

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE FIFTIETH DAY

CARSON CITY (Monday), March 22, 2021

Assembly called to order at 12:15 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rajan Zed.

Om

bhur bhuvah svah

tat savitur varenyam

bhargo devasya dhimahi

dhiyo you nah prachodayat.

We meditate on the transcendental glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky and inside the soul of the heaven. May He stimulate and illuminate our minds.

Asato ma sad gamaya

tamaso ma jyotir gamaya

mrityor mamrtam gamaya.

Lead us from the unreal to the real. Lead us from darkness to light. Lead us from death to immortality.

tasmadasaktah satatam karyam karma samacara

asakto hyacarankarma paramapnoti purusah.

karmanaiva hi samsiddhimasthita janakadayah

lokasangrahavevapi sampasyankartumarhasi.

Strive constantly to serve the welfare of the world; by devotion to selflessness one attains the supreme goal of life. Do your work with the welfare of others always in mind.

Om saha naavavatu

saha nau bhunaktu

saha viiryan karavaavahai

tejasvi naavadhiitamastu

maa vidhivishhaavahai.

May we be protected together. May we be nourished together. May we work together with great vigor. May our study be enlightening. May no obstacle arise between us.

Om Shanti, Shanti, Shanti.
Peace, Peace, Peace be unto all.
Om.

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.

COMMUNICATIONS

SUPREME COURT OF NEVADA
JAMES W. HARDESTY, CHIEF JUSTICE
201 SOUTH CARSON STREET
CARSON CITY, NEVADA 89701-4702
(775) 684-1590
FAX (775) 684-1593

March 19, 2021

SENATOR NICOLE J. CANNIZZARO, MAJORITY LEADER
SPEAKER JASON FRIERSON
NEVADA LEGISLATURE
LEGISLATIVE BUILDING, CAPITOL COMPLEX
401 South Carson Street
Carson City, NV 89701-4747

RE: State of the Judiciary Address—2021 Legislative Session

DEAR SENATOR CANNIZZARO AND SPEAKER FRIERSON:

Pursuant to past protocol, I would like to request permission, as Chief Justice of the Nevada Supreme Court in 2021, to address a joint session of the Legislature on the State of the Judiciary on March 25, 2021, at 5:00 p.m.

Your joint consideration of this request would be much appreciated.

Sincerely,
JAMES W. HARDESTY
Chief Justice

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly suspend subsection 1(e)(2) of Joint Standing Rule 14.2.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Thomas:

Assembly Bill No. 343—AN ACT relating to public health; providing for walking audits of census tracts within urbanized areas; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Thomas:

Assembly Bill No. 344—AN ACT relating to public welfare; authorizing the establishment of a program to facilitate the transition of older persons and vulnerable persons being discharged from a hospital; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Orentlicher:

Assembly Bill No. 345—AN ACT relating to substance use disorders; authorizing the establishment of a program for the prevention of overdoses and disease under certain circumstances; requiring the operator of such a program to report certain information to the health authority, the board of county commissioners and the State Board of Health; providing for the confidentiality of certain information concerning such a program; exempting operators, employees, volunteers and participants of such a program from certain penalties; prohibiting a practitioner, other than a veterinarian, from prescribing an opioid to certain patients unless the prescription is medically necessary; requiring such a practitioner to prescribe an opioid antagonist along with an opioid in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Orentlicher:

Assembly Bill No. 346—AN ACT relating to health care; establishing procedures for fixing the rates charged by hospitals, independent centers for emergency medical care, surgical centers for ambulatory patients and physicians for certain goods and services; authorizing the imposition of a civil penalty and initiation of disciplinary action against such a facility or a physician who fails to comply with provisions concerning rate fixing; creating certain causes of action to enforce those provisions; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Orentlicher:

Assembly Bill No. 347—AN ACT relating to health care; authorizing the Division of Health Care Financing and Policy of the Department of Health and Human Services to impose an assessment on certain health care providers; prescribing the authorized uses of the revenue generated by such an assessment; requiring the Division to adopt regulations establishing administrative penalties against a health care provider who does not pay an assessment in a timely manner; authorizing the Division to take certain measures to collect an unpaid assessment or administrative penalty; establishing procedures for fixing the rates charged by certain hospitals, independent centers for emergency medical care, surgical centers for ambulatory patients and physicians for certain services; authorizing the imposition of a civil penalty and initiation of disciplinary action against such a facility or a physician who fails to comply with provisions concerning rate fixing; creating certain causes of action to enforce those provisions; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Carlton:

Assembly Bill No. 348—AN ACT relating to health care; establishing and prescribing the duties of the Patient Protection Commission Advisory Committee; transferring the Patient Protection Commission from the Office of the Governor to the Office of the Director of the Department of Health and Human Services; revising the membership and duties of the Commission; requiring the Commission to establish an all-payer claims database containing information relating to health insurance claims for benefits provided in this State; requiring certain insurers to submit data to the database; authorizing certain additional insurers to submit data to the database; providing for the release of data in the database under certain circumstances; requiring the Commission to compile certain reports relating to the database; providing immunity from civil and criminal liability for certain persons and entities; authorizing the imposition of administrative penalties for violations of certain requirements concerning the database; requiring the Commission to coordinate and administer certain assistance; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Watts:

Assembly Bill No. 349—AN ACT relating to motor vehicles; revising provisions that govern an owner of an Old Timer vehicle, street rod, classic rod or classic car, including providing that such vehicles are exempt from the provisions governing the control of emissions from engines as long as they are not used for general transportation and further providing that such vehicles which are used for general transportation shall not receive special license plates and instead must comply with the provisions governing the control of emissions from engines; requiring the owner of an Old Timer vehicle, street rod, classic rod or classic car to pay a certain fee annually instead of only once; authorizing approved inspectors to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations; authorizing the Department of Motor Vehicles to establish a remote sensing system to test the emissions from motor vehicles operating in certain counties; exempting a new motor vehicle from emissions testing for the first 4 years of the life of the motor vehicle and then requiring that emissions testing be conducted on new motor vehicles annually after the fifth registration of the motor vehicle; prohibiting the State Environmental Commission from issuing certain waivers to the owner of a motor vehicle who performs repairs on the motor vehicle; increasing certain fees relating to emissions testing stations and forms certifying emission control compliance; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymen Hardy and Leavitt:

Assembly Bill No. 350—AN ACT relating to animals; requiring the Director of the State Department of Agriculture to select a nonprofit organization to establish and maintain an animal abuser registry website; setting forth certain requirements for the establishment and maintenance of the animal abuser registry website; requiring persons convicted of certain offenses against animals to register with the animal abuser registry website; requiring courts to notify certain defendants of the requirements for registration; increasing the penalties for certain crimes against animals; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Flores:

Assembly Bill No. 351—AN ACT relating to public health; revising provisions concerning medical certificates of death relating to a person

who self-administers a medication that is designed to end his or her life; authorizing a physician to prescribe a medication that is designed to end the life of a patient under certain circumstances; prohibiting persons other than a patient from administering a medication that is designed to end the life of the patient; imposing requirements on certain providers of health care and health care facilities relating to the records of a patient who requests a medication that is designed to end his or her life; providing immunity to certain providers of health care and health care facilities that take certain actions relating to prescribing or dispensing a medication that is designed to end the life of a patient; prohibiting certain fraudulent, deceptive or coercive acts relating to prescribing or dispensing a medication that is designed to end the life of a patient; authorizing the owner or operator of a health care facility to prohibit certain persons from providing certain services relating to a medication that is designed to end the life of a patient; prohibiting a person from conditioning provisions of a will, contract, agreement or policy of life insurance on the request for or acquisition or administration of a medication that is designed to end the life of the person; prohibiting a person from refusing to sell or provide life insurance or denying benefits to or imposing additional charges against a policyholder or beneficiary because the insured requested or revoked a request for a medication that is designed to end the life of the person; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman González:

Assembly Bill No. 352—AN ACT relating to education; granting pupils in this State a legal right to a high-quality education; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywomen Duran and Torres:

Assembly Bill No. 353—AN ACT relating to education; requiring the Office for a Safe and Respectful Learning Environment to develop a climate survey on sexual misconduct; requiring certain public schools to administer the survey to certain pupils biennially; authorizing the imposition of additional requirements for the grievance process for sexual misconduct at a public school; requiring the board of trustees of each school district and the governing body of each charter school to adopt a policy on sexual misconduct; establishing provisions relating to a memorandum of understanding between the board of trustees of a school

district or the governing body of a charter school and certain organizations; requiring the board of trustees of each school district and the governing body of each charter school to appoint a victim's advocate; prohibiting the board of trustees of a school district or the governing body of a charter school from imposing certain sanctions on certain pupils; requiring the board of trustees of a school district and the governing body of a charter school to take certain actions regarding a report of an alleged incident of sexual misconduct; providing for certain training and programming relating to sexual misconduct; requiring the board of trustees of a school district and the governing body of a charter school to submit a report on certain information relating to sexual misconduct; authorizing the Department of Education to impose a fine in certain circumstances; authorizing the Department of Education to adopt regulations; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 354—AN ACT relating to water; authorizing the creation and setting forth the authority and duties of certain water banks; requiring the State Engineer to submit a biennial report to the Legislature related to water banks; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 355—AN ACT making an appropriation from the State General Fund to the Interim Finance Committee for allocation to the International Gaming Institute of the University of Nevada, Las Vegas for the "Expanding the Leaderverse" initiative to increase the diversity of the leadership in the gaming industry; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 356—AN ACT relating to water; creating and setting forth the requirements for the Program for the Conservation of Water; creating the Account for Purchasing and Retiring Water Rights; authorizing the State Engineer to purchase and retire certain water rights

with money from the Account; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Frierson:

Assembly Bill No. 357—AN ACT relating to consumer protection; creating the Consumer Protection Legal Fund in the Office of the Attorney General and prescribing the use of money in the Fund; creating the Consumer Protection Administrative Fund in the Bureau of Consumer Protection within the Office of the Attorney General and prescribing the use of money in the Fund; revising provisions relating to the distribution of money received from certain settlements and litigation; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Frierson:

Assembly Bill No. 358—AN ACT relating to Medicaid; requiring the suspension, rather than termination, of eligibility for Medicaid of a person who is incarcerated; authorizing a person who is incarcerated, in certain circumstances, to apply for enrollment in Medicaid before he or she is released; revising the requirement for the Director of the Department of Corrections to complete the paperwork to enroll such a person in Medicaid; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Considine:

Assembly Bill No. 359—AN ACT relating to trade practices; providing that it is a deceptive trade practice not to provide certain translations in a language other than English of certain contracts, agreements or disclosures to certain persons; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hafen:

Assembly Bill No. 360—AN ACT relating to vapor products; requiring a manufacturer of vapor products sold in this State to certify that it has complied with certain federal requirements and submit a list of its vapor products sold in this State to the Department of Taxation; requiring the

Department of Taxation to create and maintain a directory of certain vapor products; prohibiting the sale of vapor products not included in the directory maintained by the Department; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 361—AN ACT relating to local governments; prohibiting the governing body of a county or city from restricting the parking of certain vehicles on streets or in certain driveways; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Benitez-Thompson:

Assembly Bill No. 362—AN ACT relating to education; requiring the Board of Trustees of the College Savings Plans of Nevada to adopt a policy relating to certain excess money in the Nevada Higher Education Prepaid Tuition Trust Fund; revising provisions governing the use of the money in the Trust Fund; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Nguyen:

Assembly Bill No. 363—AN ACT relating to transient lodging; requiring the governing body of a county or city to establish certain requirements relating to the rental of residential units as transient lodging; requiring certain persons to obtain a permit for the rental of a residential unit as transient lodging; setting forth various requirements to obtain such a permit; requiring certain accommodations facilitators to collect and remit taxes on the rental of residential units as transient lodging; revising provisions relating to the authority of a county or city to require a hosting platform to provide certain reports and information to the county or city; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Brittney Miller, Considine, Anderson, C.H. Miller, Bilbray-Axelrod, Flores, Gorelow, Monroe-Moreno, Peters, Summers-Armstrong, Thomas and Watts:

Assembly Bill No. 364—AN ACT relating to education; requiring a member of the board of trustees of a school district to teach under supervision in the classroom at a school within his or her election district or election area for a minimum of 1 day each school year; requiring the school and supervising teacher for such teaching to be assigned by raffle; requiring a member to prepare for and complete all assigned teaching duties of the assigned teacher on his or her assigned teaching day; prohibiting students from being informed of the position or title of a member while the member completes his or her assigned teaching day; prohibiting a member from campaigning or posting on social media regarding his or her assigned teaching day; requiring the principal and assigned teacher to meet with the member before and after his or her assigned teaching day; requiring the clerk of the board of trustees of a school district to post a notice of noncompliance for a member that does not complete his or her assigned teaching day; requiring a public comment period at meetings of the board of trustees of a school district; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Peters, Brittney Miller, C.H. Miller, González, Anderson, Monroe-Moreno, Nguyen, Torres and Watts:

Assembly Bill No. 365—AN ACT relating to governmental administration; declaring the policy of this State that persons employed by the State be afforded respect, dignity and equity in the workplace; requiring the Departments of the State Government to prepare and submit a report concerning equity in the workplace annually; requiring the Administrator of the Division of Human Resource Management of the Department of Administration to evaluate annually the effectiveness of any policy intended to encourage equity in the workforce and prepare and submit a report concerning the evaluation; requiring certain regulations adopted by the Personnel Commission of the Division to include requirements for the training of supervisors and managerial employees concerning implicit bias; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Tolles:

Assembly Bill No. 366—AN ACT relating to mental health; exempting recordings of certain training activities from requirements concerning the retention, maintenance and disclosure of health care records; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywomen Tolles, Anderson, Hansen, Hardy and Torres; Senators Denis and Seevers Gansert:

Assembly Bill No. 367—AN ACT relating to education; adding disciplinary studies to the list of core academic subjects that are required to be taught in all public schools; eliminating the requirement that a combined course of American government and economics use an advanced placement curriculum for the American government credit; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Benitez-Thompson:

Assembly Bill No. 368—AN ACT relating to tourism improvement districts; revising the reporting requirements for the Department of Taxation related to tourism improvement districts; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Hansen:

Assembly Bill No. 369—AN ACT relating to governmental administration; providing for the expiration of certain professional and occupational licensing boards unless renewed by the Legislature; requiring the Sunset Subcommittee of the Legislative Commission to review such boards before their expiration and make recommendations; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Dickman:

Assembly Bill No. 370—AN ACT relating to taxation; revising provisions governing the use of certain revenue from the tax on liquor; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Brittney Miller:

Assembly Bill No. 371—AN ACT relating to education; establishing provisions relating to discrimination based on race; including discrimination based on race in existing law relating to bullying and cyber-bullying; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Kasama:

Assembly Bill No. 372—AN ACT relating to health care; establishing the Doctors of Nevada Program to reimburse the educational debt of physicians who practice in this State and to provide stipends to resident physicians who commit to practicing in this State; requiring the imposition of an assessment on each county in this State to pay a portion of the costs of the program; providing for the establishment of a consortium of certain entities for the purpose of increasing the number of physicians and other providers of health care in this State; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Titus:

Assembly Bill No. 373—AN ACT relating to emergency management; authorizing a board of county commissioners to issue certain emergency orders relating to public health that impose requirements and restrictions which are less stringent than those imposed by certain emergency orders or regulations made by the Governor; requiring a state of emergency or declaration of disaster proclaimed by the Governor to terminate after 15 days if the Governor exercises his or her emergency powers in a manner that imposes a requirement on or otherwise restricts the operation of a business in this State unless the Legislature expressly approves a continuance of the emergency or disaster; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Tolles and Roberts; Senator Seevers Gansert:

Assembly Bill No. 374—AN ACT relating to substance use disorders; creating the Substance Use Disorder Working Group and the Opioid Abatement Fund; requiring the Working Group to allocate the proceeds of certain litigation between the Fund and certain local governments; requiring the Working Group to award grants and financial support from

the Fund to support programs, procedures and strategies of certain state and local governmental entities for treating, preventing or reducing opioid use disorder and the misuse of opioids; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Titus and Hafen; Senators Goicoechea and Settlemeyer:

Assembly Bill No. 375—AN ACT relating to alcoholic beverages; revising provisions relating to the operation of craft distilleries, estate distilleries and wineries in this State; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Torres, Watts, Nguyen, Flores, Marzola, Anderson, Bilbray-Axelrod, Brown-May, Considine, Duran, González, Martinez, C.H. Miller, Peters and Thomas; Senators Neal, Donate and Denis:

Assembly Bill No. 376—AN ACT relating to immigration; enacting the Keep Nevada Working Act; prohibiting certain state and local agencies from performing certain actions relating to immigration enforcement; prohibiting certain state or local law enforcement agencies, school police units and campus police departments from collecting, using and providing certain information to federal immigration authorities; requiring state or local law enforcement agencies to provide certain disclosures to persons before making inquiries relating to immigration; limiting the circumstances under which a state or local law enforcement agency may permit federal immigration authorities to interview persons who are under state or local custody; prohibiting state or local law enforcement agencies from detaining persons on the basis of a hold request or for the purpose of determining the immigration status of the person; prohibiting state or local law enforcement agencies from contracting for or otherwise using the language services of federal immigration authorities; creating the Keep Nevada Working Task Force and establishing the power and duties of the Task Force; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 1.

Bill read second time and ordered to third reading.

Assembly Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 20.

AN ACT relating to education; requiring that pupil growth account for 0 percent of certain teacher and administrator evaluations through the 2022-2023 school year; requiring that pupil growth account for 15 percent of certain teacher and administrator evaluations beginning with the 2023-2024 school year; temporarily suspending the requirement to develop learning goals for pupils to measure pupil growth; clarifying that pupil growth accounts for 0 percent of certain teacher and administrator evaluations for the entirety of the 2020-2021 school year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that pupil growth account for 15 percent of an evaluation of a teacher or administrator who provides direct instructional services to pupils. (NRS 391.465) Existing law provides that pupil growth may be determined by the extent to which the learning goals of a pupil are achieved. (NRS 391.480) **Section 1** of this bill requires that pupil growth account for 0 percent of an evaluation of a teacher or administrator during the school years 2020-2021, 2021-2022 and 2022-2023. **Section 1** requires that pupil growth account for 15 percent of such an evaluation for each school year beginning with the academic year 2023-2024. **Section 2** of this bill temporarily suspends the requirement to establish learning goals for pupils during the school years 2020-2021, 2021-2022 and 2022-2023.

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

Section 1. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 3, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

- (1) Highly effective;
- (2) Effective;
- (3) Developing; or
- (4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a), which must include, without limitation, consideration of whether the classes for which the employee is responsible exceed the applicable recommended ratios of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890 and, if so, the degree to which the ratios affect:

(1) The ability of the employee to carry out his or her professional responsibilities; and

(2) The instructional practices of the employee.

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil growth, as determined pursuant to NRS 391.480, account for ~~15~~:

(1) Zero percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district for the following school years:

(I) School year 2020-2021;

(II) School year 2021-2022; and

(III) School year 2022-2023; and

(2) Fifteen percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district ~~15~~ for each academic year beginning with the school year 2023-2024.

(d) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal or licensed educational employee, other than a teacher or administrator, employs practices and strategies to involve and engage the parents and families of pupils.

(e) Include a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer observations pursuant to the process.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation

system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Sec. 2. NRS 391.480 is hereby amended to read as follows:

391.480 *For each school year beginning with the school year 2023-2024:*

1. Each teacher at a school in a school district shall, in consultation with the principal of the school at which the teacher is employed or other administrator who is assigned by the principal, develop learning goals for the pupils of the teacher for a specified period.

2. Each principal, vice principal and other administrator who provides direct instructional services to pupils at a school in a school district shall, in consultation with his or her direct supervisor, develop learning goals for the pupils at the school where the principal, vice principal or other administrator, as applicable, is employed for a specified period.

3. The Department shall establish a list of assessments that may be used by a school or school district to measure the achievement of learning goals established pursuant to this section.

4. The board of trustees of each school district shall ensure that the learning goals for pupils established pursuant to this section measure pupil growth in accordance with the criteria established by regulation of the State Board.

5. Each teacher and administrator who establishes learning goals for pupils pursuant to this section must be evaluated at the end of the specified period to determine the extent to which the learning goals of the pupils were achieved. Such an evaluation must be conducted in accordance with the criteria established by regulation of the State Board for determining the level of pupil growth for the purposes of the statewide performance evaluation system. The State Board may establish by regulation the manner in which to include certain categories of pupils in the evaluation conducted pursuant to this subsection.

Sec. 2.5. Notwithstanding the amendatory provisions of section 2 of this act, if an agreement entered into between a school district and an employee organization before the effective date of this act provides incentives to teachers on the basis of learning goals for the pupils of the teacher, a teacher who is subject to such an agreement may continue to develop learning goals for pupils pursuant to NRS 391.480 to satisfy the requirements of the agreement for the duration of the agreement. Any learning goals for pupils developed by a teacher shall account for the percentage of the evaluation of a teacher pursuant to NRS 391.465 set forth in that section.

Sec. 3. The amendatory provisions of sections 1 and 2 of this act apply for the entirety of the 2020-2021 school year to the evaluation of a teacher or

administrator who provides direct instructional services to pupils at a school in a school district.

Sec. 4. 1. This act becomes effective upon passage and approval.

2. The amendatory provisions of sections 1 and 2 of this act expire by limitation on June 30, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 150.

Bill read second time and ordered to third reading.

Assembly Bill No. 191.

Bill read second time and ordered to third reading.

Senate Bill No. 29.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bill No. 191 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 103.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Assembly Bill 103 revises provisions relating to permits to excavate on private lands that are known to contain prehistoric Indian burial sites. Specifically, this bill provides that such a permit is not required to engage in certain lawful activities on such private lands if those activities are exclusively for purposes other than the excavation of a prehistoric Indian burial site and occur only on a portion of the private land that does not contain the known prehistoric Indian burial site.

Roll call on Assembly Bill No. 103:

YEAS—42.

NAYS—None.

Assembly Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, March 23, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly