsections 1, 2 and 3]~~ ***subsection 1*** must be paid by the operator.

~~[5.]~~ ***4. The Board may approve an operator to receive an additional allotment of not more than $1,000,000 from the Fund for cleaning up discharged petroleum at the site of a storage tank if:***

(a) The Division requires additional cleanup to occur in compliance with any of the requirements of the Division concerning the cleanup of discharged petroleum;

(b) The Board determines that:

(1) The operator is in compliance with any requirements of the Division concerning the cleanup of discharged petroleum;

(2) The operator has obtained approval from the Division for a plan and a schedule to clean up the discharged petroleum;

(3) Except as otherwise provided in subparagraph (4), the operator is not liable pursuant to subsection 1 of NRS 445C.390;

(4) If the operator is liable pursuant to subsection 1 of NRS 445C.390, the operator has complied with subsection 2 of NRS 445C.390;

(5) The facility where the storage tank is located has complied with the applicable provisions of NRS 459.800 to 459.856, inclusive, for the immediately preceding 3 years; and

(6) The operator has not received money for damages pursuant to subsection 1 before July 1, 2021; and

(c) The amount paid to the operator pursuant to subsection 1 for cleaning up the storage tank has been exhausted.

5. In addition to an allotment made pursuant to subsection 4, the Board may approve an operator to receive one or more additional allotments of not more than $1,000,000 per allotment from the Fund for cleaning up discharged petroleum at the site of a storage tank if:

(a) The Division requires additional cleanup pursuant to paragraph (a) of subsection 4;

(b) The Board determines that the conditions in paragraph (b) of subsection 4 are met; and

(c) The amounts paid to the operator from the Fund for cleaning up discharged petroleum at the site of the storage tank have been exhausted.

6. If the Board approves an additional allotment for cleaning up discharged petroleum at the site of a storage tank pursuant to subsection 4 or 5, for each such allotment:

(a) An operator which is an agency, department, division or political subdivision of the State shall pay an amount equal to 10 percent or $10,000, whichever is less, of the allotment for the costs of cleaning up discharged petroleum at the site of the storage tank.

(b) An operator which is a small business shall pay an amount equal to 5 percent of the allotment for the costs of cleaning up discharged petroleum at the site of the storage tank.

(c) Any operator not described in paragraph (a) or (b) shall pay an amount equal to 10 percent of the allotment for the costs of cleaning up discharged petroleum at the site of the storage tank.

7. A political subdivision of the State that receives money from the Fund pursuant to subsection 1 ***, 4 or 5*** to pay for the costs of cleaning up shall hold one public hearing upon initiation of the cleanup and one public hearing every 3 months thereafter until the cleanup is completed to ensure that the cleanup complies with any requirements of the Division concerning the cost-effectiveness of cleaning up. The costs incurred by the political subdivision for the hearing must not be attributed to the political subdivision as part of the costs paid by the political subdivision pursuant to subsection 1 ~~[.~~ ~~6.]~~ ***, 4 or 5.***

8. For the purposes of this section, ~~[a small business is a business which receives less than $500,000 in gross annual receipts from the site where the tank is located.]~~ ***the Board shall define by regulation "small business."***

9. As used in this section, "site" means the facility, whether situated on a single parcel or on multiple adjacent parcels, where the storage tank is located.

Sec. 7. NRS 445C.390 is hereby amended to read as follows:

445C.390 1. Any person who, through willful or wanton misconduct, through gross negligence or through violation of any applicable statute or regulation, including specifically any state or federal standard pertaining to the preparation or maintenance of sites for storage tanks, proximately causes a discharge is liable to the Division for any cost in cleaning up the discharge or paying for it to be cleaned up.

2. If a discharge occurs, the site of the ***storage*** tank and any other premises affected by the discharge must be brought into compliance with any applicable standard as described in subsection 1.

Sec. 8. NRS 445C.410 is hereby amended to read as follows:

445C.410 1. Except as otherwise specifically provided in NRS 445C.320, the provisions of NRS 445C.340 to 445C.400, inclusive, do not apply to any ***storage*** tank which:

(a) Contains petroleum being transported through this State in interstate commerce, but do apply to a ***storage*** tank being used to store petroleum received for sale or use in this State;

(b) Contains fuel for jet or turbine-powered aircraft, or is above ground and has a capacity of 30,000 gallons or less, unless in either case the operator complies with subsection 2; or

(c) Is above ground and has a capacity of more than 30,000 gallons.

2. The operator of a tank exempted by paragraph (b) of subsection 1 may obtain the coverage provided by NRS ~~[445C.370 and]~~ 445C.380 by applying to the Board, paying the fee set pursuant to NRS 445C.340 for its registration, and, if the tank is used to store fuel for jet or turbine-powered aircraft, reporting monthly the number of gallons of fuel put into the tank and paying the fee

required by NRS 445C.330. Coverage pursuant to this subsection begins 6 months after the tank is registered and the required fee first paid.

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 8, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2021, for all other purposes.

Assemblyman Watts moved that the Assembly concur in the Senate Amendment No. 811 to Assembly Bill No. 40.

Remarks by Assemblyman Watts.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Benitez-Thompson, Carlton, and Matthews as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 368.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:44 p.m.

ASSEMBLY IN SESSION

At 9:36 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 164, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 51, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which was referred Senate Bill No. 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 460, 461.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 267.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 286, 397.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 267.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 286.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 397.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 460.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 461.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 420.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 833.

CONTAINS UNFUNDED MANDATE (§ 16.4 + NRS 287.010, 20.5)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to insurance; providing for the establishment of a public health benefit plan; prescribing certain goals and requirements relating to the plan; requiring certain health carriers to participate in a competitive bidding process to administer the plan; requiring certain providers of health care to participate in the plan; exempting rules and policies governing the plan from certain requirements; requiring the Executive Director of the Silver State Health Insurance Exchange to apply for a federal waiver to allow certain policies to be offered on the Exchange; requiring certain persons to report the abuse and neglect of older persons, vulnerable persons and children; requiring the State Plan for Medicaid to include coverage for the services of a community health worker and doula services; ~~[requiring the State Plan for Medicaid to include certain other]~~ **revising provisions relating to** coverage ~~[relating to]~~ **of services for** pregnant women ~~[if money is available;]~~ **under Medicaid;** requiring the establishment of a statewide Medicaid managed care program if money is available; **revising requirements relating to health insurance coverage of enteral formulas;** making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program, which is a joint program of the state and federal governments to provide health coverage to indigent persons. (NRS 422.270, 439B.120) Existing law also creates the Silver State Health Insurance Exchange to assist natural persons and small businesses in purchasing health coverage. (Chapter 695I of NRS) **Section 10** of this bill requires the Director of the Department, in consultation with the Executive Director of the Exchange and the Commissioner of Insurance, to design, establish and operate a public health benefit plan known as the Public Option. **Section 2** of this bill sets forth the purposes of the Public Option, and **sections 3.5-9** of this bill define terms relevant to the Public Option. **Section 10** requires the Public Option to be available ~~[to all natural persons who reside in this State]~~ through the Exchange and for direct purchase and authorizes the Director to make the Public Option available to small employers in this State or their employees. **Section 10** requires the Public Option to meet the requirements established by federal and state law for individual health insurance or health insurance for small employers where applicable. **Section 10** also establishes requirements governing the levels of coverage provided by the Public Option and the

premiums for the Public Option. **Sections 38 and 41** of this bill remove the requirements relating to premiums on January 1, 2030. **Section 11** of this bill requires the Director, the Commissioner and the Executive Director of the Exchange to apply for certain waivers to obtain federal financial support for the Public Option. **Section 39** of this bill requires the Director, the Commissioner and the Executive Director of the Exchange to contract for the performance of an actuarial study before submitting the initial waiver application. **Section 12** of this bill requires the Director to use a statewide competitive bidding process to solicit and enter into contracts with health carriers and other qualified persons to administer the Public Option. **Section 12** requires a health carrier that provides health care services to recipients of Medicaid through managed care to participate in the competitive bidding process. **Section 12** additionally authorizes the Director to directly administer the Public Option if necessary. **Sections 13, 21 and 29** of this bill require providers of health care, including health care facilities, who participate in Medicaid or the Public Employees' Benefits Program or provide care to injured employees under the State's workers' compensation program to enroll in the Public Option as a participating provider of health care. **Section 14** of this bill prescribes requirements governing the establishment of networks and the reimbursement of providers under the Public Option. **Section 15** of this bill establishes the Public Option Trust Fund to hold certain funds for the purpose of implementing the Public Option. **Section 20** of this bill exempts rules and policies governing the Public Option from provisions governing notice-and-comment rulemaking. **Sections 16, 19, 22, 32 and 34-37** of this bill make various changes so that the Public Option is treated similarly to comparable forms of public health insurance.

Section 16.5 of this bill requires the Executive Director of the Exchange to apply to the federal government for a waiver to authorize certain labor, agricultural and horticultural organizations to offer on the Exchange a policy of insurance to meet the unique needs of tradespersons that can serve as an alternative to the continuation of certain group health benefits. **Section 16.5** requires such a policy to be annually certified by the Executive Director in order to be offered on the Exchange. **Sections 16.3 and 16.8** of this bill make conforming changes to reflect the fact that a policy of insurance offered pursuant to **section 16.5** may not meet all requirements: (1) for individual health insurance prescribed by state law; or (2) to be considered a qualified health plan under federal law. **Section 39.5** of this bill requires the Executive Director to apply for the waiver and submit certain recommendations concerning such policies to the Legislature on or before January 1, 2025.

Sections 24-28 of this bill expand coverage under Medicaid in various manners. Specifically, **section 24** of this bill requires the Director of the Department to expand coverage under the State Plan for Medicaid for pregnant women by: (1) providing coverage for pregnant women whose household income is between 165 percent and 200 percent of the federally designated level signifying poverty if money is available; (2) providing that pregnant

women who are determined by certain entities to qualify for Medicaid are presumptively eligible for Medicaid for a prescribed period of time, without submitting an application for enrollment in Medicaid which includes additional proof of eligibility **:** ~~**[**, if money is available,**]**~~ and (3) prohibiting the imposition of a requirement that a pregnant woman who is otherwise eligible for Medicaid **and resides in this State** must reside in the United States for a prescribed period of time before enrolling in Medicaid. **Section 25** of this bill requires Medicaid to cover the services of a community health worker who provides services under the supervision of a physician, physician assistant or advanced practice registered nurse. **Section 26** of this bill requires Medicaid to cover certain costs for doula services provided to Medicaid recipients by a doula who has enrolled with the Division of Health Care Financing and Policy of the Department. **Sections 17 and 33** of this bill require a registered doula to report the suspected abuse, neglect, exploitation, isolation or abandonment of older or vulnerable persons or the suspected abuse or neglect of a child. **Section 27** of this bill requires Medicaid to reimburse services provided to recipients of Medicaid who do not receive services through managed care by an advanced practice registered nurse to the same extent as if those services were provided by a physician if money is available to reimburse those services at those rates. If money is available, **section 28** of this bill requires Medicaid to cover breastfeeding supplies, certain prenatal screenings and tests and lactation consultation and support. **Section 18** of this bill makes a conforming change to indicate the proper placement of **sections 24-28** in the Nevada Revised Statutes.

Existing law establishes certain requirements that apply if a Medicaid managed care program is established in this State. (NRS 422.273) To the extent that money is available, **section 30** of this bill requires the Department to: (1) establish such a program to provide health care services to recipients of Medicaid in all geographic areas of this State; and (2) conduct a statewide procurement process to select health maintenance organizations to provide such services. To the extent that money is available, **section 30** requires the Medicaid managed care program to include a state-directed payment arrangement to require Medicaid managed care organizations to reimburse critical access hospitals and any affiliated federally-qualified health centers or rural health clinics for covered services at a rate that is equal to or greater than the rate those facilities receive for services provided to recipients of Medicaid on a fee-for-service basis.

Existing law requires certain health insurers, including local governments that adopt a system of group health insurance for their employees, to cover enteral formulas under certain conditions. (NRS 287.010, 689A.0423, 689B.0353, 695B.1923, 695C.1723) Sections 16.35-6.47 of this bill specify that enteral formulas include formulas that are ingested orally. Section 20.5 of this bill requires the Public Employees' Benefits Program to cover enteral formulas, including formulas that are

ingested orally, under the same conditions as health insurers that are currently required to cover enteral formulas.

Section 38.3 of this bill appropriates money to the Division of Welfare and Supportive Services of the Department to pay the costs of making enhancements to its information technology system that are necessary to carry out the provisions of **sections 24-28** of this bill. ~~[Section]~~ **Sections 38.6 and 38.8** of this bill ~~[appropriates]~~ **appropriate** money to the Public Option Trust Fund **and the Silver State Health Insurance Exchange, respectively,** to implement the Public Option.

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

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. ***It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter to:***

1. Leverage the combined purchasing power of the State to lower premiums and costs relating to health insurance for residents of this State;

2. Improve access to high-quality, affordable health care for residents of this State, including residents of this State who are employed by small businesses;

3. Reduce disparities in access to health care and health outcomes and increase access to health care for historically marginalized communities; and

4. Increase competition in the market for individual health insurance in this State to improve the availability of coverage for residents of rural areas of this State.

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3.5 to 9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3.5. ***"Certified community behavioral health clinic" means a community behavioral health clinic certified in accordance with section 223 of the Protecting Access to Medicare Act of 2014, Public Law No. 113-93.***

Sec. 4. ***"Commissioner" means the Commissioner of Insurance.***

Sec. 5. ***"Director" means the Director of the Department of Health and Human Services.***

Sec. 6. ***"Exchange" means the Silver State Health Insurance Exchange.***

Sec. 6.5. ***"Federally qualified health center" has the meaning ascribed to it in 42 C.F.R. § 405.2401.***

Sec. 7. ***"Provider of health care" has the meaning ascribed to it in NRS 695G.070.***

Sec. 8. ***"Public Option" means the Public Option established pursuant to section 10 of this act.***

Sec. 8.5. *"Rural health clinic" has the meaning ascribed to it in 42 C.F.R. § 405.2401.*

Sec. 9. *"Trust Fund" means the Public Option Trust Fund created by section 15 of this act.*

Sec. 10. *1. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, shall design, establish and operate a health benefit plan known as the Public Option.*

2. The Director:

(a) Shall make the Public Option available ~~[to all natural persons who reside in this State as a policy of individual health insurance]~~ :

(1) As a qualified health plan through the Exchange to natural persons who reside in this State and are eligible to enroll in such a plan through the Exchange under the provisions of 45 C.F.R. § 155.305; and ~~[for]~~

(2) For direct purchase ~~[,]~~ as a policy of individual health insurance by any natural person who resides in this State. The provisions of chapter 689A of NRS and other applicable provisions of this title apply to the Public Option when offered as a policy of individual health insurance.

(b) May make the Public Option available to small employers in this State or their employees to the extent authorized by federal law. The provisions of chapter 689C of NRS and other applicable provisions of this title apply to the Public Option when it is offered as a policy of health insurance for small employers.

(c) Shall comply with all state and federal laws and regulations applicable to insurers when carrying out the provisions of sections 2 to 15, inclusive, of this act, to the extent that such laws and regulations are not waived.

3. The Public Option must:

(a) Be a qualified health plan, as defined in 42 U.S.C. § 18021; and

(b) Provide at least levels of coverage consistent with the actuarial value of one silver plan and one gold plan.

4. Except as otherwise provided in this section, the premiums for the Public Option:

(a) Must be at least 5 percent lower than the reference premium for that zip code; and

(b) Must not increase in any year by a percentage greater than the increase in the Medicare Economic Index for that year.

5. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, may revise the requirements of subsection 4, provided that the average premiums for the Public Option must be at least 15 percent lower than the average reference premium in this State over the first 4 years in which the Public Option is in operation.

6. As used in this section:

(a) "Gold plan" means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a gold level plan.

(b) "Health benefit plan" means a policy, contract, certificate or agreement to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(c) "Medicare Economic Index" means the Medicare Economic Index, as designated by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services pursuant to 42 C.F.R. § 405.504.

(d) "Reference premium" means, for any zip code, the lower of:

(1) The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the 2024 plan year, adjusted by the percentage change in the Medicare Economic Index between January 1, 2024, and January 1 of the year to which a premium applies; or

(2) The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the year immediately preceding the year to which a premium applies.

(e) "Silver plan" means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a silver level plan.

(f) "Small employer" has the meaning ascribed to it in 42 U.S.C. § 18024(b)(2).

Sec. 11. *1. The Director, the Commissioner and the Executive Director of the Exchange:*

(a) Shall collaborate to apply to the Secretary of Health and Human Services for a waiver pursuant to 42 U.S.C. § 18052 to obtain pass-through federal funding to carry out the provisions of sections 2 to 15, inclusive, of this act; and

(b) Except as otherwise provided in subsection 4, may collaboratively apply to the Secretary of Health and Human Services for any other federal waivers or approval necessary to carry out the provisions of sections 2 to 15, inclusive, of this act, including, without limitation, and to the extent necessary, a waiver pursuant to 42 U.S.C. § 1315 of Title XIX of the Social Security Act. Such waivers or approval may include, without limitation, any waiver or approval necessary to:

(1) Combine risk pools for the Public Option with risk pools established for Medicaid, if the Director can demonstrate that doing so would lower costs, result in savings to the federal and state governments and not increase the costs of private insurance or Medicaid; or

(2) Obtain federal financial participation to subsidize the cost of health insurance for residents of this State with low incomes.

2. In preparing an application for any waiver described in subsection 1, the Director, the Commissioner and the Executive Director of the Exchange may contract with an independent actuary to assess the impact of the Public Option on the markets for health care and health insurance in this State and health coverage for natural persons, families and small businesses. The actuary must have specialized expertise or experience with state health insurance exchanges, the type of waiver for which the application is being

made, measures to contain the costs of providing health coverage, reforming procedures for the purchasing and delivery of government services and Medicaid managed care programs. A contract pursuant to this subsection is exempt from the provisions of chapter 333 of NRS.

3. The Director, the Commissioner and the Executive Director of the Exchange shall:

(a) Cooperate with the Federal Government in obtaining any waiver for which he or she applies pursuant to this section.

(b) Deposit any money received from the Federal Government pursuant to such a waiver in the Trust Fund.

4. The Director, the Commissioner and the Executive Director of the Exchange shall not apply under the provisions of subsection 1 to waive any provision of federal law prescribing conditions of eligibility to purchase a qualified health plan, as defined in 42 U.S.C. § 18021, through the Exchange or receive federal advanced payment of premium tax credits pursuant to 42 U.S.C. § 18082 for such a purchase.

5. The Director may:

(a) Accept gifts, grants and donations to carry out the provisions of sections 2 to 15, inclusive, of this act. The Director shall deposit any such gifts, grants or donations in the Trust Fund.

(b) Employ or enter into contracts with actuaries and other professionals and may enter into contracts with other state agencies, health carriers or other qualified persons and entities as are necessary to carry out the provisions of sections 2 to 15, inclusive, of this act. Such contracts are exempt from the requirements of chapter 333 of NRS.

Sec. 12. *1. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, shall use a statewide competitive bidding process, including, without limitation, a request for proposals, to solicit and enter into contracts with health carriers or other qualified persons or entities to administer the Public Option. If a statewide Medicaid managed care program is established pursuant to subsection 1 of NRS 422.273, the competitive bidding process must coincide with the statewide procurement process for that Medicaid managed care program.*

2. Each health carrier that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program shall, as a condition of continued participation in any Medicaid managed care program established in this State, submit a good faith proposal in response to a request for proposals issued pursuant to subsection 1.

3. Each proposal submitted pursuant to subsection 2 must demonstrate that the applicant is able to meet the requirements of section 10 of this act.

4. When selecting a health carrier or other qualified person or entity to administer the Public Option, the Director shall prioritize applicants whose proposals:

(a) Demonstrate alignment of networks of providers between the Public Option and Medicaid managed care, where applicable;

(b) Provide for the inclusion of critical access hospitals, rural health clinics, certified community behavioral health clinics and federally-qualified health centers in the networks of providers for the Public Option and Medicaid managed care, where applicable;

(c) Include proposals for strengthening the workforce in this State and particularly in rural areas of this State for providers of primary care, mental health care and treatment for substance use disorders;

(d) Use payment models for providers included in the networks of providers for the Public Option that increase value for persons enrolled in the Public Option and the State; and

(e) Include proposals to contract with providers of health care in a manner that decreases disparities among different populations in this State with regard to access to health care and health outcomes and supports culturally competent care.

5. Notwithstanding the provisions of subsections 1 to 4, inclusive, the Director may directly administer the Public Option if necessary to carry out the provisions of sections 2 to 15, inclusive, of this act.

6. Any health carrier or other person or entity with which the Director contracts to administer the Public Option pursuant to this section or the Director, if the Director directly administers the Public Option pursuant to subsection 5, shall take any measures necessary to make the Public Option available as described in paragraph (a) of subsection 2 of section 10 of this act and, if required by the Director, paragraph (b) of that subsection. Such measures include, without limitation:

(a) Filing rates and supporting information with the Commissioner of Insurance as required by NRS 686B.010 to 686B.1799, inclusive; and

(b) Obtaining certification as a qualified health plan pursuant to 42 U.S.C. § 18031.

7. The Director shall deposit into the Trust Fund any money received from:

(a) A health carrier or other person or entity with which the Director contracts to administer the Public Option pursuant to subsection 1 which relates to duties performed under the contract; or

(b) If the Director directly administers the Public Option pursuant to subsection 5, any money received from any person or entity in the course of administering the Public Option.

~~[7.]~~ 8. As used in this section:

(a) "Critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

(b) "Health carrier" means an entity subject to the insurance laws and regulations of this State, or subject to the jurisdiction of the Commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for or

reimburse any of the costs of health care services, including, without limitation, a sickness and accident health insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health care services.

Sec. 13. *1. Except as otherwise provided in subsection 2, each provider of health care who participates in the Public Employees' Benefits Program established pursuant to subsection 1 of NRS 287.043 or the Medicaid program, or who provides care to an injured employee pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, shall:*

(a) Enroll as a participating provider in at least one network of providers established for the Public Option; and

(b) Accept new patients who are enrolled in the Public Option to the same extent as the provider or facility accepts new patients who are not enrolled in the Public Option.

2. The Director and the Executive Officer of the Public Employees' Benefits Program may waive the requirements of subsection 1 when necessary to ensure that recipients of Medicaid and officers, employees and retirees of this State who receive benefits under the Public Employees' Benefits Program have sufficient access to covered services.

Sec. 14. *1. In establishing networks for the Public Option and reimbursing providers of health care that participate in the Public Option, the Director shall, to the extent practicable:*

(a) Ensure that care for persons who were previously covered by Medicaid or the Children's Health Insurance Program and enroll in the Public Option is minimally disrupted;

(b) Encourage the use of payment models that increase value for persons enrolled in the Public Option and the State;

(c) Improve health outcomes for persons enrolled in the Public Option;

(d) Reward providers of health care and medical facilities for delivering high-quality services; and

(e) Lower the cost of care in both urban and rural areas of this State.

2. Except as otherwise provided in subsections 3 to 6, inclusive, reimbursement rates under the Public Option must be, in the aggregate, comparable to or better than reimbursement rates available under Medicare. For the purposes of this section, the aggregate reimbursement rate under Medicare:

(a) Includes any add-on payments or other subsidies that a provider receives under Medicare; and

(b) Does not include payments under Medicare for a patient encounter or a cost-based payment rate under Medicare.

3. If a provider of health care currently receives reimbursement under Medicare at rates that are cost-based, the reimbursement rates for that provider of health care under the Public Option must be comparable to or

better than the cost-based reimbursement rates provided for that provider of health care by Medicare.

4. The reimbursement rates for a federally-qualified health center or a rural health clinic under the Public Option must be comparable to or better than the reimbursement rates established for patient encounters under the applicable Prospective Payment System established for Medicare by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services.

5. The reimbursement rates for a certified community behavioral health clinic under the Public Option must be comparable to or better than the reimbursement rates established for community behavioral health clinics under the State Plan for Medicaid.

6. The requirements of subsections 2 to 5, inclusive, do not apply to a payment model described in paragraph (b) of subsection 1.

7. As used in this section, "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

Sec. 15. ***1. There is hereby created in the State Treasury the Public Option Trust Fund as a nonreverting trust fund. The Trust Fund must be administered by the State Treasurer.***

2. The Trust Fund consists of:

(a) Any money deposited in the Trust Fund pursuant to sections 11 and 12 of this act;

(b) Any money appropriated by the Legislature for the purpose of carrying out the provisions of sections 2 to 15, inclusive, of this act; and

(c) All income and interest earned on the money in the Trust Fund.

3. Any interest earned on money in the Trust Fund, after deducting any applicable charges, must be credited to the Trust Fund. Money that remains in the Trust Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Trust Fund must be carried forward to the next fiscal year.

4. Except as otherwise provided in subsection 5, the money in the Trust Fund must be used to carry out the provisions of sections 2 to 15, inclusive, of this act. Such money must not be used to pay administrative costs that are not directly related to the operations of the Public Option.

5. If the State Treasurer determines that there is sufficient money in the Trust Fund to carry out the provisions of sections 2 to 15, inclusive, of this act, for the current fiscal year, the Director may use a portion determined by the State Treasurer of any additional money in the Trust Fund to increase the affordability of the Public Option.

Sec. 16. NRS 683A.176 is hereby amended to read as follows:

683A.176 "Third party" means:

1. An insurer, as that term is defined in NRS 679B.540;

2. A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides a pharmacy benefits plan;

3. A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; ~~[or]~~

4. ***The Public Option established pursuant to section 10 of this act; or***

5. Any other insurer or organization that provides health coverage or benefits or coverage of prescription drugs as part of workers' compensation insurance in accordance with state or federal law.

➥ The term does not include an insurer that provides coverage under a policy of casualty or property insurance.

Sec. 16.3. NRS 689A.020 is hereby amended to read as follows:

689A.020 Nothing in this chapter applies to or affects:

1. Any policy of liability or workers' compensation insurance with or without supplementary expense coverage therein.

2. Any group or blanket policy.

3. Life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to health insurance as to:

(a) Provide additional benefits in case of death or dismemberment or loss of sight by accident or accidental means; or

(b) Operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity if the insured or annuitant becomes totally and permanently disabled, as defined by the contract or supplemental contract.

4. Reinsurance, except as otherwise provided in NRS 689A.470 to 689A.740, inclusive, and 689C.610 to 689C.940, inclusive, relating to the program of reinsurance.

5. Any policy of insurance offered on the Silver State Health Insurance Exchange in accordance with section 16.5 of this act.

Sec. 16.35. **NRS 689A.0423 is hereby amended to read as follows:**

689A.0423 1. A policy of health insurance must provide coverage for:

(a) Enteral formulas for use at home that are prescribed or ordered by a physician as medically necessary for the treatment of inherited metabolic diseases characterized by deficient metabolism, or malabsorption originating from congenital defects or defects arising shortly after birth, of amino acid, organic acid, carbohydrate or fat; and

(b) At least $2,500 per year for special food products which are prescribed or ordered by a physician as medically necessary for the treatment of a person described in paragraph (a).

2. The coverage required by subsection 1 must be provided whether or not the condition existed when the policy was purchased.

3. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***July*** 1, ~~[1998,]~~ ***2021,*** has the legal

effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) ***"Enteral formula" includes, without limitation, a formula that is ingested orally.***

(b) "Inherited metabolic disease" means a disease caused by an inherited abnormality of the body chemistry of a person.

~~[(b)]~~ ***(c)*** "Special food product" means a food product that is specially formulated to have less than one gram of protein per serving and is intended to be consumed under the direction of a physician for the dietary treatment of an inherited metabolic disease. The term does not include a food that is naturally low in protein.

Sec. 16.4. **NRS 689B.0353 is hereby amended to read as follows:**

689B.0353 1. A policy of group health insurance must provide coverage for:

(a) Enteral formulas for use at home that are prescribed or ordered by a physician as medically necessary for the treatment of inherited metabolic diseases characterized by deficient metabolism, or malabsorption originating from congenital defects or defects arising shortly after birth, of amino acid, organic acid, carbohydrate or fat; and

(b) At least $2,500 per year for special food products which are prescribed or ordered by a physician as medically necessary for the treatment of a person described in paragraph (a).

2. The coverage required by subsection 1 must be provided whether or not the condition existed when the policy was purchased.

3. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***July*** 1, ~~[1998,]~~ ***2021,*** has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) ***"Enteral formula" includes, without limitation, a formula that is ingested orally.***

(b) "Inherited metabolic disease" means a disease caused by an inherited abnormality of the body chemistry of a person.

~~[(b)]~~ ***(c)*** "Special food product" means a food product that is specially formulated to have less than one gram of protein per serving and is intended to be consumed under the direction of a physician for the dietary treatment of an inherited metabolic disease. The term does not include a food that is naturally low in protein.

Sec. 16.43. **NRS 695B.1923 is hereby amended to read as follows:**

695B.1923 1. A contract for hospital or medical service must provide coverage for:

(a) Enteral formulas for use at home that are prescribed or ordered by a physician as medically necessary for the treatment of inherited metabolic diseases characterized by deficient metabolism, or malabsorption originating

from congenital defects or defects arising shortly after birth, of amino acid, organic acid, carbohydrate or fat; and

(b) At least $2,500 per year for special food products which are prescribed or ordered by a physician as medically necessary for the treatment of a person described in paragraph (a).

2. The coverage required by subsection 1 must be provided whether or not the condition existed when the contract was purchased.

3. A contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***July*** 1, ~~[1998,]~~ ***2021,*** has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) ***"Enteral formula" includes, without limitation, a formula that is ingested orally.***

(b) "Inherited metabolic disease" means a disease caused by an inherited abnormality of the body chemistry of a person.

~~[(b)]~~ ***(c)*** "Special food product" means a food product that is specially formulated to have less than one gram of protein per serving and is intended to be consumed under the direction of a physician for the dietary treatment of an inherited metabolic disease. The term does not include a food that is naturally low in protein.

Sec. 16.47. **NRS 695C.1723 is hereby amended to read as follows:**

695C.1723 1. A health maintenance plan must provide coverage for:

(a) Enteral formulas for use at home that are prescribed or ordered by a physician as medically necessary for the treatment of inherited metabolic diseases characterized by deficient metabolism, or malabsorption originating from congenital defects or defects arising shortly after birth, of amino acid, organic acid, carbohydrate or fat; and

(b) At least $2,500 per year for special food products which are prescribed or ordered by a physician as medically necessary for the treatment of a person described in paragraph (a).

2. The coverage required by subsection 1 must be provided whether or not the condition existed when the health maintenance plan was purchased.

3. Any evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***July*** 1, ~~[1998,]~~ ***2021,*** has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) ***"Enteral formula" includes, without limitation, a formula that is ingested orally.***

(b) "Inherited metabolic disease" means a disease caused by an inherited abnormality of the body chemistry of a person.

~~[(b)]~~ *(c)* "Special food product" means a food product that is specially formulated to have less than one gram of protein per serving and is intended to be consumed under the direction of a physician for the dietary treatment of an inherited metabolic disease. The term does not include a food that is naturally low in protein.

Sec. 16.5. Chapter 695I of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Executive Director, in collaboration with the Director of the Department of Health and Human Services, shall apply to the Secretary of Health and Human Services for a waiver pursuant to 42 U.S.C. § 18052 to authorize an organization described in section 501(c)(5) of the Internal Revenue Code that processes health claims in this State to offer on the Exchange a policy of insurance to meet the unique needs of tradespersons, including, without limitation, persons who work temporary or seasonal jobs, that is capable of serving as an alternative to the continuation of group health benefits under the Consolidated Omnibus Budget Reconciliation Act of 1985.

2. The application for a waiver submitted pursuant to subsection 1 must include, without limitation, an application for a waiver of any provisions of federal law or regulations that would otherwise require a policy described in subsection 1 to meet the requirements of chapter 689A of NRS in order to be offered on the Exchange or for persons who purchase the plan on the Exchange to receive applicable federal subsidies.

3. To be offered on the Exchange, a policy of insurance described in subsection 1 must:

(a) Meet all requirements established by the Federal Act for a qualified health plan, to the extent that those requirements do not prevent an organization described in section 501(c)(5) of the Internal Revenue Code from offering such a policy; and

(b) Be certified by the Executive Director. Such certification must be renewed annually.

4. The Executive Director shall prescribe:

(a) Requirements for certification of a policy of insurance pursuant to paragraph (b) of subsection 3; and

(b) Criteria to determine when a person becomes eligible for a policy of insurance described in subsection 1. Those criteria must address:

(1) Persons who recently began employment but have not yet met the requirements concerning hours of work necessary to receive insurance through their employer; and

(2) Persons who have recently lost their jobs.

5. When performing the duties described in subsections 1 and 4, the Executive Director shall consult with organizations described in section 501(c)(5) of the Internal Revenue Code and other interested persons and entities concerning the requirements for certification of a policy of

insurance described in subsection 1 and the criteria described in paragraph (b) of subsection 4.

Sec. 16.8. NRS 695I.210 is hereby amended to read as follows:

695I.210 1. The Exchange shall:

(a) Create and administer a health insurance exchange;

(b) Facilitate the purchase and sale of qualified health plans consistent with established patterns of care within the State;

(c) Provide for the establishment of a program to assist qualified small employers in Nevada in facilitating the enrollment of their employees in qualified health plans offered in the small group market;

(d) ~~[Make]~~ ***Except as otherwise authorized by a waiver obtained pursuant to section 16.5 of this act, make*** only qualified health plans available to qualified individuals and qualified small employers ***;*** ~~[on or after January 1, 2014;]~~ and

(e) Unless the Federal Act is repealed or is held to be unconstitutional or otherwise invalid or unlawful, perform all duties that are required of the Exchange to implement the requirements of the Federal Act.

2. The Exchange may:

(a) Enter into contracts with any person, including, without limitation, a local government, a political subdivision of a local government and a governmental agency, to assist in carrying out the duties and powers of the Exchange or the Board; and

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties and powers of the Exchange or the Board.

3. The Exchange is subject to the provisions of chapter 333 of NRS.

Sec. 17. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an

act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect,

exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(o) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to section 26 of this act.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 18. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and sections 24 to 28, inclusive, of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 19. NRS 232.459 is hereby amended to read as follows:

232.459 1. The Advocate shall:

(a) Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

(b) Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program ~~[,]~~ ***and the Public Option,*** and policies of industrial insurance;

(c) Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program ~~[,]~~ ***and the Public Option,*** and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(1) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(2) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program ~~[,]~~ ***and the Public Option,*** and policies of industrial insurance;

(d) Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program ~~[,]~~ ***and the Public Option,*** and policies of industrial insurance in this State;

(e) Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

(f) Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Advocate pursuant to this section;

(g) In appropriate cases and pursuant to the direction of the Advocate, refer a complaint or the results of an investigation to the Attorney General for further action;

(h) Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;

(i) Establish and maintain an Internet website which includes:

(1) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

(2) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

(3) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State;

(j) Assist consumers with accessing a navigator, case manager or facilitator to help the consumer obtain health care services;

(k) Assist consumers with scheduling an appointment with a provider of health care who is in the network of providers under contract to provide services to participants in the health care plan under which the consumer is covered;

(l) Assist consumers with filing complaints against health care facilities and health care professionals;

(m) Assist consumers with filing complaints with the Commissioner of Insurance against issuers of health care plans; and

(n) On or before January 31 of each year, compile a report of aggregated information submitted to the Office for Consumer Health Assistance pursuant to NRS 687B.675, aggregated for each type of provider of health care for which such information is provided and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Legislative Committee on Health Care; and

(2) In odd-numbered years, the next regular session of the Legislature.

2. The Advocate may adopt regulations to carry out the provisions of this section and NRS 232.461 and 232.462.

3. As used in this section:

(a) "Health care facility" has the meaning ascribed to it in NRS 162A.740.

(b) "Navigator, case manager or facilitator" has the meaning ascribed to it in NRS 687B.675.

(c) "Public Option" means the Public Option established pursuant to section 10 of this act.

Sec. 20. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075; ~~[or]~~

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive ~~[.]~~ ***; or***

(i) The adoption, amendment or repeal of any rule or policy governing the Public Option established pursuant to the chapter created by sections 2 to 15, inclusive, of this act.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 20.5. **NRS 287.04335 is hereby amended to read as follows:**

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, ***689B.0353,*** 689B.255, ***695C.1723,*** 695G.150, 695G.155, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.174, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 21. NRS 287.0434 is hereby amended to read as follows:

287.0434 The Board may:

1. Use its assets only to pay the expenses of health care for its members and covered dependents, to pay its employees' salaries and to pay administrative and other expenses.

2. Enter into contracts relating to the administration of the Program, including, without limitation, contracts with licensed administrators and qualified actuaries. Each such contract with a licensed administrator:

(a) Must be submitted to the Commissioner of Insurance not less than 30 days before the date on which the contract is to become effective for approval as to the licensing and fiscal status of the licensed administrator and status of any legal or administrative actions in this State against the licensed administrator that may impair his or her ability to provide the services in the contract.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

3. Enter into contracts with physicians, surgeons, hospitals, health maintenance organizations and rehabilitative facilities for medical, surgical and rehabilitative care and the evaluation, treatment and nursing care of members and covered dependents. The Board shall not enter into a contract pursuant to this subsection unless:

(a) Provision is made by the Board to offer all the services specified in the request for proposals, either by a health maintenance organization or through separate action of the Board.

(b) The rates set forth in the contract are based on:

(1) For active and retired state officers and employees and their dependents, the commingled claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage in a single risk pool; and

(2) For active and retired officers and employees of public agencies enumerated in NRS 287.010 that contract with the Program to obtain group insurance by participation in the Program and their dependents, the commingled claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage in a single risk pool.

(c) For a contract with a physician, surgeon, hospital or rehabilitative facility, the physician, surgeon, hospital or rehabilitative facility has also complied with the requirements of section 13 of this act.

4. Enter into contracts for the services of other experts and specialists as required by the Program.

5. Charge and collect from an insurer, health maintenance organization, organization for dental care or nonprofit medical service corporation, a fee for the actual expenses incurred by the Board or a participating public agency in administering a plan of insurance offered by that insurer, organization or corporation.

6. Charge and collect the amount due from local governments pursuant to paragraph (b) of subsection 4 of NRS 287.023. If the payment of a local government pursuant to that provision is delinquent by more than 90 days, the Board shall notify the Executive Director of the Department of Taxation pursuant to NRS 354.671.

Sec. 22. NRS 333.705 is hereby amended to read as follows:

333.705 1. Except as otherwise provided in this section, a using agency shall not enter into a contract with a person to provide services for the using agency if:

(a) The person is a current employee of an agency of this State;

(b) The person is a former employee of an agency of this State and less than 2 years have expired since the termination of the person's employment with the State; or

(c) The person is employed by the Department of Transportation for a transportation project that is entirely funded by federal money and the term of the contract is for more than 4 years,

➥ unless the using agency submits a written disclosure to the State Board of Examiners indicating the services to be provided pursuant to the contract and the person who will be providing those services and, after reviewing the disclosure, the State Board of Examiners approves entering into a contract with the person. The requirements of this subsection apply to any person employed by a business or other entity that enters into a contract to provide services for a using agency if the person will be performing or producing the services for which the business or entity is employed.

2. The provisions of paragraph (b) of subsection 1 apply to employment through a temporary employment service. A temporary employment service providing employees for a using agency shall provide the using agency with the names of the employees to be provided to the agency. The State Board of Examiners shall not approve a contract pursuant to paragraph (b) of subsection 1 unless the Board determines that one or more of the following circumstances exist:

(a) The person provides services that are not provided by any other employee of the using agency or for which a critical labor shortage exists; or

(b) A short-term need or unusual economic circumstance exists for the using agency to contract with the person.

3. The approval by the State Board of Examiners to contract with a person pursuant to subsection 1:

(a) May occur at the same time and in the same manner as the approval by the State Board of Examiners of a proposed contract pursuant to subsection 7 of NRS 333.700; and

(b) Must occur before the date on which the contract becomes binding on the using agency.

4. A using agency may contract with a person pursuant to paragraph (a) or (b) of subsection 1 without obtaining the approval of the State Board of Examiners if the term of the contract is for less than 4 months and the head of

the using agency determines that an emergency exists which necessitates the contract. If a using agency contracts with a person pursuant to this subsection, the using agency shall submit a copy of the contract and a description of the emergency to the State Board of Examiners, which shall review the contract and the description of the emergency and notify the using agency whether the State Board of Examiners would have approved the contract if it had not been entered into pursuant to this subsection.

5. Except as otherwise provided in subsection 9, a using agency shall, not later than 10 days after the end of each fiscal quarter, report to the Interim Finance Committee concerning all contracts to provide services for the using agency that were entered into by the using agency during the fiscal quarter with a person who is a current or former employee of a department, division or other agency of this State.

6. Except as otherwise provided in subsection 9, a using agency shall not contract with a temporary employment service unless the contracting process is controlled by rules of open competitive bidding.

7. Each board or commission of this State and each institution of the Nevada System of Higher Education that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

(a) The number of consultants employed by the board, commission or institution;

(b) The purpose for which the board, commission or institution employs each consultant;

(c) The amount of money or other remuneration received by each consultant from the board, commission or institution; and

(d) The length of time each consultant has been employed by the board, commission or institution.

8. A using agency, board or commission of this State and each institution of the Nevada System of Higher Education:

(a) Shall make every effort to limit the number of contracts it enters into with persons to provide services which have a term of more than 2 years and which are in the amount of less than $1,000,000; and

(b) Shall not enter into a contract with a person to provide services without ensuring that the person is in active and good standing with the Secretary of State.

9. The provisions of subsections 1 to 6, inclusive, do not apply to:

(a) The Nevada System of Higher Education or a board or commission of this State.

(b) The employment of professional engineers by the Department of Transportation if those engineers are employed for a transportation project that is entirely funded by federal money.

(c) Contracts in the amount of $1,000,000 or more entered into:

(1) Pursuant to the State Plan for Medicaid established pursuant to NRS 422.063.

(2) For financial services.

(3) Pursuant to the Public Employees' Benefits Program.

(4) Pursuant to the Public Option established pursuant to section 10 of this act.

(d) The employment of a person by a business or entity which is a provider of services under the State Plan for Medicaid and which provides such services on a fee-for-service basis or through managed care.

(e) The employment of a former employee of an agency of this State who is not receiving retirement benefits under the Public Employees' Retirement System during the duration of the contract.

Sec. 23. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 28, inclusive, of this act.

Sec. 24. ***1. ~~[To the extent that money is available, the]~~ The Director shall, to the extent authorized by federal law, include in the State Plan for Medicaid authorization for ~~[:~~***

~~(a) A pregnant woman whose household income is at or below 200 percent of the federally designated level signifying poverty to enroll in Medicaid.~~

~~(b) A]~~ a pregnant woman who is determined by a qualified provider to be presumptively eligible for Medicaid to enroll in Medicaid until the last day of the month immediately following the month of enrollment without submitting an application for enrollment in Medicaid which includes additional proof of eligibility.

2. To the extent that money is available, the Director shall, to the extent authorized by federal law, include in the State Plan for Medicaid authorization for a pregnant woman whose household income is at or below 200 percent of the federally designated level signifying poverty to enroll in Medicaid.

3. Unless otherwise required by federal law, the Director shall not include in the State Plan for Medicaid a requirement that a pregnant woman who resides in this State and who is otherwise eligible for Medicaid must reside in the United States for a prescribed period of time before enrolling in Medicaid.

~~[3.]~~ 4. As used in this section, "qualified provider" has the meaning ascribed to it in 42 U.S.C. § 1396r-1(b)(2).

Sec. 25. ***1. The Director shall include in the State Plan for Medicaid a requirement that the State, to the extent authorized by federal law, pay the nonfederal share of expenditures incurred for the services of a community health worker who provides services under the supervision of a physician, physician assistant or advanced practice registered nurse.***

2. As used in this section, "community health worker" has the meaning ascribed to it in NRS 449.0027.

Sec. 26. ***1. The Director shall, to the extent authorized by federal law, include in the State Plan for Medicaid a requirement that the State pay the***

nonfederal share of expenditures incurred for doula services provided by an enrolled doula.

2. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 or apply for an amendment of the State Plan for Medicaid that authorizes the Department to receive federal funding to include in the State Plan for Medicaid coverage of doula services provided by an enrolled doula. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.

3. A person who wishes to receive reimbursement through the Medicaid program for doula services provided to a recipient of Medicaid must submit to the Division:

(a) An application for enrollment in the form prescribed by the Division; and

(b) Proof that he or she possesses the required training and qualifications prescribed by the Division pursuant to subsection 4.

4. The Division, in consultation with community-based organizations that provide services to pregnant women in this State, shall prescribe the required training and qualifications for enrollment pursuant to subsection 3 to receive reimbursement through Medicaid for doula services.

5. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Enrolled doula" means a doula who is enrolled with the Division pursuant to this section to receive reimbursement through Medicaid for doula services.

Sec. 27. *1. To the extent that money is available, the Director shall include in the State Plan for Medicaid a requirement that, except as otherwise provided in subsection 2, the State must provide reimbursement for the services of an advanced practice registered nurse, including, without limitation, a certified nurse-midwife, to the same extent as if the services were provided by a physician.*

2. The provisions of subsection 1 do not apply to services provided to a recipient of Medicaid who receives health care services through a Medicaid managed care program.

3. As used in this section, "certified nurse-midwife" means a person who is:

(a) Certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization; and

(b) Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

Sec. 28. ***1. To the extent that money is available, the Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:***

(a) Supplies for breastfeeding a child until the child's first birthday. Such supplies include, without limitation, electric or hospital-grade breast pumps that:

(1) Have been prescribed or ordered by a qualified provider of health care; and

(2) Are medically necessary ~~[or are necessary]~~ for the mother ~~[of]~~ or the child . ~~[to return to work.]~~

(b) Such prenatal screenings and tests as are recommended by the American College of Obstetricians and Gynecologists, or its successor organization.

2. The Director shall include in the State Plan for Medicaid a requirement that, to the extent that money and federal financial participation are available, the State must pay the nonfederal share of expenditures incurred for lactation consultation and support.

3. As used in this section:

(a) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 29. NRS 422.2372 is hereby amended to read as follows:

422.2372 The Administrator shall:

1. Supply the Director with material on which to base proposed legislation.

2. Cooperate with the Federal Government and state governments for the more effective attainment of the purposes of this chapter.

3. Coordinate the activities of the Division with other agencies, both public and private, with related or similar activities.

4. Keep a complete and accurate record of all proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents pertaining to the office of the Administrator.

5. Inform the public in regard to the activities and operation of the Division, and provide other information which will acquaint the public with the financing of Medicaid programs.

6. Conduct studies into the causes of the social problems with which the Division is concerned.

7. Invoke any legal, equitable or special procedures for the enforcement of orders issued by the Administrator or the enforcement of the provisions of this chapter.

8. ***Exclude from participation in Medicaid any provider of health care that fails to comply with the requirements of section 13 of this act.***

9. Exercise any other powers that are necessary and proper for the standardization of state work, to expedite business and to promote the efficiency of the service provided by the Division.

Sec. 30. NRS 422.273 is hereby amended to read as follows:

422.273 1. ***To the extent that money is available, the Department shall:***

(a) Establish a Medicaid managed care program to provide health care services to recipients of Medicaid in all geographic areas of this State. The program is not required to provide services to recipients of Medicaid who are aged, blind or disabled pursuant to Title XVI of the Social Security Act, 42 U.S.C. §§ 1381 et seq.

(b) Conduct a statewide procurement process to select health maintenance organizations to provide the services described in paragraph (a).

2. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; ~~[and]~~

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid ~~[.]~~ ***; and***

(d) Complied with the provisions of subsection 2 of section 12 of this act.

➥ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

~~[2.]~~ ***3.*** During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

~~[3.]~~ ***4.*** The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

~~[4.]~~ ***5.*** For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

~~[5.]~~ ***6. To the extent that money is available, a Medicaid managed care program must include, without limitation, a state-directed payment arrangement established in accordance with 42 C.F.R. § 438.6(c) to require a Medicaid managed care organization to reimburse a critical access***

hospital and any federally-qualified health center or rural health clinic affiliated with a critical access hospital for covered services at a rate that is equal to or greater than the rate received by the critical access hospital, federally-qualified health center or rural health clinic, as applicable, for services provided to recipients of Medicaid on a fee-for-service basis.

7. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

~~[6.]~~ ***8.*** As used in this section, unless the context otherwise requires:

(a) ***"Critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).***

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

~~[(b)]~~ ***(c)*** "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

~~[(c)]~~ ***(d)*** "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(e) "Rural health clinic" has the meaning ascribed to it in 42 C.F.R. § 405.2401.

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 427A.605 is hereby amended to read as follows:

427A.605 1. The Director may establish a program to negotiate discounts and rebates for hearing devices and related costs, including, without limitation, ear molds, batteries and FM systems, for children in this State who are deaf or hard of hearing on behalf of entities described in subsection 2 who participate in the program.

2. The following persons and entities may participate in a program established pursuant to subsection 1:

(a) The Public Employees' Benefits Program;

(b) A governing body of a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency that provides health coverage to employees through a self-insurance reserve fund pursuant to NRS 287.010;

(c) An insurer that holds a certificate of authority to transact insurance in this State pursuant to chapter 680A of NRS;

(d) An employer or employee organization based in this State that provides health coverage to employees through a self-insurance reserve fund;

(e) A governmental agency or nonprofit organization that purchases hearing devices for children in this State who are deaf or hard of hearing;

(f) A resident of this State who does not have coverage for hearing devices; ~~[and]~~

(g) ***The Public Option established pursuant to section 10 of this act; and***

(h) Any other person or entity that provides health coverage or otherwise purchases hearing devices for children in this State who are deaf or hard of hearing.

3. A person or entity described in subsection 2 may participate in any program established pursuant to subsection 1 by submitting an application to the Department in the form prescribed by the Department.

Sec. 33. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which

provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

(m) Any person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to section 26 of this act.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this

belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 34. NRS 439B.260 is hereby amended to read as follows:

439B.260 1. A major hospital shall reduce or discount the total billed charge by at least 30 percent for hospital services provided to an inpatient who:

(a) Has no policy of health insurance or other contractual agreement with a third party that provides health coverage for the charge;

(b) Is not eligible for coverage by a state or federal program of public assistance that would provide for the payment of the charge; and

(c) Makes reasonable arrangements within 30 days after the date that notice was sent pursuant to subsection 2 to pay the hospital bill.

2. A major hospital shall include on or with the first statement of the hospital bill provided to the patient after his or her discharge a notice of the reduction or discount available pursuant to this section, including, without limitation, notice of the criteria a patient must satisfy to qualify for a reduction or discount.

3. A major hospital or patient who disputes the reasonableness of arrangements made pursuant to paragraph (c) of subsection 1 may submit the dispute to the Bureau for Hospital Patients for resolution as provided in NRS 232.462.

4. A major hospital shall reduce or discount the total billed charge of its outpatient pharmacy by at least 30 percent to a patient who is eligible for Medicare.

5. As used in this section, "third party" means:

(a) An insurer, as that term is defined in NRS 679B.540;

(b) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for services and care at a hospital;

(c) A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; ~~[or]~~

(d) ***The Public Option established pursuant to section 10 of this act; or***

(e) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.

➥ The term does not include an insurer that provides coverage under a policy of casualty or property insurance.

Sec. 35. NRS 439B.665 is hereby amended to read as follows:

439B.665 1. On or before February 1 of each year, a nonprofit organization that advocates on behalf of patients or funds medical research in this State and has received a payment, donation, subsidy or anything else of value from a manufacturer, third party or pharmacy benefit manager or a trade or advocacy group for manufacturers, third parties or pharmacy benefit managers during the immediately preceding calendar year shall:

(a) Compile a report which includes:

(1) For each such contribution, the amount of the contribution and the manufacturer, third party or pharmacy benefit manager or group that provided the payment, donation, subsidy or other contribution; and

(2) The percentage of the total gross income of the organization during the immediately preceding calendar year attributable to payments, donations, subsidies or other contributions from each manufacturer, third party, pharmacy benefit manager or group; and

(b) Except as otherwise provided in this paragraph, post the report on an Internet website that is maintained by the nonprofit organization and accessible to the public. If the nonprofit organization does not maintain an Internet website that is accessible to the public, the nonprofit organization shall submit the report compiled pursuant to paragraph (a) to the Department.

2. As used in this section, "third party" means:

(a) An insurer, as that term is defined in NRS 679B.540;

(b) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for prescription drugs;

(c) A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; ~~[or]~~

(d) ***The Public Option established pursuant to section 10 of this act; or***

(e) Any other insurer or organization that provides health coverage or benefits in accordance with state or federal law.

➥ The term does not include an insurer that provides coverage under a policy of casualty or property insurance.

Sec. 36. NRS 439B.736 is hereby amended to read as follows:

439B.736 1. "Third party" includes, without limitation:

(a) The issuer of a health benefit plan, as defined in NRS 695G.019, which provides coverage for medically necessary emergency services;

(b) The Public Employees' Benefits Program established pursuant to subsection 1 of NRS 287.043; ~~[and]~~

(c) ***The Public Option established pursuant to section 10 of this act; and***

(d) Any other entity or organization that elects pursuant to NRS 439B.757 for the provisions of NRS 439B.700 to 439B.760, inclusive, to apply to the provision of medically necessary emergency services by out-of-network providers to covered persons.

2. The term does not include the State Plan for Medicaid, the Children's Health Insurance Program or a health maintenance organization, as defined in NRS 695C.030, or managed care organization, as defined in NRS 695G.050, when providing health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department.

Sec. 37. NRS 449A.162 is hereby amended to read as follows:

449A.162 1. Except as otherwise provided in subsection 3, if a hospital provides hospital care to a person who has a policy of health insurance issued by a third party that provides health coverage for care provided at that hospital and the hospital has a contractual agreement with the third party, the hospital:

(a) Shall proceed with any efforts to collect on any amount owed to the hospital for the hospital care in accordance with the provisions of NRS 449A.159.

(b) Shall not collect or attempt to collect from the patient or other responsible party more than the sum of the amounts of any deductible, copayment or coinsurance payable by or on behalf of the patient under the policy of health insurance.

(c) Shall not collect or attempt to collect that amount from:

(1) Any proceeds or potential proceeds of a civil action brought by or on behalf of the patient, including, without limitation, any amount awarded for medical expenses; or

(2) An insurer other than an insurer that provides coverage under a policy of health insurance or an insurer that provides coverage for medical payments under a policy of casualty insurance.

2. If the hospital collects or receives any payments from an insurer that provides coverage for medical payments under a policy of casualty insurance, the hospital shall, not later than 30 days after a determination is made concerning coverage, return to the patient any amount collected or received that is in excess of the deductible, copayment or coinsurance payable by or on behalf of the patient under the policy of health insurance.

3. This section does not apply to:

(a) Amounts owed to the hospital which are not covered under the policy of health insurance; or

(b) Medicaid, Medicare, the Children's Health Insurance Program or any other public program which may pay all or part of the bill.

4. This section does not limit any rights of a patient to contest an attempt to collect an amount owed to a hospital, including, without limitation, contesting a lien obtained by a hospital.

5. As used in this section, "third party" means:

(a) An insurer, as defined in NRS 679B.540;

(b) A health benefit plan, as defined in NRS 687B.470, for employees which provides coverage for services and care at a hospital;

(c) A participating public agency, as defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; ~~[or]~~

(d) ***The Public Option established pursuant to section 10 of this act; or***

(e) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.

Sec. 38. Section 10 of this act is hereby amended to read as follows:

Sec. 10. 1. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, shall design, establish and operate a health benefit plan known as the Public Option.

2. The Director:

(a) Shall make the Public Option available:

(1) As a qualified health plan through the Exchange to natural persons who reside in this State and are eligible to enroll in such a plan through the Exchange under the provisions of 45 C.F.R. § 155.305; and

(2) For direct purchase as a policy of individual health insurance by any natural person who resides in this State. The provisions of chapter 689A of NRS and other applicable provisions of this title apply to the Public Option when offered as a policy of individual health insurance.

(b) May make the Public Option available to small employers in this State or their employees to the extent authorized by federal law. The provisions of chapter 689C of NRS and other applicable provisions of this title apply to the Public Option when it is offered as a policy of health insurance for small employers.

(c) Shall comply with all state and federal laws and regulations applicable to insurers when carrying out the provisions of sections 2 to 15, inclusive, of this act, to the extent that such laws and regulations are not waived.

3. The Public Option must:

(a) Be a qualified health plan, as defined in 42 U.S.C. § 18021; and

(b) Provide at least levels of coverage consistent with the actuarial value of one silver plan and one gold plan.

4. ~~[Except as otherwise provided in this section, the premiums for the Public Option:~~

~~(a) Must be at least 5 percent lower than the reference premium for that zip code; and~~

~~(b) Must not increase in any year by a percentage greater than the increase in the Medicare Economic Index for that year.~~

~~5. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, may revise the requirements of subsection 4, provided that the average premiums for the Public Option must be at least 15 percent lower than the average reference premium in this State over the first 4 years in which the Public Option is in operation.~~

~~6.]~~ As used in this section:

(a) "Gold plan" means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a gold level plan.

(b) "Health benefit plan" means a policy, contract, certificate or agreement to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(c) "Medicare Economic Index" means the Medicare Economic Index, as designated by the Centers for Medicare and Medicaid Services of the

United States Department of Health and Human Services pursuant to 42 C.F.R. § 405.504.

(d) "Reference premium" means, for any zip code, the lower of:

(1) The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the 2024 plan year, adjusted by the percentage change in the Medicare Economic Index between January 1, 2024, and January 1 of the year to which a premium applies; or

(2) The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the year immediately preceding the year to which a premium applies.

(e) "Silver plan" means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a silver level plan.

(f) "Small employer" has the meaning ascribed to it in 42 U.S.C. § 18024(b)(2).

Sec. 38.3. 1. There is hereby appropriated from the State General Fund to the Division of Welfare and Supportive Services of the Department of Health and Human Services the sum of $167,850 to pay the costs for enhancements to the information technology system of the Division that are necessary to carry out the provisions of sections 24 to 28, inclusive, of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 38.6. 1. There is hereby appropriated from the State General Fund to the Public Option Trust Fund created by section 15 of this act the sum of $1,639,366 to pay the costs of carrying out the provisions of sections 2 to 15, inclusive, **and 39** of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 38.8. **1. There is hereby appropriated from the State General Fund to the Silver State Health Insurance Exchange the sum of $600,000 to pay the costs of carrying out the provisions of sections 2 to 15, inclusive, and 39 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 39. 1. The Director of the Department of Health and Human Services, the Commissioner of Insurance and the Executive Director of the Silver State Health Insurance Exchange shall apply for the waiver described in paragraph (a) of subsection 1 of section 11 of this act not later than January 1, 2024.

2. In preparing the initial application for the waiver described in paragraph (a) of subsection 1 of section 11 of this act, the Director of the Department of Health and Human Services, the Commissioner of Insurance and the Executive Director of the Silver State Health Insurance Exchange shall contract with an independent actuary to conduct an actuarial assessment pursuant to subsection 2 of section 11 of this act. The actuarial assessment:

(a) Must be completed before the application for the waiver is submitted; and

(b) Must include, without limitation, an analysis of the likely effect on premiums for health insurance in this State of:

(1) The provisions of subsection 1 of section 13 of this act, as those provisions apply to providers of health care, as defined in NRS 695G.070, who participate in the Public Employees' Benefits Program established pursuant to subsection 1 of NRS 287.043 or provide care to an injured employee pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, and the amendatory provisions of section 21 of this act; and

(2) Repealing the provisions described in subparagraph (1).

3. The Director of the Department of Health and Human Services shall make the Public Option available to natural persons who reside in this State in accordance with the provisions of section 10 of this act for the coverage year that begins on January 1, 2026.

4. As used in this section, "Public Option" has the meaning ascribed to it in section 8 of this act.

Sec. 39.5. On or before January 1, 2025, the Executive Director of the Silver State Health Insurance Exchange, in collaboration with the Department of Health and Human Services, shall:

1. Apply for the waiver described in subsection 1 of section 16.5 of this act; and

2. Submit to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature a report of recommendations concerning any revisions to Nevada law necessary to:

(a) Authorize an organization described in section 501(c)(5) of the Internal Revenue Code to offer a policy of insurance described in subsection 1 of section 16.5 of this act for direct purchase outside the Exchange as a policy of individual health insurance;

(b) Align state law concerning individual health insurance with the requirements in the request for the waiver described in subsection 1 of section 16.5 of this act; and

(c) Ensure that any state subsidies available to reduce the cost of premiums for individual health insurance are available for a policy of insurance described in subsection 1 of section 16.5 of this act.

Sec. 40. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 40.5. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Sec. 41. 1. This section and sections 16.3, 16.5, 16.8 **[,]** **and** 39 **[, 39.5 and 40] to 40.5, inclusive,** of this act become effective upon passage and approval.

2. Sections 1 to 14, inclusive, 16, **[17,]** 19 **[to] , 20, 21,** 22, **[inclusive, and]** 29 to **32, inclusive, and 34 to** 37, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of procurement and any other preparatory administrative tasks necessary to carry out the provisions of those sections; and

(b) On January 1, 2026, for all other purposes.

3. Sections 15, **16.35 to 16.47, inclusive, 20.5,** 38.3 and 38.6 of this act become effective on July 1, 2021.

4. Sections **17,** 18 **, [and]** 23 to 28, inclusive, **33 and 38.8** of this act become effective on January 1, 2022.

5. Section 38 of this act becomes effective on January 1, 2030.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 448.

Bill read third time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 831.

SENATORS BROOKS, DONATE, CANNIZZARO, LANGE; DENIS, NEAL, OHRENSCHALL, SCHEIBLE AND SPEARMAN

JOINT SPONSORS: ASSEMBLYMEN MONROE-MORENO, FRIERSON~~[,]~~ **, CARLTON, MARZOLA, WATTS; BILBRAY-AXELROD, BROWN-MAY, DURAN,** FLORES, GONZÁLEZ, **GORELOW, JAUREGUI, C.H. MILLER,** NGUYEN, ORENTLICHER ~~[AND]~~ **, PETERS, THOMAS,** TORRES **AND YEAGER**

AN ACT relating to utilities; revising provisions governing partial tax abatements for certain renewable energy facilities; **revising provisions governing the use of money in the Renewable Energy Account;** repealing provisions governing the Electric Vehicle Infrastructure Demonstration Program; requiring an electric utility to submit a plan to accelerate transportation electrification in this State; requiring an electric utility to file a plan for certain high-voltage transmission infrastructure projects; requiring the Public Utilities Commission of Nevada to require a transmission provider to join a regional transmission organization; creating and setting forth the powers, duties and membership of the Regional Transmission Coordination Task Force; providing that there is no presumption that the expenditures of a utility were prudently incurred for certain purposes; revising the definition of public utility; revising provisions governing the disposal of generation assets; revising provisions governing the Economic Development Electric Rate Rider Program; revising requirements for the energy efficiency plan of an electric utility; abolishing the New Energy Industry Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who intends to locate a facility for the generation of process heat from solar renewable energy or a wholesale facility for the generation of renewable energy in this State to apply to the Director of the Office of Energy within the Office of the Governor for a partial abatement of certain sales and use taxes or property taxes. (NRS 701A.360) **Section 7** of this bill authorizes a person who intends to locate a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility in this State to apply for this partial tax abatement as well. **Sections 3-5** of this bill define additional terms related to this partial tax abatement. **Section 8** of this bill makes a conforming change to reflect that a partial tax abatement may be granted for a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility ~~[.]~~ **and revises the meaning of the term "wages" for the purposes of determining the eligibility of certain renewable energy facilities for certain partial tax abatements.**

Existing law creates the Renewable Energy Account and requires that not less than 75 percent of the money in the Account be used to offset the cost of electricity to or the use of electricity by certain retail electric customers. (NRS 701A.450) Section 8.5 of this bill removes this requirement and instead provides that the money in the Account must be used for such purposes as the Director may establish by regulation.

Existing law creates an Electric Vehicle Infrastructure Demonstration Program, in connection with which a utility is required to submit to the Public Utilities Commission of Nevada an annual plan for carrying out the Program in the service area of the utility. (NRS 701B.670) **Section 10** of this bill removes the requirement for a utility to submit an annual plan for carrying out the Program. **Section 56** of this bill repeals the remaining provisions of law relating to the Program. **Sections 9 and 48** of this bill remove provisions of law which reference the Program.

Existing law requires each electric utility to submit to the Public Utilities Commission of Nevada every 3 years an integrated resource plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. Existing law provides that the integrated resource plan must include certain components, including, without limitation, a plan for the construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility in meeting the portfolio standard. (NRS 704.741) **Sections 39 and 41** of this bill remove the requirement for an electric utility to include a plan for the construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility in meeting the portfolio standard in its resource plan. Instead, **sections 15-24** of this bill require an electric utility, on or before September 1, 2021, to amend its most recently filed resource plan to include a plan for certain high-voltage transmission infrastructure construction projects that will be placed into service not later than December 31, 2028. **Section 39** requires the integrated resource plan, with respect to the possible sources of supply of the electric utility, to include at least one scenario of low carbon dioxide emissions that uses sources of supply that will achieve certain reductions in carbon dioxide emissions. **Sections 39 and 41** also revise provisions governing the proposal for certain expenditures related to energy efficiency and conservation programs which must be included in the integrated resource plan.

Section 30 of this bill requires the Public Utilities Commission of Nevada to require every transmission provider in this State to join a regional transmission organization on or before January 1, 2030, unless the transmission provider obtains a waiver or delay of the requirement from the Commission. **Sections 26-29** of this bill define terms related to transmission providers and regional transmission organizations.

Sections 31-34 of this bill create and set forth the membership and duties of the Regional Transmission Coordination Task Force. **Section 33** of this bill requires the Task Force to advise the Governor and the Legislature on topics and policies related to energy transmission in this State, including the costs and benefits of the transmission providers in this State joining a regional transmission organization. **Sections 26-29** of this bill define terms related to regional transmission organizations and the Task Force.

Sections 14 and 39 of this bill require an electric utility to include a plan to accelerate transportation electrification in the distributed resources plan submitted by the utility as part of its integrated resource plan. **Section 40** of

this bill establishes factors which must be considered by the Commission in deciding whether to accept or modify a transportation electrification plan which has been submitted by a utility. **Section 1** of this bill sets forth certain findings of the Legislature which are relevant to the transportation electrification plan. **Section 51** of this bill provides that an electric utility is not required to include a transportation electrification plan in its resource plan filed on or before June 1, 2021, but an electric utility is required to file an amendment to its resource plan to add a transportation electrification plan on or before September 1, 2022. **Section 38** of this bill makes a conforming change.

Section 49 of this bill requires an electric utility, on or before September 1, 2021, to file a plan to invest in certain transportation electrification programs during the period beginning January 1, 2022, and ending on December 31, 2024, and establishes requirements for the contents of the transportation electrification investment plan for that period. **Section 49** also establishes requirements for the review and the acceptance or modification of the transportation electrification investment plan by the Commission.

Section 35 of this bill provides that there is no presumption that the expenses, investments or other costs incurred by a utility were prudently incurred and places the burden on the utility to demonstrate that expenses, investments or other costs were prudently and reasonably incurred. **Section 37** of this bill makes a conforming change to indicate the proper placement of **section 35** in the Nevada Revised Statutes.

Section 36 of this bill provides that a person is not a public utility if he or she owns or operates a net metering system that provides electricity to multiple units or spaces on the same premises as the net metering system if the electricity is delivered only to units or spaces on the same premises as the net metering system, there are no individual meters measuring electricity use by the units or spaces and the persons occupying the units or spaces are not charged for electricity based upon volumetric electricity use.

Existing law authorizes an electric utility to dispose of its generation assets pursuant to an authorized merger, acquisition or transaction or pursuant to an authorized transfer of its certificate of public convenience and necessity if the merger, acquisition, transaction or transfer satisfies certain requirements, including that the other person in the merger, acquisition, transaction or transfer is not a subsidiary, affiliate or a person that holds a controlling interest in the electric company. (NRS 704.7591) **Section 42** of this bill removes the requirement that the other person involved in the merger, acquisition, transaction or transfer is not a subsidiary, affiliate or a person that holds a controlling interest in the electric utility and instead requires that the disposal of the generation assets be approved in an order issued by the Commission.

Existing law establishes the Economic Development Electric Rate Rider Program to encourage the location or relocation of new businesses in this State by providing discounted rates for electricity to eligible participants. (NRS 704.7871-704.7882) The Commission is required to establish the discounted

electric rates that may be charged pursuant to the Program as a percentage of the base tariff energy rate. (NRS 704.7881) Existing law prohibits the Office of Economic Development within the Office of the Governor from accepting an application or approving an applicant for participation in the Program after the earlier of December 31, 2017, or the date on which the capacity set aside for allocation pursuant to the Program is fully allocated. (NRS 704.788) **Section 45** of this bill prohibits the Office of Economic Development from accepting an application or approving an applicant for participation in the Program after the earlier of December 31, 2024, or the date on which the capacity set aside for allocation pursuant to the Program is fully allocated. **Section 46** of this bill modifies provisions governing the maximum amount of the discount which the Commission is authorized to establish for the rate charged under the Program. **Section 47** of this bill requires the Commission to submit a report concerning the Program on or before December 31, 2022, for transmittal to the 82nd Session of the Legislature.

Existing law requires the Commission to establish goals for energy savings for each electric utility for each calendar year and also requires each electric utility to implement an energy efficiency plan which is cost effective and designed to meet the goals for energy savings established by the Commission. Existing law further requires that at least 5 percent of the expenditures related to energy efficiency programs must be directed toward low-income customers of the electric utility. (NRS 704.741, 704.7836) **Sections 39, 41 and 44** of this bill require that at least 10 percent of the expenditures related to energy efficiency programs must be spent on energy efficiency measures for customers in low-income households and residential customers and public schools in historically underserved communities. Additionally, **section 44** provides that programs that can offer variable incentive levels must offer higher incentive levels for low-income households. **Section 54** of this bill requires an electric utility to amend its energy efficiency plan to conform with the amendatory provisions of this bill. **Sections 12 and 13** of this bill define terms relating to the energy efficiency plan. **Section 43** makes a conforming change to indicate the proper placement of **sections 12 and 13** in the Nevada Revised Statutes.

Existing law creates the New Energy Industry Task Force which is charged with advising the Director of the Office of Energy on measures to promote the development of renewable energy and energy efficiency projects. (NRS 701.500, 701.510) **Section 55** of this bill abolishes the Task Force.

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

Section 1. The Legislature hereby finds and declares that:

1. Human activities, including, without limitation, the burning of fossil fuels for electricity, transportation and heat in buildings, cause the release of greenhouse gases that trap heat in the Earth’s atmosphere, and these human

activities have been and continue to be the primary driver of global climate change.

2. The transportation sector now accounts for the greatest percentage of greenhouse gas emission in Nevada, and, based on current policies, is projected to remain the largest contributor of greenhouse gas emissions through 2030.

3. Pursuant to NRS 445B.380, the Legislature has established goals to achieve reductions in Nevada's net greenhouse gas emissions, relative to 2005 emissions, of 28 percent by the year 2025, 45 percent by the year 2030 and zero or near-zero emissions by the year 2050.

4. Meeting these greenhouse gas emission goals will require substantial further reductions in Nevada's transportation sector emissions below the current projected emission levels for that sector for 2025 and 2030.

5. Accelerating the use of electric vehicles will help preserve Nevada's climate and help protect Nevadans from unhealthy air pollution.

6. Accelerating the use of electric vehicles will reduce pollution in low-income neighborhoods and communities of color that traditionally have been most affected by transportation pollution.

7. The acceleration of the use of electric vehicles will be assisted by investments in the infrastructure necessary to maximize the benefits of the expanding electric vehicle market.

8. Widespread adoption of electric vehicles requires that electric utilities increase access to electricity as a transportation fuel, including access for low-income Nevadans and historically underserved communities.

9. Widespread adoption of electric vehicles should provide consumers with fuel cost savings and electric utility customers with potential cost-saving benefits.

10. Widespread adoption of electric vehicles should stimulate innovation, competition and increased choices in charging equipment and networks and should also attract private capital investments and create high-quality jobs in Nevada.

11. Widespread adoption of electric vehicles should improve an electric utility's electrical system efficiency and operational flexibility, including, without limitation, the ability of the electric utility to integrate variable renewable energy generation resources and to make use of off-peak generation resources.

Sec. 2. Chapter 701A of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. ***"Energy storage technology" means technology that stores energy as potential, kinetic, chemical or thermal energy that can be released*** ~~***[as electric power,]***~~ ***at a later time, including, without limitation, batteries, flywheels, electrochemical capacitors, compressed-air storage and thermal storage devices.***

Sec. 4. ***1. "Facility for the storage of energy from renewable generation" means a facility that is constructed or installed for the sole***

purpose of storing electric energy received from a facility for the generation of electricity from renewable energy for release ~~[as electric power]~~ at a later time, including, without limitation, a facility that is designed to use energy storage technology.

2. The term does not include a facility that is located on a residential property.

Sec. 5. ***"Hybrid renewable generation and energy storage facility" means a facility that includes both a wholesale facility for the generation of electricity from renewable energy and a facility for the storage of energy from renewable generation.***

Sec. 6. NRS 701A.300 is hereby amended to read as follows:

701A.300 As used in NRS 701A.300 to 701A.390, inclusive, ***and sections 3, 4 and 5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 701A.305 to 701A.345, inclusive, ***and sections 3, 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 701A.360 is hereby amended to read as follows:

701A.360 1. A person who intends to locate a facility for the generation of process heat from solar renewable energy ***,*** ~~[or]~~ a wholesale facility for the generation of electricity from renewable energy ***, a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility*** in this State may apply to the Director for a partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS. An applicant may submit a copy of the application to the board of county commissioners at any time after the applicant has submitted the application to the Director.

2. A facility that is owned, operated, leased or otherwise controlled by a governmental entity is not eligible for an abatement pursuant to NRS 701A.300 to 701A.390, inclusive ~~[.]~~ ***, and sections 3, 4 and 5 of this act.***

3. As soon as practicable after the Director receives an application for a partial abatement, the Director shall forward a copy of the application to:

(a) The Chief of the Budget Division of the Office of Finance;

(b) The Department of Taxation;

(c) The board of county commissioners;

(d) The county assessor;

(e) The county treasurer; and

(f) The Office of Economic Development.

4. With the copy of the application forwarded to the county treasurer, the Director shall include a notice that the local jurisdiction may request a presentation regarding the facility. A request for a presentation must be made within 30 days after receipt of the application.

5. The Director shall hold a public hearing on the application. The hearing must not be held earlier than 30 days after all persons listed in subsection 3 have received a copy of the application.

Sec. 8. NRS 701A.365 is hereby amended to read as follows:

701A.365 1. The Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, ***and sections 3, 4 and 5 of this act*** if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which must:

(1) State that the facility will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) Except as otherwise provided in paragraph (e), if the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $10,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection 6, the average hourly wage of the employees working on the construction of the facility will be at least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $3,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection 6, the average hourly wage of the employees working on the construction of the facility will be at least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by a facility for the generation of process heat from solar renewable

energy **,** ~~[or]~~ a wholesale facility for the generation of electricity from renewable energy ***, a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility*** unless the application is approved or deemed approved pursuant to this subsection. The board of county commissioners of a county must provide notice to the Director that the board intends to consider an application and, if such notice is given, must approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners:

(a) Shall, in considering an application pursuant to this subsection, make a recommendation to the Director regarding the application;

(b) May, in considering an application pursuant to this subsection, deny an application only if the board of county commissioners determines, based on relevant information, that:

(1) The projected cost of the services that the local government is required to provide to the facility will exceed the amount of tax revenue that the local government is projected to receive as a result of the abatement; or

(2) The projected financial benefits that will result to the county from the employment by the facility of the residents of this State and from capital investments by the facility in the county will not exceed the projected loss of tax revenue that will result from the abatement;

(c) Must not condition the approval of the application on a requirement that the facility agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility; and

(d) May, without regard to whether the board has provided notice to the Director of its intent to consider the application, make a recommendation to the Director regarding the application.

➥ If the board of county commissioners does not approve or deny the application within 30 days after the board receives from the Director a copy of the application, the application shall be deemed approved.

3. Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet any requirement set forth in subparagraph (1) or (2) of paragraph (d) of subsection 1 or subparagraph (1) or (2) of paragraph (e) of subsection 1; or

(b) Add additional requirements that a facility must meet to qualify for a partial abatement.

4. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

5. The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

6. The provisions of subparagraph (4) of paragraph (d) of subsection 1 and subparagraph (4) of paragraph (e) of subsection 1 concerning the average hourly wage of the employees working on the construction of a facility do not apply to the wages of an apprentice as that term is defined in NRS 610.010.

7. As used in this section, "wage" or "wages":

(a) Means ~~[the]~~ ***:***

(1) The basic hourly rate of pay ~~[.]~~ ***; and***

(2) The amount of any hourly contribution made to a third-party administrator pursuant to a pension plan or vacation plan which is for the benefit of the employee.

(b) ~~[Does]~~ ***Except as provided in paragraph (a), does*** not include the amount of any health insurance plan, pension or other bona fide fringe benefits which are a benefit to the employee.

Sec. 8.5. **NRS 701A.450 is hereby amended to read as follows:**

701A.450 1. The Renewable Energy Account is hereby created in the State General Fund.

2. The Director of the Office of Energy appointed pursuant to NRS 701.150 shall administer the Account.

3. The interest and income earned on the money in the Account must be credited to the Account.

4. ~~[Not less than 75 percent of the]~~ ***The*** money in the Account must be used ~~[to offset the cost of electricity to or the use of electricity by retail customers of a public utility that is subject to the portfolio standard established by the Public Utilities Commission of Nevada pursuant to NRS 704.7821.]~~ ***for such purposes as the Director of the Office of Energy may establish by regulation.***

5. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

6. The Director ~~[of the Office of Energy]~~ may by regulation establish ~~[:~~

~~(a) Other uses of the money in the Account; and~~

~~(b) A]~~ ***a*** procedure by which any officer or employee of the State to whom the Director has made a loan or other distribution of money from the Account may enter into an agreement with the Director pursuant to which repayment of the loan or other distribution of money may be made through payroll deductions.

Sec. 9. NRS 701B.005 is hereby amended to read as follows:

701B.005 1. For the purposes of carrying out the Solar Energy Systems Incentive Program created by NRS 701B.240, and subject to the limitations prescribed by subsections 2 and 3, the Public Utilities Commission of Nevada shall set incentive levels and schedules, with a goal of approving solar energy systems totaling at least 250,000 kilowatts of capacity in this State for the period beginning on July 1, 2010, and ending on December 31, 2021.

2. Subject to the limitation prescribed by subsection 3, the Commission may authorize the payment of an incentive pursuant to the Solar Energy

Systems Incentive Program created by NRS 701B.240, the Wind Energy Systems Demonstration Program created by NRS 701B.580 ~~[, the Electric Vehicle Infrastructure Demonstration Program created by NRS 701B.670]~~ and the Waterpower Energy Systems Demonstration Program created by NRS 701B.820 if the payment of the incentive would not cause the total amount of incentives paid by all utilities in this State for the installation of ~~[electric vehicle infrastructure,]~~ solar energy systems, solar distributed generation systems, energy storage systems, wind energy systems and waterpower energy systems to exceed $295,270,000 for the period beginning on July 1, 2010, and ending on December 31, 2025.

3. For the period beginning on January 1, 2018, and ending on December 31, 2023, the Commission shall, from the money allocated for the payment of an incentive pursuant to subsection 2, authorize the payment of incentives in an amount of not more than $1,000,000 per year for the installation of solar energy systems and distributed generation systems at locations throughout the service territories of utilities in this State that benefit low-income customers, including, without limitation, homeless shelters, low-income housing developments and public entities, other than municipalities, that serve significant populations of low-income residents.

4. The Commission may, subject to the limitations prescribed by subsections 2 and 3, authorize the payment of performance-based incentives for the period ending on December 31, 2025.

5. A utility may file with the Commission one combined annual plan which meets the requirements set forth in NRS 701B.230, 701B.610 and 701B.850. The Commission shall review and approve any plan submitted pursuant to this subsection in accordance with the requirements of NRS 701B.230, 701B.610 and 701B.850, as applicable.

6. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

(b) ~~[~~"Electric vehicle infrastructure" has the meaning ascribed to it in NRS 701B.670.

~~(c)]~~ "Energy storage system" has the meaning ascribed to it in NRS 701B.057.

~~[(d)]~~ ***(c)*** "Municipality" means any county or city in this State.

~~[(e)]~~ ***(d)*** "Utility" means a public utility that supplies electricity in this State.

Sec. 10. NRS 701B.670 is hereby amended to read as follows:

701B.670 1. The Legislature hereby finds and declares that it is the policy of this State to expand and accelerate the deployment of electric vehicles and supporting infrastructure throughout this State.

2. The Electric Vehicle Infrastructure Demonstration Program is hereby created.

3. The Commission shall adopt regulations to carry out the provisions of the Electric Vehicle Infrastructure Demonstration Program **.** ~~[, including,~~

~~without limitation, regulations that require a utility to submit to the Commission an annual plan for carrying out the Program in its service area. The annual plan submitted by a utility may include any measure to promote or incentivize the deployment of electric vehicle infrastructure, including, without limitation:~~

~~(a) The payment of an incentive to a customer of the utility that installs or provides electric vehicle infrastructure;~~

~~(b) Qualifications and requirements an applicant must meet to be eligible to be awarded an incentive;~~

~~(c) The imposition of a rate by the utility to require the purchase of electric service for the charging of an electric vehicle at a rate which is based on the time of day, day of the week or time of year during which the electricity is used, or which otherwise varies based upon the time during which the electricity is used, if a customer of the utility participates in the Electric Vehicle Infrastructure Demonstration Program;~~

~~(d) The establishment of programs directed by the utility to promote electric vehicle infrastructure, including, without limitation, education and awareness programs for customers of the utility, programs to provide technical assistance related to the charging of electric vehicles to governmental entities or the owners or operators of large fleets of motor vehicles and programs to create partnerships with private organizations to promote the development of electric vehicle infrastructure; and~~

~~(e) The payment of an incentive to a customer of the utility that is a public school, as defined in NRS 385.007, that installs electric vehicle infrastructure on the property of the public school or purchases electric vehicles dedicated to the transportation of students, not to exceed 75 percent of the cost to install such infrastructure or purchase such vehicles.~~**]**

4. ~~**[**The Commission shall:~~

~~(a) Review each annual plan submitted by a utility pursuant to the regulations adopted pursuant to subsection 3 for compliance with the requirements established by the Commission; and~~

~~(b) Approve each annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Electric Vehicle Infrastructure Demonstration Program.~~

~~5.~~**]** Each utility:

(a) Shall carry out and administer the Electric Vehicle Infrastructure Demonstration Program within its service area ~~**[**in accordance with its annual plan~~**]** as approved by the Commission ***;*** ~~**[**pursuant to subsection 4;~~**]** and

(b) May recover its reasonable and prudent costs, including, without limitation, customer incentives, that are associated with carrying out and administering the Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

~~**[**6.~~**]** ***5.*** As used in this section:

(a) "Electric vehicle" means a vehicle powered solely by one or more electric motors.

(b) "Electric vehicle infrastructure" includes, without limitation, electric vehicles and the charging stations for the recharging of electric vehicles.

Sec. 11. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 35, inclusive, of this act.

Sec. 12. ***1. "Historically underserved community" means:***

(a) A census tract:

(1) Designated as a qualified census tract by the Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or

(2) In which, in the immediately preceding census, at least 20 percent of households were not proficient in the English language;

(b) A public school in this State:

(1) In which 75 percent or more of the enrolled pupils in the school are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.; or

(2) That participates in universal meal service in high poverty areas pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296; or

(c) Qualified tribal land, as defined in NRS 370.0325.

2. As used in this section:

(a) "Block" means the smallest geographical unit whose boundaries were designated by the Bureau of the Census of the United States Department of Commerce in its topographically integrated geographic encoding and referencing system.

(b) "Block group" means a combination of blocks whose numbers begin with the same digit.

(c) "Census tract" means a combination of block groups.

Sec. 13. ***"Low-income household" means a household, which may include one or more persons, with a median household income of not more than 80 percent of the area median household income, based on the guidelines published by the United States Department of Housing and Urban Development.***

Sec. 14. ***1. An electric utility in this State shall file with the Commission, as part of the distributed resources plan required to be submitted pursuant to NRS 704.741, a plan to accelerate transportation electrification in this State. Two or more electric utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.***

2. A plan submitted pursuant to subsection 1 may include:

(a) Investments or incentives to facilitate the deployment of charging infrastructure and associated electrical equipment which supports transportation electrification across all customer classes including, without limitation, investments or incentives for residential charging infrastructure

at single-family homes and multi-unit dwellings for both shared and assigned parking spaces;

(b) Investments or incentives to facilitate the electrification of public transit and publicly owned vehicle fleets;

(c) Investments or incentives to increase access to the use of electricity as a transportation fuel in historically underserved communities;

(d) Rate designs, programs or management systems that encourage the charging of vehicles in a manner that supports the operation and optimal integration of transportation electrification into the electric grid, including, without limitation, proposed schedules necessary to implement the rate designs or programs; and

(e) Customer education and culturally competent and linguistically appropriate outreach programs that increase awareness of investments, incentives, rate designs and programs of the type listed in paragraphs (a) to (d), inclusive, and of the benefits of transportation electrification.

3. During the 9 months immediately before an electric utility files its first plan pursuant to subsection 1 and during the 12 months immediately before an electric utility files any subsequent plan pursuant to subsection 1, the electric utility shall conduct at least one stakeholder engagement meeting each calendar quarter to discuss the development of the plan and to solicit comments and gather ideas for improvements or additions to the plan which support transportation electrification. Each stakeholder engagement meeting must be open to participation by the Regulatory Operations Staff of the Commission, personnel from the Bureau of Consumer Protection in the Office of the Attorney General and any other interested person. Each plan filed pursuant to subsection 1 must include a summary of the stakeholder engagement meetings conducted in the 9- or 12-month period, as applicable, immediately preceding the filing of the plan, which must include, without limitation, summaries of the comments and ideas provided by the participants.

4. Not more than 60 days after the issuance of an order by the Commission pursuant to NRS 704.751 approving or modifying a plan submitted pursuant to subsection 1, an electric utility which supplies electricity in this State shall file with the Commission any schedules necessary to implement the rate designs and programs included in the plan.

5. The Commission shall adopt regulations necessary to carry out the provisions of this section. The regulations adopted pursuant to this section may require an annual review of the progress and budgets of an approved plan submitted pursuant to this section.

6. To the extent that a plan submitted pursuant to subsection 1 includes programs in which customers may participate, eligibility for participation by customers in such programs must be offered by the electric utility on a nondiscriminatory basis to both bundled retail customers and eligible customers, as defined in NRS 704B.080, who purchase or plan to purchase

electricity from a provider of new electric resources, as defined in NRS 704B.130.

7. As used in this section:

(a) "Block" means the smallest geographical unit whose boundaries were designated by the Bureau of the Census of the United States Department of Commerce in its topographically integrated geographic encoding and referencing system.

(b) "Block group" means a combination of blocks whose numbers begin with the same digit.

(c) "Census tract" means a combination of block groups.

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

(e) "Historically underserved community" means:

(1) A census tract:

(I) Designated as a qualified census tract by the Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or

(II) In which, in the immediately preceding census, at least 20 percent of households were not proficient in the English language;

(2) A public school in this State:

(I) In which 75 percent or more of the enrolled pupils in the school are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.; or

(II) That participates in universal meal service in high poverty areas pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296; or

(3) Qualified tribal land, as defined in NRS 370.0325.

(f) "Transportation electrification" means the use of electricity from external sources to power, wholly or in part, passenger vehicles, trucks, buses, trains, boats or other equipment that transports goods or people.

Sec. 15. *As used in sections 15 to 24, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 16 to 20, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 16. *"Electric utility" has the meaning ascribed to it in NRS 704.187.*

Sec. 17. *"Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.110.*

Sec. 18. *"Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.110.*

Sec. 19. *"High-voltage transmission infrastructure" means bulk transmission lines capable of transmitting electricity at a voltage of 345 kilovolts or more, and associated electrical substations and substation expansions to accommodate the transmission lines.*

Sec. 20. *"Transmission infrastructure for a clean energy economy plan" or "plan" means a plan filed by an electric utility with the Commission pursuant to section 21 of this act.*

Sec. 21. *1. On or before September 1, 2021, an electric utility shall file an amendment to its most recent resource plan filed pursuant to NRS 704.741 to incorporate into the resource plan a transmission infrastructure for a clean energy economy plan which sets forth a plan for the construction of high-voltage transmission infrastructure that will be placed into service not later than December 31, 2028, to:*

(a) Assure a reliable and resilient transmission network in this State to serve the existing and currently projected transmission service obligations of the electric utility;

(b) Assist the utility in meeting the portfolio standard established by NRS 704.7821 and the goals for the reduction of greenhouse gas emissions set forth in NRS 445B.380 and 704.7820;

(c) Promote economic development in this State, including, without limitation, by creating jobs, expanding the tax base or providing other economic benefits;

(d) Expand transmission access to renewable energy zones designated by the Commission pursuant to subsection 2 of NRS 704.741 to promote the development and use of renewable energy resources in this State;

(e) Use federally granted rights-of-way within designated renewable energy transmission corridors before the expiration of such rights-of-way; and

(f) Support the development of regional transmission interconnections that may be required for:

(1) This State to cost-effectively achieve the goals for the reduction of greenhouse gas emissions set forth in NRS 445B.380 and 704.7820; and

(2) The electric utility to participate fully in any future organized competitive regional wholesale electricity market on the Western Interconnection.

➥ Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.

2. The plan submitted pursuant to subsection 1 must not include any project other than the following high-voltage transmission infrastructure projects for which the Commission has previously approved conceptual designs, permitting and land acquisition:

(a) A project for the implementation of high-voltage transmission infrastructure interconnecting northwest and northeast Nevada, which will increase the transmission import capacity of northern Nevada by not less than 800 megawatts.

(b) A project for the implementation of high-voltage transmission infrastructure located in southern Nevada and accessing a federally designated renewable energy transmission corridor that will accommodate future renewable energy development and increased demand for electricity.

3. Except as otherwise provided in this subsection, if an electric utility that primarily serves densely populated counties and an electric utility that

primarily serves less densely populated counties submit a joint plan pursuant to subsection 1, 70 percent of the costs of high-voltage transmission infrastructure projects included in the plan must be allocated to the electric utility that primarily serves densely populated counties and 30 percent of such costs must be allocated to the electric utility that primarily serves less densely populated counties. The Commission may review and reassess the allocation of costs between electric utilities based on the actual benefits that accrue to the electric utilities after the projects are in service. The Commission retains full authority to decide any request by an electric utility for the recovery of such costs before a high-voltage transmission infrastructure project is placed into service, and to determine if any proposed financial incentive will be provided on the recovery of such costs.

4. The plan submitted pursuant to subsection 1 must include an evaluation of the impact that the implementation of the plan will have on:

(a) The reliability of the transmission network of the utility;

(b) The resilience of the transmission network of the utility, including, without limitation, the ability of the transmission network to withstand natural or manmade events that could otherwise disrupt the provision of electric service in this State;

(c) The development and use of renewable energy resources in this State;

(d) Economic activity and economic development in this State over a period of not less than 20 years from the date of the plan, including, without limitation, capital investments, the direct or indirect creation of jobs and additions to the tax base of this State;

(e) The projected carbon dioxide emissions of the utility resulting from the generation of electricity, including, without limitation, carbon dioxide emissions from the generation of electricity that is purchased by the electric utility;

(f) The ability of the utility to diversify its supply portfolio of renewable energy resources by including larger amounts of geothermal energy generation and hydrogeneration;

(g) The ability of the utility to reliably integrate into its supply portfolio larger amounts of electricity from variable renewable energy resources, including, without limitation, solar and wind energy resources;

(h) The ability of the utility to reduce its energy supply costs by selling to other states electricity generated in this State from renewable energy during periods when the utility's supply of electricity exceeds the demand for electricity by the customers of the utility;

(i) The ability of the utility to reduce its energy supply costs by purchasing electricity generated in other states from renewable energy during periods when the demand for electricity by the customers of the utility exceeds the availability of electricity from renewable generation in this State;

(j) The utility's provision of open access to interstate and intrastate transmission services, in accordance with the utility's open access transmission tariff, to other persons in this State using the utility's

transmission network, including, without limitation, eligible customers, as defined in NRS 704B.080, and providers of new electric resources, as defined in NRS 704B.130, who are or intend to become customers of the utility's interstate transmission services;

(k) The ability of the utility to accommodate requests for access to renewable energy resources that will allow customers who want to acquire all of their energy from zero carbon dioxide emission resources to do so;

(l) The development of regional transmission interconnections that may be required for this State to cost-effectively achieve the goals for the reduction of greenhouse gas emissions set forth in NRS 445B.380 and 704.7820 or for the electric utility to participate fully in any future organized competitive regional wholesale electricity market on the Western Interconnection;

(m) The rates charged to the bundled retail customers of the utility; and

(n) The financial risk to the customers of the utility.

5. As used in this section, "Western Interconnection" means the synchronously operated electric transmission grid located in the western part of North America, including parts of Montana, Nebraska, New Mexico, South Dakota, Texas, Wyoming and Mexico and all of Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington and the Canadian Provinces of British Columbia and Alberta.

Sec. 22. *1. In implementing a transmission infrastructure for a clean energy economy plan, an electric utility shall mitigate costs to the extent possible by utilizing available federal tax incentives and federal funding, including, without limitation, direct and indirect grants and loan guarantees.*

2. If, in any general rate proceeding filed by an electric utility pursuant to NRS 704.110 or 704.7621, the electric utility includes a request for recovery of any amount related to the implementation of a transmission infrastructure for a clean energy economy plan and the recovery of such an amount would result in an increase in the electric utility's total revenue requirement of more than 10 percent, the utility must propose a method or mechanism by which such an increase may be mitigated. The Commission may accept or reject such a rate method or mechanism and is not obligated to implement any proposed mitigation plan. If a mechanism is implemented to mitigate an increase in the electric utility's total revenue requirement pursuant to this section, the electric utility is entitled to recover all of its prudently and reasonably incurred costs and a return on its investment. Nothing in this subsection shall be construed as requiring the Commission to provide a financial incentive to an electric utility.

Sec. 23. *An electric utility may file an amendment to a transmission infrastructure for a clean energy economy plan as an amendment to its resource plan as provided in NRS 704.751.*

Sec. 24. *If the Commission deems inadequate any portion of a transmission infrastructure for a clean energy economy plan or any*

amendment to the plan, the Commission, as provided in NRS 704.751, may recommend to the electric utility a modification of that portion of the plan or amendment, and the electric utility may:

1. Accept the modification; or

2. Withdraw the proposed plan or amendment.

Sec. 25. *As used in sections 25 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 26 to 29, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 26. *"Regional transmission organization" means an entity established for the purpose of coordinating and efficiently managing the dispatch and transmission of electricity among public utilities on a multistate or regional basis that:*

1. Is approved by the Federal Energy Regulatory Commission;

2. Effectuates separate control of transmission facilities from control of generation facilities;

3. Implements, to the extent reasonably possible, policies and procedures designed to minimize pancaked transmission rates;

4. Improves service reliability within this State;

5. Achieves the objectives of an open and competitive wholesale electric generation marketplace, elimination of barriers to market entry and preclusion of control of bottleneck electric transmission facilities in the provision of retail electric service;

6. Is of sufficient scope or otherwise operates to substantially increase economical supply options for customers;

7. Has a structure of governance or control that is independent of the users of the transmission facilities, and no member of its board of directors has an affiliation with a user or with an affiliate of a user during the member's tenure on the board so as to unduly affect the regional transmission organization's performance;

8. Operates under policies that promote positive performance designed to satisfy the electricity requirements of customers;

9. Has an inclusive and open stakeholder process that does not place unreasonable burdens on or preclude meaningful participation by any stakeholder group;

10. Promotes and assists new economic development in this State; and

11. Is capable of maintaining real-time reliability of the transmission system, ensuring comparable and nondiscriminatory access and necessary service, minimizing system congestion and further addressing real or potential transmission constraints.

Sec. 27. *"Task Force" means the Regional Transmission Coordination Task Force created by section 31 of this act.*

Sec. 28. *"Transmission provider" means a public utility that owns, controls or operates facilities used for the transmission of electricity in interstate commerce and provides transmission service under a tariff approved by the Federal Energy Regulatory Commission.*

Sec. 29. *"User" means any entity or affiliate of an entity that buys or sells electricity in the regional transmission organization's region or in a neighboring region.*

Sec. 30. *1. Except as otherwise provided in subsection 2, the Commission shall require every transmission provider in this State to join a regional transmission organization on or before January 1, 2030.*

2. Upon application by a transmission provider, the Commission may waive or delay the requirement in subsection 1 if:

(a) The transmission provider files an application with the Commission on or before January 1, 2027, requesting the waiver or delay;

(b) The transmission provider demonstrates:

(1) That the transmission provider has made all reasonable efforts to comply with the requirement but is unable to find a viable and available regional transmission organization that the transmission provider can join on or before January 1, 2030; or

(2) That it would not be in the best interests of the transmission provider and its customers to join a regional transmission organization on or before January 1, 2030; and

(c) The Commission determines that it is in the public interest to grant the requested waiver or delay.

Sec. 31. *1. The Regional Transmission Coordination Task Force is hereby created.*

2. The Governor shall appoint a person to act as the Chair of the Task Force who serves at the pleasure of the Governor. The Chair is a voting member of the Task Force.

3. In addition to the Chair, the Task Force consists of:

(a) The following voting members, appointed by the Governor:

(1) A representative of an electric utility that primarily serves densely populated counties, as defined in NRS 704.110;

(2) A representative of an organization that represents rural electric cooperatives and municipally owned electric utilities in this State;

(3) A representative of the Colorado River Commission;

(4) A representative of a transmission line development company operating in this State;

(5) A representative of the large-scale solar energy industry in this State;

(6) A representative of the geothermal energy industry in this State;

(7) A representative of the data center businesses in this State;

(8) A representative of an organization that represents the mining industry in this State;

(9) A representative of an organization that represents the gaming and resort businesses in this State;

(10) A representative of a labor organization in this State;

(11) A representative of an organization in this State that advocates on behalf of environmental or public lands issues who has expertise in or knowledge of environmental or public lands issues;

(12) A representative of the Nevada Indian Commission;

(13) A representative of the Office of Energy;

~~[(13)]~~ (14) A representative of the Office of Economic Development;

~~[(14)]~~ (15) Two members of the Senate, nominated by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party;

~~[(15)]~~ (16) Two members of the Assembly, nominated by the Speaker of the Assembly, at least one of whom must be a member of the minority political party; and

~~[(16)]~~ (17) Not more than three persons who represent the general public.

(b) The following nonvoting members, appointed by the Governor:

(1) A representative of the Public Utilities Commission of Nevada; and

(2) A representative of the Bureau of Consumer Protection in the Office of the Attorney General.

Sec. 32. *1. The Task Force shall meet at least two times each year at the call of the Chair.*

2. The Chair may appoint working groups, chaired by one or more members of the Task Force and composed of persons with subject matter expertise, to aid in the work of the Task Force.

3. The Chair may issue guidelines for the operation of the Task Force and amend those guidelines as needed for the management and governance of the Task Force. The Chair shall identify and approve the scope of work and issues to be addressed by the Task Force and any working group.

4. A majority of the voting members of the Task Force constitutes a quorum, and a quorum may exercise all the powers conferred on the Task Force.

5. The members of the Task Force serve at the pleasure of the Governor.

6. The members of the Task Force serve without compensation.

Sec. 33. *1. The Task Force shall advise the Governor and the Legislature on:*

(a) The potential costs and benefits to transmission providers and their customers in this State of forming or joining a regional transmission organization which provides access to an organized competitive regional wholesale electricity market;

(b) Policies that will accommodate entrance by transmission providers in this State into a regional transmission organization by January 1, 2030;

(c) Policies that will site transmission facilities necessary to achieve this State's clean energy and economic development goals;

(d) Potential areas in this State where growth in demand for electricity or growth in renewable energy generation would be accommodated by additional transmission or regional market opportunities; and

(e) Businesses and industries that could locate in this State as a result of this State's position in an organized competitive regional wholesale electricity market.

2. The Task Force shall, not later than November 30, 2022, and every 2 years thereafter, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report on its activities, including any recommended legislation needed to enable entrance by transmission providers in this State into a regional transmission organization.

Sec. 34. ***1. The Office of Energy shall provide the personnel, facilities, equipment and supplies required by the Task Force to carry out the provisions of sections 31 to 34, inclusive, of this act.***

2. To aid and inform the Task Force in carrying out its duties pursuant to section 33 of this act, the Commission, in consultation with the Task Force, may engage a knowledgeable and independent third party to analyze all factors deemed necessary to assess the potential costs and benefits to transmission providers and their customers of forming or joining a regional transmission organization.

Sec. 35. ***Except as otherwise provided in this chapter, when the Commission reviews an application to make changes in any schedule, there is no presumption that any recorded expenses, investments or other costs included in the application were prudently incurred, unless the Commission has previously determined that such expenses, investments or other costs were prudently incurred. The public utility has the burden of proving that an expense, investment or cost was reasonably and prudently incurred.***

Sec. 36. NRS 704.021 is hereby amended to read as follows:

704.021 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

9. Persons who own or operate a net metering system described in paragraph (c) of subsection 1 of NRS 704.771.

10. ***Persons who own or operate a net metering system or systems described in paragraph (a) of subsection 1 of NRS 704.771 and deliver electricity to multiple persons, units or spaces on the premises if:***

(a) The electricity is delivered only to persons, units or spaces located on the premises on which the net metering system or systems are located;

(b) The residential or commercial units or spaces do not have individual meters measuring electricity use by an individual unit or space; and

(c) Persons occupying the individual units or spaces are not charged for electricity based upon volumetric usage at the person's individual unit or space.

11. Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity generated from those systems to not more than one customer of the public utility per individual system if each individual system is:

(a) Located on the premises of another person;

(b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and

(c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.

➥ As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7715.

~~[11.]~~ ***12.*** Persons who own, control, operate or manage a facility that supplies electricity only for use to charge electric vehicles.

~~[12.]~~ ***13.*** Any plant or equipment that is used by a data center to produce, deliver or furnish electricity at agreed-upon prices for or to persons on the

premises of the data center for the sole purpose of those persons storing, processing or distributing data, but only with regard to those operations which consist of providing electric service. As used in this subsection, "data center" has the meaning ascribed to it in NRS 360.754.

Sec. 37. NRS 704.061 is hereby amended to read as follows:

704.061 As used in NRS 704.061 to 704.110, inclusive, ***and section 35 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.062, 704.065 and 704.066 have the meanings ascribed to them in those sections.

Sec. 38. NRS 704.100 is hereby amended to read as follows:

704.100 1. Except as otherwise provided in NRS 704.075, 704.68861 to 704.68887, inclusive, and 704.7865, ***and section 14 of this act,*** or as may otherwise be provided by the Commission pursuant to NRS 704.095, 704.097 or 704.7621:

(a) A public utility shall not make changes in any schedule, unless the public utility:

(1) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(2) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of paragraph (f) or (g).

(b) A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.

(c) An electric utility shall, between annual deferred energy accounting adjustment applications filed pursuant to NRS 704.187, adjust its rates on a quarterly basis pursuant to subsection 10 of NRS 704.110.

(d) A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

(e) A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

(f) Except as otherwise provided in paragraph (g), if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue in an amount that does not exceed $15,000:

(1) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➥ A letter of advice filed pursuant to this paragraph must include a certification by the attorney for the public utility or an affidavit by an authorized representative of the public utility that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the public utility in an amount that exceeds $15,000.

(g) If the applicant is a small-scale provider of last resort and the proposed change in any schedule will result in an increase in annual gross operating revenue in an amount that does not exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less:

(1) The small-scale provider of last resort may file the proposed change with the Commission using a letter of advice in lieu of filing an application if the small-scale provider of last resort:

(I) Includes with the letter of advice a certification by the attorney for the small-scale provider of last resort or an affidavit by an authorized representative of the small-scale provider of last resort that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the small-scale provider of last resort in an amount that exceeds $50,000 or 10 percent, whichever is less;

(II) Demonstrates that the proposed change in schedule is required by or directly related to a regulation or order of the Federal Communications Commission; and

(III) Except as otherwise provided in subsection 2, files the letter of advice not later than 5 years after the Commission has issued a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➥ Not later than 10 business days after the filing of a letter of advice pursuant to subparagraph (1), the Regulatory Operations Staff of the Commission or any other interested party may file with the Commission a request that the Commission order an applicant to file a general rate application in accordance with subsection 3 of NRS 704.110. The Commission may hold a hearing to consider such a request.

(h) In making the determination pursuant to paragraph (f) or (g), the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

2. An applicant that is a small-scale provider of last resort may submit to the Commission a written request for a waiver of the 5-year period specified in sub-subparagraph (III) of subparagraph (1) of paragraph (g) of subsection

1. The Commission shall, not later than 90 days after receipt of such a request, issue an order approving or denying the request. The Commission may approve the request if the applicant provides proof satisfactory to the Commission that the applicant is not earning more than the rate of return authorized by the Commission and that it is in the public interest for the Commission to grant the request for a waiver. The Commission shall not approve a request for a waiver if the request is submitted later than 7 years after the issuance by the Commission of a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110. If the Commission approves a request for a waiver submitted pursuant to this subsection, the applicant shall file the letter of advice pursuant to subparagraph (1) of paragraph (g) of subsection 1 not earlier than 120 days after the date on which the applicant submitted the request for a waiver pursuant to this subsection, unless the order issued by the Commission approving the request for a waiver specifies a different period for the filing of the letter of advice.

3. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 39. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before June 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.

2. The Commission shall, by regulation:

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

(1) Forecast the future demands, except that a forecast of the future retail electric demands of the utility or utilities must not include the amount of energy and capacity proposed pursuant to subsection ~~[6]~~ ***5*** as annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019; and

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

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

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

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

(b) A proposal for the expenditure of not less than ~~[5]~~ ***10*** percent of the total expenditures related to energy efficiency and conservation programs on energy efficiency ~~[and conservation programs directed to low-income]~~ ***measures for*** customers of the electric utility ~~[.]~~ ***in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.***

(c) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon ~~[intensity]~~ ***dioxide emissions*** that ~~[includes]~~ ***:***

(1) Uses sources of supply that result in, by 2050, an amount of energy production from zero carbon dioxide emission resources that equals the forecasted demand for electricity by customers of the utility;

(2) Includes the deployment of distributed generation ~~[.]~~ ***; and***

(3) If the plan is submitted on or before June 1, 2027, uses sources of supply that result in, by the year 2030, an 80 percent reduction in carbon dioxide emissions from the generation of electricity to meet the demands of customers of the utility as compared to the amount of such emissions in the year 2005.

(d) An analysis of the effects of the requirements of NRS 704.766 to 704.776, inclusive, on the reliability of the distribution system of the utility or utilities and the costs to the utility or utilities to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.

(e) A list of the utility's or utilities' assets described in NRS 704.7338.

(f) A surplus asset retirement plan as required by NRS 704.734.

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

~~5.]~~ The Commission shall require the utility or utilities to include in the plan a distributed resources plan. The distributed resources plan must:

(a) Evaluate the locational benefits and costs of distributed resources. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits and any other savings the distributed resources provide to the electricity grid for this State or costs to customers of the electric utility or utilities.

(b) Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.

(c) Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.

(d) Identify any additional spending necessary to integrate cost-effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to the customers of the electric utility or utilities.

(e) Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.

~~[6.]~~ ***(f) Include a transportation electrification plan as required by section 14 of this act.***

5. The Commission shall require the utility or utilities to include in the plan a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019. In developing the proposal and the forecasts in the plan, the utility or utilities must use a sensitivity analysis that, at a minimum, addresses load growth, import capacity, system constraints and the effect of eligible customers purchasing less energy and capacity than authorized by the proposed annual limit. The proposal in the plan must include, without limitation:

(a) A forecast of the load growth of the utility or utilities;

(b) The number of eligible customers that are currently being served by or anticipated to be served by the utility or utilities;

(c) Information concerning the infrastructure of the utility or utilities that is available to accommodate market-based new electric resources;

(d) Proposals to ensure the stability of rates and the availability and reliability of electric service; and

(e) For each year of the plan, impact fees applicable to each megawatt or each megawatt hour to account for costs reflected in the base tariff general rate and base tariff energy rate paid by end-use customers of the electric utility.

~~[7.]~~ ***6.*** The annual limits proposed pursuant to subsection ~~[6]~~ ***5*** shall not apply to energy and capacity sales to an eligible customer if the eligible customer:

(a) Was not an end-use customer of the electric utility at any time before June 12, 2019; and

(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service.

~~[8.]~~ ***7.*** As used in this section:

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

~~(b)]~~ "Distributed generation system" has the meaning ascribed to it in NRS 701.380.

~~[(c)]~~ ***(b)*** "Distributed resources" means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand-response technologies.

~~[(d)]~~ ***(c)*** "Eligible customer" has the meaning ascribed to it in NRS 704B.080.

~~[(e)]~~ ***(d)*** "Energy" has the meaning ascribed to it in NRS 704B.090.

~~[(f)]~~ ***(e) "Historically underserved community" has the meaning ascribed to it in section 12 of this act.***

(f) "Low-income household" has the meaning ascribed to it in section 13 of this act.

(g) "New electric resource" has the meaning ascribed to it in NRS 704B.110.

~~[(g)]~~ ***(h)*** "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

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

~~[(i)]~~ ***(j)*** "Sensitivity analysis" means a set of methods or procedures which results in a determination or estimation of the sensitivity of a result to a change in given data or a given assumption.

Sec. 40. NRS 704.746 is hereby amended to read as follows:

704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility or utilities are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility or utilities associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration;

(6) Other generation facilities; and

(7) Other transmission facilities.

5. The Commission shall give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section;

(c) Provide levels of service that are adequate and reliable;

(d) Provide the greatest opportunity for the creation of new jobs in this State; and

(e) Provide for diverse electricity supply portfolios and which reduce customer exposure to the price volatility of fossil fuels and the potential costs of carbon.

➥ In considering the measures and sources of supply set forth in paragraph (c) of subsection 4 and determining the preference given to such measures and sources of supply, the Commission shall consider the cost of those measures and sources of supply to the customers of the electric utility or utilities.

6. The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

7. The Commission shall:

(a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and

(b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.

8. The Commission shall, after a hearing, review and accept or modify an emissions reduction and capacity replacement plan which includes each element required by NRS 704.7316. In considering whether to accept or modify an emissions reduction and capacity replacement plan, the Commission shall consider:

(a) The cost to the customers of the electric utility or utilities to implement the plan;

(b) Whether the plan provides the greatest economic benefit to this State;

(c) Whether the plan provides the greatest opportunities for the creation of new jobs in this State; and

(d) Whether the plan represents the best value to the customers of the electric utility or utilities.

9. In considering whether to accept or modify a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 after May 16, 2019, which is included in the plan pursuant to subsection ~~[6]~~ ***5*** of NRS 704.741, the Commission shall consider whether the proposed annual limits:

(a) Further the public interest, including, without limitation, whether the proposed annual limits promote safe, economic, efficient and reliable electric service to all customers of electric service in this State;

(b) Align an economically viable utility model with state public policy goals; and

(c) Encourage the development and use of renewable energy resources located in this State and, in particular, renewable energy resources that are coupled with energy storage.

10. In considering whether to accept or modify a plan to accelerate transportation electrification submitted pursuant to section 14 of this act, the Commission shall consider:

(a) Whether the proposed investments, incentives, rate designs, systems and programs are reasonably expected to achieve one or more of the following:

(1) Improve the efficiency of the electric utility's electrical system, operational flexibility or system utilization during off-peak hours;

(2) Improve the ability of the electric utility to integrate renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid;

(3) Reduce greenhouse gas emissions and air pollution;

(4) Improve air quality in communities most affected by air pollution from the transportation sector;

(5) Support increased consumer choice in electric vehicle charging and related infrastructure and services;

(6) Increase access to the use of electricity as a transportation fuel by low-income users by including investments, incentives or programs for those users, or for entities operating in communities or at locations that will benefit low-income users;

(7) Foster the investment of private capital in transportation electrification, as defined in section 14 of this act, and the demand for skilled jobs in related services; and

(8) Provide information and education on the benefits of transportation electrification to customers.

(b) Whether the proposed investments, incentives, rate designs, systems and programs provide electric services and pricing that customers value.

(c) Whether the proposed investments, incentives, systems and programs incorporate public reporting requirements which will serve to inform program design and Commission policy.

(d) The cost to the customers of the electric utility to implement the plan.

Sec. 41. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 210 days for all portions of the plan not described in paragraph (a).

➥ If the Commission issues an order modifying the plan, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within 165 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

➥ If the Commission issues an order modifying the amendment, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. Any order issued by the Commission accepting or modifying a plan required pursuant to NRS 704.741 or an amendment to such a plan must include the justification of the Commission for the preferences given pursuant to subsection 5 of NRS 704.746 to the measures and sources of supply set forth in paragraph (c) of subsection 4 of NRS 704.746.

4. All prudent and reasonable expenditures made to develop the utility's or utilities' plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's or utilities' customers.

5. The Commission may accept an energy efficiency plan containing an energy efficiency program submitted pursuant to paragraph (a) of subsection 3 of NRS 704.741 and energy efficiency and conservation programs submitted pursuant to paragraph (b) of subsection 3 of NRS 704.741 that are not cost

effective if the energy efficiency plan as a whole is cost effective. Any order issued by the Commission accepting or modifying an energy efficiency plan or an amendment to such a plan must, if the energy efficiency plan remains cost effective, require that not less than ~~[5]~~ ***10*** percent of the total expenditures of the utility or utilities on approved energy efficiency and conservation programs in the energy efficiency plan must be specifically directed to energy efficiency ~~[and conservation programs for low-income]~~ ***measures for*** customers of the utility or utilities ~~[.]~~ ***in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.***

6. The Commission may accept ~~[:~~

~~(a) A transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility or utilities meeting the portfolio standard, as defined in NRS 704.7805.~~

~~(b) A]~~ ***a*** distributed resources plan submitted pursuant to subsection ~~[5]~~ ***4*** of NRS 704.741 if the Commission determines that the plan includes each element required by that subsection.

7. ~~[The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.~~

~~8.]~~ Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility or utilities to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility or utilities for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive.

8. The Commission shall accept a transmission infrastructure for a clean energy economy plan that conforms to the requirements of subsections 1 and 2 of section 21 of this act and includes the evaluations required by subsection 4 of section 21 of this act.

9. As used in this section:

(a) "Historically underserved community" has the meaning ascribed to it in section 12 of this act.

(b) "Low-income household" has the meaning ascribed to it in section 13 of this act.

Sec. 42. NRS 704.7591 is hereby amended to read as follows:

704.7591 1. An electric utility may dispose of its generation assets pursuant to a merger, acquisition or transaction that is authorized pursuant to NRS 704.329 or pursuant to a transfer of its certificate of public convenience and necessity that is authorized pursuant to NRS 704.410, if:

(a) The electric utility disposes of substantially all of its generation assets and substantially all of its other assets to the other person in the merger, acquisition, transaction or transfer; and

(b) The ~~[other person in the merger, acquisition, transaction or transfer is not a subsidiary or affiliate of the electric utility or a holding company or other person that holds a controlling interest in the electric utility.]~~ ***Commission approves of the disposal of the generation assets in an order issued pursuant to NRS 704.7588.***

2. Any person who assumes or has assumed ownership, possession, control, operation, administration or maintenance of a generation asset pursuant to a merger, acquisition, transaction or transfer described in subsection 1 is subject to the provisions of NRS 704.7561 to 704.7595, inclusive.

Sec. 43. NRS 704.783 is hereby amended to read as follows:

704.783 As used in NRS 704.783 to 704.7836, inclusive, ***and sections 12 and 13 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.7831 to 704.7834, inclusive, ***and sections 12 and 13 of this act*** have the meanings ascribed to them in those sections.

Sec. 44. NRS 704.7836 is hereby amended to read as follows:

704.7836 1. The Commission shall establish by regulation for each electric utility goals for energy savings resulting from energy efficiency programs implemented by the electric utility each year, which must be included in the resource plan filed by the electric utility pursuant to NRS 704.741.

2. The Commission may:

(a) Modify a goal for energy savings it has previously established for an electric utility.

(b) Upon receipt of a petition submitted by an electric utility, temporarily lower a goal for energy savings it has previously established for the electric utility if the electric utility demonstrates that economic reasons which are not reasonably within the control of the electric utility will prevent the electric utility from meeting the goal for energy savings established pursuant to subsection 1.

3. Upon establishment or modification by the Commission of a goal for energy savings for an electric utility pursuant to this section, the affected electric utility may file an amendment to its most recent resource plan filed pursuant to NRS 704.741 to incorporate the goal for energy savings into the resource plan.

4. Each electric utility shall develop and include in its most recent resource plan filed pursuant to NRS 704.741 an energy efficiency plan that:

(a) Is designed to meet or exceed the goals for energy savings established by the Commission pursuant to this section;

(b) Includes one or more energy efficiency programs; and

(c) Is cost effective.

5. In approving an energy efficiency plan developed by an electric utility to meet the goals for energy savings established by the Commission pursuant to this section, the Commission shall approve an energy efficiency plan that is:

(a) Designed to meet or exceed the goals for energy savings established by the Commission pursuant to this section; and

(b) Cost effective.

6. The Commission may approve an energy efficiency plan submitted pursuant to NRS 704.741 that consists of energy efficiency and conservation programs that are not cost effective if the Commission determines that the energy efficiency plan as a whole is cost effective.

7. Unless the Commission determines that it is not cost effective, any energy efficiency plan approved by the Commission must provide that not less than ~~[5]~~ ***10*** percent of the total expenditures related to energy efficiency programs must be ~~[directed to]~~ ***spent on*** energy efficiency ~~[programs]~~ ***measures*** for ~~[low-income]~~ customers of the electric utility ~~[.]~~ ***in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general. For the purposes of this subsection, programs that can offer variable incentive levels must offer higher incentive levels for low-income households.***

Sec. 45. NRS 704.788 is hereby amended to read as follows:

704.788 The Office of Economic Development shall not accept an application or give initial approval to any applicant for participation in the Program, and the Commission shall not approve an applicant for participation in the Program, after the earlier of December 31, ~~[2017,]~~ ***2024,*** or the date on which the capacity set aside for allocation pursuant to the Program is fully allocated.

Sec. 46. NRS 704.7881 is hereby amended to read as follows:

704.7881 The Commission, in consultation with the Office of Economic Development:

1. Shall adopt regulations:

(a) Establishing the discounted electric rates that may be charged by an electric utility pursuant to the Program, which must be established as a percentage of the base tariff energy rate and for which:

(1) In the first and second year of a contract entered into pursuant to NRS 704.7877, ~~[the reduction in the rates as a result of the]~~ ***there shall be no*** discount ~~[must not exceed 30 percent]~~ of the base tariff energy rate;

(2) In the third ~~[,]~~ ***and*** fourth ~~[, fifth and sixth]~~ year of a contract entered into pursuant to NRS 704.7877, the reduction in the rates as a result of the discount must not exceed ~~[20]~~ ***30*** percent of the base tariff energy rate; ~~[and]~~

(3) In the ***fifth, sixth,*** seventh and eighth year of a contract entered into pursuant to NRS 704.7877, the reduction in the rates as a result of the discount must not exceed ~~[10]~~ ***20*** percent of the base tariff energy rate; ***and***

(4) In the ninth and tenth year of a contract entered into pursuant to NRS 704.7877, the reduction in the rates as a result of the discount must not exceed 10 percent of the base tariff energy rate;

(b) Prescribing the form and content of the contract entered into pursuant to NRS 704.7877;

(c) Prescribing the procedure by which an electric utility is authorized to recover through a deferred energy accounting adjustment application the amount of the discount provided to a participant in the Program; and

(d) Prescribing any additional information which must be submitted by an applicant for participation in the Program.

2. May adopt any other regulations it determines are necessary to carry out the provisions of NRS 704.7871 to 704.7882, inclusive.

Sec. 47. NRS 704.7882 is hereby amended to read as follows:

704.7882 The Commission shall, on or before December 31, ~~[~~2014,~~]~~ ***2022,*** prepare a written report concerning the Program and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the ~~[~~78th~~]~~ ***82nd*** Session of the Legislature. The report must include, without limitation, information concerning:

1. The number of participants in the Program;

2. The amount of electricity allocated pursuant to the Program;

3. The total amount of the discounts provided pursuant to the Program; and

4. The remaining amount of electricity available for allocation pursuant to the Program.

Sec. 48. NRS 704B.310 is hereby amended to read as follows:

704B.310 1. An eligible customer shall not purchase energy, capacity or ancillary services from a provider of new electric resources unless:

(a) The eligible customer files an application with the Commission between January 2 and February 1 of any year and not later than 280 days before the date on which the eligible customer intends to begin purchasing energy, capacity or ancillary services from the provider;

(b) The Commission approves the application by a written order issued in accordance with the provisions of this section; and

(c) The provider holds a valid license.

2. Except as otherwise provided in subsection 3, each application filed pursuant to this section must include:

(a) Specific information demonstrating that the person filing the application is an eligible customer;

(b) Information demonstrating that the proposed provider will provide energy, capacity or ancillary services from a new electric resource;

(c) Specific information concerning the terms and conditions of the proposed transaction that is necessary for the Commission to evaluate the impact of the proposed transaction on customers and the public interest, including, without limitation, information concerning the duration of the proposed transaction, the point of receipt of the energy, capacity or ancillary

services and the amount of energy, capacity or ancillary services to be purchased from the provider;

(d) Specific information identifying transmission requirements associated with the proposed transaction and the extent to which the proposed transaction requires transmission import capacity; and

(e) Any other information required pursuant to the regulations adopted by the Commission.

3. The Commission shall not require the eligible customer or provider to disclose:

(a) The price that is being paid by the eligible customer to purchase energy, capacity or ancillary services from the provider; or

(b) Any other terms or conditions of the proposed transaction that the Commission determines are commercially sensitive.

4. The Commission shall provide public notice of the application of the eligible customer and an opportunity for a hearing on the application in a manner that is consistent with the provisions of NRS 703.320 and the regulations adopted by the Commission.

5. The Commission shall not approve the application of the eligible customer unless the Commission finds that the proposed transaction:

(a) Will be in the public interest; and

(b) Will not cause the total amount of energy and capacity that eligible customers purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to this section on or after May 16, 2019, to exceed an annual limit set forth in a plan filed with the Commission pursuant to NRS 704.741 and accepted by the Commission pursuant to NRS 704.751.

6. In determining whether the proposed transaction will be in the public interest, the Commission shall consider, without limitation:

(a) Whether the electric utility that has been providing electric service to the eligible customer will experience increased costs as a result of the proposed transaction;

(b) Whether any remaining customer of the electric utility will pay increased costs for electric service or forgo the benefit of a reduction of costs for electric service as a result of the proposed transaction; and

(c) Whether the proposed transaction will impair system reliability or the ability of the electric utility to provide electric service to its remaining customers.

7. If the Commission approves the application of the eligible customer:

(a) The eligible customer shall not begin purchasing energy, capacity or ancillary services from the provider pursuant to the proposed transaction sooner than 280 days after the date on which the application was filed, unless the Commission allows the eligible customer to begin purchasing energy, capacity or ancillary services from the provider at an earlier date; and

(b) The Commission shall order such terms, conditions and payments as the Commission deems necessary and appropriate to ensure that the proposed

transaction will be in the public interest. Except as otherwise provided in subsection 8, such terms, conditions and payments:

(1) Must be fair and nondiscriminatory as between the eligible customer and the remaining customers of the electric utility, except that the terms, conditions and payments must assign all identifiable but unquantifiable risk to the eligible customer;

(2) Must include, without limitation:

(I) Payment by the eligible customer to the electric utility of the eligible customer's load-share portion of any unrecovered balance in the deferred accounts of the electric utility; and

(II) Payment by the eligible customer, or the provider of new electric resources, as applicable, of the annual assessment and any other tax, fee or assessment required by NRS 704B.360;

(3) Must establish payments calculated in a manner that provides the eligible customer with only its load-ratio share of the benefits associated with forecasted load growth if load growth is utilized to mitigate the impact of the eligible customer's proposed transaction; and

(4) Must ensure that the eligible customer pays its load-ratio share of the costs associated with the electric utility's obligations that were incurred as deviations from least-cost resource planning pursuant to the laws of this State including, without limitation, costs incurred to satisfy the requirements of NRS 704.7821 and implement the provisions of NRS 701B.240, 701B.336, 701B.580, ~~[701B.670,]~~ 701B.820, 702.160, 704.773, 704.7827, 704.7836, 704.785, 704.7865, 704.7983 and 704.7985.

8. An eligible customer who:

(a) Was not an end-use customer of the electric utility at any time before June 12, 2019; and

(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service,

➥ is required to pay only those costs, fees, charges or rates which apply to current and ongoing legislatively mandated public policy programs, as determined by the Commission.

9. If the Commission does not enter a final order on the application of the eligible customer within 210 days after the date on which the application was filed with the Commission, the application shall be deemed to be denied by the Commission.

Sec. 49. 1. An electric utility in this State shall, on or before September 1, 2021, file with the Public Utilities Commission of Nevada a plan to accelerate transportation electrification in this State for the period beginning January 1, 2022, and ending on December 31, 2024. The plan filed for this period must be designed to provide the greatest economic recovery benefits and opportunities for the creation of new jobs in this State.

2. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan pursuant to this section. The joint plan must include a plan

for investments to accelerate transportation electrification in an amount not to exceed $100,000,000.

3. A plan filed pursuant to this section must include a plan to invest in the following programs:

(a) An Interstate Corridor Charging Depot Program, whereby the electric utility shall supplement the work of the Office of Energy, the Department of Transportation and the Division of Environmental Protection of the State Department of Conservation and Natural Resources in Phase I and Phase II of the Nevada Electric Highway project to increase the availability of public electric vehicle charging infrastructure along Nevada's highways in the service territory of the electric utility and to support electric vehicle tourism traffic to Las Vegas, the Reno-Tahoe area and across the State. The plan must set forth the intended scope and general location for each proposed charging depot. The Interstate Corridor Charging Depot Program:

(1) Must include the establishment of direct-current fast chargers and level 2 chargers, which may be owned by the electric utility or a third-party provider.

(2) May include the establishment of electric utility-owned energy storage systems or renewable energy systems which minimize the impact to the grid by reducing the peak demand for electricity.

(b) An Urban Charging Depot Program aimed at providing increased access to public electric vehicle charging infrastructure in metropolitan areas of this State, particularly for customers who are unable to charge vehicles at their home or business. The Urban Charging Depot Program must also be designed to address the needs of tourists, delivery services and businesses that require access to public charging for fleet electrification. The plan must set forth the intended scope and general location for each proposed charging depot. The Urban Charging Depot Program:

(1) Must include the establishment of direct-current fast chargers, level 2 chargers and, where relevant, charging for shared mobility services, including, without limitation, electric scooters and bicycles, which may be owned by the electric utility or a third-party provider.

(2) May include the establishment of electric utility-owned energy storage systems or renewable energy systems which minimize the impact to the grid by reducing the peak demand for electricity.

(c) A Public Agency Electric Vehicle Charging Program to serve the public, workplace and fleet electric charging needs of federal, state and local governmental agencies by reducing the financial barrier for the deployment of electric vehicle charging infrastructure for governmental agencies. The electric utility shall set forth in the plan specific targets and allocations for level 2 electric vehicle charging infrastructure, which must be developed in coordination with the Department of Administration, the State Department of Conservation and Natural Resources, the Department of Transportation and the Office of Energy with the aim of maximizing the Program's effectiveness and utilization. An electric vehicle charging station which is installed under

the Program may be owned by a public agency, the electric utility or a third-party provider.

(d) A Transit, School Bus and Transportation Electrification Custom Program to serve the electric vehicle charging infrastructure, energy supply and energy storage needs of transit agencies, metropolitan planning organizations, the Department of Transportation, public school districts and nongovernmental commercial customers in this State. The electric utility shall not allow a nongovernmental commercial customer to participate in the Transit, School Bus and Transportation Electrification Custom Program unless, as a condition of participation, the nongovernmental commercial customer electrifies more than 50 company vehicles or more than 25 percent of its fleet, and satisfies such additional qualifications as the electric utility may establish. As part of the Transit, School Bus and Transportation Electrification Custom Program, an electric utility may partner with a commercial site to allow for multiple ownership options for the electrical supply, storage and charging equipment, including, without limitation, ownership by the electric utility.

(e) An Outdoor Recreation and Tourism Program to serve the electric vehicle charging infrastructure, energy supply and energy storage needs of the tourism and outdoor recreation economy of this State. Eligibility for any customer participation in the Outdoor Recreation and Tourism Program must be offered by the electric utility on a nondiscriminatory basis to both the utility's bundled retail customers and eligible customers, as defined in NRS 704B.080, who purchase or plan to purchase electricity from a provider of new electric resources, as defined in NRS 704B.130. As part of the Outdoor Recreation and Tourism Program, an electric utility may partner with a commercial site to allow for multiple ownership options for the electrical supply, storage and charging equipment, including, without limitation, ownership by the electric utility.

4. The plan filed pursuant to this section must include any proposed schedules necessary to implement the programs set forth in subsection 3.

5. Not less than:

(a) Forty percent of the total program expenditures proposed in a plan submitted pursuant to this section must be dedicated to investments made in or for the benefit of historically underserved communities.

(b) Twenty percent of the total program expenditures proposed in a plan submitted pursuant to this section must be dedicated to investments in the Outdoor Recreation and Tourism Program pursuant to paragraph (e) of subsection 3.

(c) Twenty percent of the total program expenditures proposed in a plan submitted pursuant to this section must be dedicated to incentives for behind-the-meter investments in electric vehicle charging infrastructure or stations.

6. An electric utility shall submit to the Commission any program, software, contract or other instrument that may be used for the billing, control, operation or maintenance of the public and private chargers installed under a

plan filed pursuant to this section. The prudent and reasonable expenditures made by the electric utility to evaluate the need for any program, software, contract or other instrument to facilitate the billing, control, operation or maintenance of the public and private chargers installed under the plan may be recovered by the utility through rates charged to the customers of the utility.

7. Any electric vehicle charging infrastructure that is installed as part of a plan which is accepted by the Commission pursuant to this section and which is not installed by employees of the electric utility must be installed by a contractor who holds a valid license in the classification required to perform such work issued by the State Contractors' Board pursuant to regulations adopted by the Board and at least one electrician holding a certification from the Electric Vehicle Infrastructure Training Program.

8. Not later than 90 days after a plan is filed pursuant to subsection 1, the Commission shall issue an order accepting or modifying the plan. If the Commission issues an order modifying the plan, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 10 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

9. If the Commission fails to enter a final order on a plan filed pursuant to subsection 1 within 90 days after the date on which the plan was filed, the plan shall be deemed to be accepted.

10. Not later than 60 days after the Commission issues an order accepting or modifying a plan, or a plan is deemed accepted pursuant to subsection 9, the electric utility shall file with the Commission any schedules necessary to implement the rate designs and programs approved in the plan. Any tariff filing made pursuant to this section is not subject to the provisions of NRS 704.100.

11. Acceptance by the Commission of a plan submitted pursuant to this section constitutes a finding that the investments contained in the plan, including, without limitation, any proposed incentives to be provided to customers, are prudent and that the utility may recover from the rates charged to the utility's customers all costs that the utility prudently and reasonably incurs to operate, maintain, develop and implement the plan, including, without limitation, any costs associated with acquiring the right to use and develop private or public land. An electric utility may recover the costs that it prudently and reasonably incurs as follows:

(a) The electric utility shall begin recording in a regulatory asset, with carrying charges, an amount that reflects the electric utility's investment in facilities under the plan, including, without limitation:

(1) Any incentives provided to customers;

(2) The electric utility's authorized rate of return;

(3) Any depreciation of the utility's investment in the facilities; and

(4) The cost of operating and maintaining the facilities.

(b) Carrying charges shall not accrue for any month in which the electric utility earns in excess of its last authorized rate of return. For the purposes of this paragraph, the electric utility's earned rate of return must be calculated quarterly using the 12-month period ending with the last month of the quarter and will apply to the carrying charge calculation in each month of that quarter.

(c) An electric utility shall include a rate to recover all prudent and reasonable expenditures made by the electric utility to develop and implement the plan, including, without limitation, the electric utility's authorized rate of return, in the electric utility's general rate application filed pursuant to NRS 704.110. The rate must be charged to all of the customers in the service territory of the electric utility in which the plan assets reside and reflect all costs incurred in the electric utility's service territory.

12. As used in this section:

(a) "Electric utility" has the meaning ascribed to it in section 14 of this act.

(b) "Historically underserved community" has the meaning ascribed to it in section 12 of this act.

(c) "Transportation electrification" means the use of electricity from external sources to power, wholly or in part, passenger vehicles, trucks, buses, trains, boats or other equipment that transports goods or people.

Sec. 50. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 51. 1. A resource plan filed by an electric utility pursuant to NRS 704.741, as amended by section 39 of this act, on or before June 1, 2021, is not required to include, at the time the plan is filed, the transportation electrification plan required by section 14 of this act and NRS 704.741, as amended by section 39 of this act.

2. An electric utility shall, on or before September 1, 2022, file an amendment to its most recent resource plan filed pursuant to NRS 704.741, as amended by section 39 of this act, to incorporate into the resource plan a transportation electrification plan that complies with the provisions of section 14 of this act.

3. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 52. The amendatory provisions of section 48 of this act do not apply to an order issued by the Public Utilities Commission of Nevada pursuant to NRS 704B.310 before July 1, 2023.

Sec. 53. The amendatory provisions of section 46 of this act do not apply to a contract entered into before the effective date of section 46 of this act.

Sec. 53.5. **The provisions of section 35 of this act apply prospectively. The provisions of this section shall not be construed as a statement, clarification or interpretation of Nevada law as it existed prior to the effective date of this section or a statement of the intent of the Nevada Legislature concerning Nevada law as it existed prior to the effective date of this section.**

Sec. 54. 1. An electric utility in this State shall, on or before July 1, 2022, file with the Public Utilities Commission of Nevada an amendment to its most recently filed energy efficiency plan filed pursuant to NRS 704.7836 to ensure the energy efficiency plan complies with the amendatory provisions of sections 39 and 44 of this act.

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 55. NRS 701.090, 701.500, 701.505, 701.510 and 701.515 are hereby repealed.

Sec. 56. NRS 701B.670 is hereby repealed.

Sec. 57. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 58. 1. This section and sections 1 to ~~[8,]~~ **8.5,** inclusive, 11 to 47, inclusive, 49 to 55, inclusive, and 57 of this act become effective upon passage and approval.

2. Section 10 of this act becomes effective on January 1, 2023, and expires by limitation on June 30, 2023.

3. Sections 9, 48 and 56 of this act become effective on July 1, 2023.

4. Section 9 of this act expires by limitation on December 31, 2025.

5. Sections 27 and 31 to 34, inclusive, of this act expire by limitation on December 31, 2031.

6. Sections 3 to 8, inclusive, of this act expire by limitation on June 30, 2049.

7. Sections 45, 46 and 47 of this act expire by limitation on the date on which the last contract entered into pursuant to the Program, as defined in NRS 704.7874, terminates, whether termination is by expiration of the terms of the contract or otherwise.

LEADLINES OF REPEALED SECTIONS

701.090 "Task Force" defined.

701.500 Creation; membership.

701.505 Chair; meetings; regulations; quorum; terms; members serve without compensation.

701.510 Powers and duties.

701.515 Support and assistance to be provided by Director.

701B.670 Legislative findings and declarations; creation of Program; regulations; payment of incentives; purchase of electric service based on time of usage; promotion of electric vehicle infrastructure; review and approval by Commission of annual plans from utilities; recovery of costs by utility.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 457 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 457.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 845.

AN ACT relating to the State Highway Fund; temporarily increasing the maximum amount of certain proceeds deposited in the State Highway Fund that may be used for the costs of administering the collection of those proceeds; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, all the proceeds from the imposition of any license or registration fee and other charges regarding the operation of a motor vehicle on any public highway, road or street in Nevada, except for the costs of administering the collection of those proceeds, are required to be deposited in the State Highway Fund and used exclusively for the construction, maintenance and repair of the State's public highways. (Nev. Const. Art. 9, § 5; NRS 408.235) The maximum amount of such proceeds that may be used for the costs of administration is 22 percent. (NRS 408.235) ~~[This]~~ **Section 4.5 of this** bill temporarily increases the maximum amount of the proceeds that may be used for the costs of administration from 22 percent to 27 percent for the period commencing on July 1, 2021, and ending on June 30, 2026.

Section 4.7 of this bill makes an appropriation to the Department of Motor Vehicles for the cost of issuing refunds of certain fees paid during Fiscal Year 2020-2021.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.5. NRS 408.235 is hereby amended to read as follows:

408.235 1. There is hereby created the State Highway Fund.

2. Except as otherwise provided by a specific statute, the proceeds from the imposition of any:

(a) License or registration fee and other charges with respect to the operation of any motor vehicle upon any public highway, city, town or county road, street, alley or highway in this State; and

(b) Excise tax on gasoline or other motor vehicle fuel,

➥ must be deposited in the State Highway Fund and must, except for costs of administering the collection thereof, be used exclusively for the administration, construction, reconstruction, improvement and maintenance of highways as provided for in this chapter.

3. The interest and income earned on the money in the State Highway Fund, after deducting any applicable charges, must be credited to the Fund.

4. Costs of administration for the collection of the proceeds for any license or registration fees and other charges with respect to the operation of any motor vehicle must be limited to a sum not to exceed ~~[22]~~ *27* percent of the total proceeds so collected.

5. Costs of administration for the collection of any excise tax on gasoline or other motor vehicle fuel must be limited to a sum not to exceed 1 percent of the total proceeds so collected.

6. All bills and charges against the State Highway Fund for administration, construction, reconstruction, improvement and maintenance of highways under the provisions of this chapter must be certified by the Director and must be presented to and examined by the State Board of Examiners. When allowed by the State Board of Examiners and upon being audited by the State Controller, the State Controller shall draw his or her warrant therefor upon the State Treasurer.

7. The money deposited in the State Highway Fund pursuant to NRS 244A.637 and 354.59815 must be maintained in a separate account for the county from which the money was received. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:

(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways in that county as provided for in this chapter;

(b) Must not be used to reduce or supplant the amount or percentage of any money which would otherwise be made available from the State Highway Fund for projects in that county; and

(c) Must not be used for any costs of administration or to purchase any equipment.

8. The money deposited in the State Highway Fund pursuant to NRS 482.313 must be maintained in a separate account. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:

(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways as provided for in this chapter; and

(b) Must not be used for any costs of administration or to purchase any equipment.

Sec. 4.7. **1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $7,840,974 for the cost of issuing refunds of the technology fee imposed pursuant to sections 3 and 7 of chapter 394, Statutes of Nevada 2015, at pages 2211-13, as amended by chapter 400, Statutes of Nevada 2019, at pages 2501-02, which were paid during Fiscal Year 2020-2021.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 5. 1. This section and sections 1 to 4, inclusive, **and 4.7** of this act become effective upon passage and approval.

2. Section 4.5 of this act becomes effective on July 1, 2021, and expires by limitation on June 30, 2026.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 457 and 420 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 457.

Bill read third time.

Roll call on Senate Bill No. 457:

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—15.

EXCUSED—Hardy.

Senate Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 420.

Bill read third time.

Remarks by Assemblywomen Carlton and Titus.

ASSEMBLYWOMAN CARLTON:

I rise in support of Senate Bill 420. This is commonly known in the building as our public option bill. Not to insult anyone—that saying about do not let the perfect be the enemy of the good—this is a good first step. We are trying to get someplace. We know there is an issue and we are trying to address it. This is a long-term process to get there. We added the resources to this bill to be able to get the actuarial study done and to make sure that the Silver State Health Insurance Exchange had the resources they need to address this issue.

We have talked a lot about getting data in this building and making decisions based on data and not anecdote. The part of the bill that I support the most is being able to get that actuarial study done, know where the state stands, and for future legislators sitting in these seats to be able to make a decision. I am not sure if this is the right way to go, but we are not going to know until we get the data. That is the part of the bill that I truly support.

ASSEMBLYWOMAN TITUS:

Thank you to my colleague from Assembly District 14. I appreciate the not-to-disrespect comment because we truly do want to see the best for health care in Nevada. Mr. Speaker and members of this body, I rise in opposition of Senate Bill 420.

SB 420 is a step in the wrong direction. If passed, the bill would mandate insurers to offer a public option and mandate physicians and hospitals to accept rates below cost. Doctors will leave the state and hospitals will raise rates or cut critical elective services that are widely used by all. The net effect is less access to care and higher costs for the remaining Nevadans, just the opposite of what we should want.

Nevada's doctor shortage has spanned decades. We rank forty-fifth for active physicians per 100,000 population, forty-eighth for primary care physicians, and fiftieth for general surgeons. We are forty-ninth in the nation for nurses per capita. Clark County only has 705 nurses per 100,000 population and the national average is 1,238 nurses per 100,000. Of the 275,000 uninsured Nevadans, 100,000, or 37 percent are eligible for Medicaid but are not enrolled. Additionally, there are another 80,000 that have household incomes that qualify for zero-cost plans through Nevada Health Link and the expansion of the new federal resources will help pay for premiums. Rather than create a new state-run government plan, we should focus on getting the most vulnerable populations enrolled in the affordable coverage that is currently available.

Republicans introduced various pieces of legislation that would have created more access to health care and kept more health care workers in Nevada. Creating a new state government-controlled health insurance system is not the answer to reduce the number of uninsured Nevadans. I am voting no, and I encourage my colleagues to vote no.

Roll call on Senate Bill No. 420:

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—15.

EXCUSED—Hardy.

Senate Bill No. 420 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:55 p.m.

ASSEMBLY IN SESSION

At 12:15 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Bills Nos. 22, 34, 51, 69, 70, 147, 158, 164, 165, 175, 194, 278, 291, 295, 297, 325, 353, 385, 389, 437, 438, and 440 were taken from the General File and placed on the General File for the next legislative day.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, May 31, 2021, at 10 a.m.
Motion carried.

Assembly adjourned at 12:16 a.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly