

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 18, 2023

Senate called to order at 4:28 p.m.

President Anthony presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Randy Roser.

Lord, I thank You for the servant's heart of every Senator and our Lieutenant Governor. Lord, bring us a spirit of unity and peace to our leaders today as they press, Lord, through tough agendas, tough ideas and plans for the future. Lord, I ask that You help every Senator stay strong, be confident, and let them persevere through difficult agendas, Lord, today and every day they are here. May they serve passionately as they represent our State, and the great people of it, knowing all eyes are on their character, and the choices they make affect every citizen.

Lord, they have taken on a huge responsibility. So, Lord, we lift them to You, keep them strong and help them walk through. Keep their eyes, Lord, on what they have come to represent. So, Lord, we ask for wisdom to this entire Senate that can build a strong, spiritually healthy state.

In Jesus' Name,

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 47, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERTA LANGE, *Chair*

Mr. President:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 11, 85, 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Growth and Infrastructure, to which was re-referred Senate Bill No. 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DALLAS HARRIS, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 191, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

FABIAN DOÑATE, *Chair*

Mr. President:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 112, 113, 258, 269, 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIE PAZINA, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which were referred Senate Bills Nos. 50, 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 17, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 361; Assembly Joint Resolutions Nos. 5, 6.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 104, 210, 235.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolutions Nos. 3, 7.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bills Nos. 25, 26 and 90 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Cannizzaro moved that Senate Bills Nos. 23 and 39 be taken from the General File and placed on the Secretary's Desk.

Remarks by Senator Cannizzaro.

This is for purposes of a possible amendment.

Motion carried.

Assembly Joint Resolution No. 5.

Senator Lange moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Joint Resolution No. 6.

Senator Lange moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Concurrent Resolution No. 3—Directing the Joint Interim Standing Committee on Growth and Infrastructure to conduct a study of the laws administered by the Nevada Transportation Authority and the Taxicab Authority.

Senator Lange moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Concurrent Resolution No. 7—Directing the Joint Interim Standing Committee on Revenue to conduct a study regarding wealth taxes during the 2023-2024 interim.

Senator Lange moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 104.

Senator Lange moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 210.

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

Motion carried.

Assembly Bill No. 235.

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

Motion carried.

Assembly Bill No. 361.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 2.

Bill read third time.

Remarks by Senator Daly.

Senate Bill No. 2 clarifies that, under certain circumstances, the Chief of the Division of Emergency Management may activate the State Disaster Identification Coordination Committee or a subcommittee in preparation for an imminent emergency, disaster, public health emergency or other health event. The bill also makes certain reporting by health care providers mandatory during such emergencies or events. Finally, Senate Bill No. 2 requires the Committee to share the information from reports submitted by health care providers with a county or city, upon request, for the purpose of reunification or identification services.

Roll call on Senate Bill No. 2:

YEAS—21.

NAYS—None.

Senate Bill No. 2 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 3.

Bill read third time.

Remarks by Senator Krasner.

Senate Bill No. 3 requires the Governor to appoint the Director of the Department of Public Safety or his or her designee to the Nevada Commission on Homeland Security.

Roll call on Senate Bill No. 3:

YEAS—21.

NAYS—None.

Senate Bill No. 3 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 5.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 5 authorizes the Division of Emergency Management in the Office of the Military to use the money in the Emergency Assistance Account to pay the actual expenses incurred by the Division for the purpose of emergency management regardless of whether the Governor or Legislature proclaims that such emergency exists.

Roll call on Senate Bill No. 5:

YEAS—21.

NAYS—None.

Senate Bill No. 5 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 19.

Bill read third time.

Remarks by Senator Daly.

Senate Bill No. 19 authorizes a board of county commissioners to provide by ordinance for the formation of an unincorporated town that includes territory that is conveyed or transferred to the county, or authorized to be conveyed or transferred to the county, pursuant to certain federal law or is located not more than one mile from such territory.

The bill also makes various related provisions involving public hearings, a town advisory board, corporate limits of a city and annexation.

Roll call on Senate Bill No. 19:

YEAS—21.

NAYS—None.

Senate Bill No. 19 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 34.

Bill read third time.

Remarks by Senators Scheible and Seevers Gansert.

SENATOR SCHEIBLE:

Senate Bill No. 34 authorizes the Attorney General or other authorized representative of a political subdivision of the State to represent certain officers or employees who are summoned or subpoenaed to appear if the person is not a named defendant and submits a written request for representation or if the Attorney General or other authorized representative determines that representation is in the best interest of the State or a political subdivision of the State. Language requiring that the determination to employ special counsel must be made prior to trial is removed from statute.

The bill also provides for the appointment of special counsel if the Attorney General or other authorized representative determines that it is impracticable, uneconomical or could constitute a conflict of interest to serve as legal adviser in such matter. Similar provisions are set forth regarding a person in the Executive Branch employing counsel other than the Attorney General and, finally, the bill clarifies how such counsel must be compensated according to existing statute.

SENATOR SEEVERS GANSERT:

I oppose Senate Bill No. 34. The Attorney General's Office is one of the largest, if not the largest, law firm in the State. They have many attorneys working for them to be able to represent their various clients. I think that is one issue.

The other issue is compensation would be the reserve for statutory contingency accounts—our contingency fund—or our federal grants or other funds related to the State Treasury but not the General Fund. So there is no fiscal note on this. This is avoiding the fiscal note by not using the General Fund. I am concerned about the accountability and what the expenses will be to hire an outside attorney when, once again, we have so many attorneys who work for the State through the Attorney General.

SENATOR SCHEIBLE:

To clarify, the purpose to allowing the Office of the Attorney General to employ outside counsel is to resolve conflicts. There may arise situations where one part of our government is suing another part of our government or involved in some kind of legal conflict that would prevent a member of the Attorney General's Office from ethically representing a person who is employed by the State of Nevada. Therefore, it is necessary for the Attorney General to seek outside special counsel. This is something they currently do, that is budgeted for, and Senate Bill No. 34 codifies that practice to ensure that everybody in the State of Nevada is being represented by an ethical attorney.

SENATOR SEEVERS GANSERT:

When I read the bill, I do see the language around conflict of interest, but I also see "impracticable," "uneconomical" and other terms which provide broader language. So it is not just for a conflict. My concern, again, is that we can hire many outside counsel attorneys and not have the accountability required around those expenses.

Roll call on Senate Bill No. 34:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

Senate Bill No. 34 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 42.

Bill read third time.

Remarks by Senator Lange.

Senate Bill No. 42 authorizes the board of county commissioners in a county whose population is 100,000 or more to use county funds for medical assistance to indigent persons, if authorized under any other supplemental payment program by the federal Centers for Medicare and Medicaid Services, to provide an enhanced rate of reimbursement to any public hospital in the county for hospital care that is provided to Medicaid recipients or make supplemental payments to such hospitals for the provision of such hospital care through increased federal financial participation.

Roll call on Senate Bill No. 42:

YEAS—21.

NAYS—None.

Senate Bill No. 42 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 55.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 55 revises various provisions related to courts. Among other items, the bill provides that a court must grant a credit of not less than the state minimum wage to a person who performs court-ordered community service and revises provisions under which a criminal case can be transferred from one justice court to another. The bill also changes the title of "deputy clerk" to "clerk of the court" and revises provisions governing such a clerk's appointment, duties and liabilities.

Roll call on Senate Bill No. 55:

YEAS—19.

NAYS—Stone, Titus—2.

Senate Bill No. 55 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 62.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 62 clarifies that the Commission on Judicial Discipline has jurisdiction with respect to attorneys who are judges beginning when the judge is sworn in and the State Bar of Nevada retains jurisdiction over matters that occurred prior to the judge assuming office.

Roll call on Senate Bill No. 62:

YEAS—21.

NAYS—None.

Senate Bill No. 62 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 81.

Bill read third time.

Remarks by Senators Daly and Goicoechea.

SENATOR DALY:

Senate Bill No. 81 requires, through 2026, representatives from Carson City, Douglas, Lyon, Storey and Washoe Counties and the incorporated cities within each of these counties to meet to discuss and identify positive and negative issues relating to growth in the region. The county managers of such counties are further required to prepare and approve an annual report that makes recommendations intended to resolve any negative impacts on the orderly management of growth in the region. The measure also requires the Majority Leader of the Senate and the Speaker of the Assembly to each appoint two members from their respective houses, one from the majority party and one from the minority party, to meet jointly with certain representatives to identify and discuss positive and negative issues relating to growth in the region. The legislative members and each city manager who participates in these joint meetings serve in an ex officio capacity.

SENATOR GOICOECHEA:

I oppose Senate Bill No. 81. There is an old adage, "You can lead a horse to water, but you cannot make him drink." Clearly, this has been going on requiring these four counties to meet. I am all about letting them meet, plan and discuss their differences. What we are doing here is mandating "you shall meet." If you look at the record, on the bill most of those counties were in opposition to this bill. We cannot mandate that people come together, plan for their future and discuss their differences, and then, we are adding four Legislators to the mix. I oppose this, and I ask you to do the same.

Roll call on Senate Bill No. 81:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

Senate Bill No. 81 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 87.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 87 authorizes a position in the classified service of the Executive Department of the Nevada State Government to be filled without competition by a person who meets the minimum qualifications for the position and has successfully completed at least 900 hours of service in an AmeriCorps, Youth Conservation Corps or Job Corps program in this State within the two years prior to applying for the position. The hours of service must be directly related to the position applied for.

Roll call on Senate Bill No. 87:

YEAS—21.

NAYS—None.

Senate Bill No. 87 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 97.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 97 enacts the Physical Therapy Licensure Compact. The interstate compact allows a person who is licensed as a physical therapist or physical therapist assistant in a state that is a member of the compact to provide services in other states that are members of the compact. Before providing such services, the compact requires a physical therapist or physical therapist assistant to meet certain requirements. The bill clarifies that a physical therapist or physical therapist assistant who is authorized to practice in this State pursuant to the compact may engage in the same activities as a physical therapist or physical therapist assistant who is licensed in this State.

Roll call on Senate Bill No. 97:

YEAS—21.

NAYS—None.

Senate Bill No. 97 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 109.

Bill read third time.

Remarks by Senators Nguyen and Titus.

SENATOR NGUYEN:

Senate Bill No. 109 authorizes a coroner or medical examiner to release and authorize the removal of a body or body part for transplantation in the event of brain death if the body or part is the subject of a valid anatomical gift, the coroner or medical examiner has received a request from a procurement organization, and there is no evidence of refusal by the decedent or objection by an authorized person to the body or part becoming an anatomical gift. A coroner or medical examiner is immune from civil or criminal liability for any act or omission performed in accordance to the provisions of the bill. Further, the bill authorizes a procurement organization to petition a district court to appoint a person to make an anatomical gift of a decedent's body or part if no other person authorized to make such an anatomical gift is available.

SENATOR TITUS:

I strongly oppose Senate Bill No. 109. Although the bill is well-intentioned, and we do need to have more donors, I think this is an unfortunately bad precedent we are setting to allow this to happen. In particular, the people that have no evidence of who they are or their choices—what they would want to happen with their body at the time of death—that have no identification, that you cannot find their next of kin, they tend to be the homeless. They tend to be folks who are foreign-born, maybe here legally or not, but having no identification. Reaching out to that next of kin to find out what their wishes are may take days, if ever. Unfortunately, those who are lying in our hospitals on life support or even in the morgue that may be used for some sort of tissue donation, we would not be able to find out what their true wishes are. To assume that they will opt in and what body parts they will donate I think is the wrong assumption. Although, again, we need more donors, I think more emphasis needs to be on that supply of people willingly donating than to focus on the homeless and those with no identification that will be impacted by this.

Roll call on Senate Bill No. 109:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

Senate Bill No. 109 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 115.

Bill read third time.

Remarks by Senator Flores.

Senate Bill No. 115 authorizes a board of county commissioners to establish, use and operate an in-lieu fee program for compensatory mitigation in accordance with guidelines set forth in certain federal regulations. The board may enter into a cooperative agreement with a public agency or nonprofit organization for the establishment, use or operation of the in-lieu fee program.

Roll call on Senate Bill No. 115:

YEAS—21.

NAYS—None.

Senate Bill No. 115 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 117.

Bill read third time.

Remarks by Senator Doñate.

Senate Bill No. 117 authorizes the Director of the Department of Health and Human Services to include in the State Plan for Medicaid coverage for the services of community health workers who are supervised by specified types of health care providers other than physicians, physician assistants or advanced practice registered nurses.

Roll call on Senate Bill No. 117:

YEAS—21.

NAYS—None.

Senate Bill No. 117 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bills Nos. 131, 134, 139, 169, 171, 172, 174, 180, 203, 208, 215, 239, 249, 251, 252, 261, 264, 270, 283, 309, 316, 317, 340, 368, 378, 381, 382, 397, 401 and 442 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Senate in recess at 5:17 p.m.

SENATE IN SESSION

At 5:25 p.m.

President Anthony presiding.

Quorum present.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 194, 259, 275, 276, 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 83, 94, 247, 262, 271, 272, 318, 323, 363, 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 21, 24, 184, 225, 301, 305, 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

WAIVERS AND EXEMPTIONS**NOTICE OF EXEMPTION**

April 18, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 47, 94, 112, 191, 225, 271, 275, 276, 301, 364.

WAYNE THORLEY

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Neal approved the addition of Senators Hansen and Spearman as cosponsors of Senate Bill No. 450.

SECOND READING AND AMENDMENT

Senate Bill No. 11.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 326.

SUMMARY—Requires the Department of Public Safety to adopt certain regulations ~~[authorizing a public agency]~~ relating to ~~[use]~~ unmanned aerial vehicles. ~~[for certain purposes.]~~ (BDR 44-370)

AN ACT relating to unmanned aerial vehicles; requiring the Department of Public Safety to adopt certain regulations ~~[authorizing the use of]~~ relating to unmanned aerial vehicles; ~~[for certain purposes.]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the usage of unmanned aerial vehicles by the State and its political subdivisions and private citizens. (NRS 493.103-493.118) A public agency other than a law enforcement agency may, for specified public purposes prescribed in regulations adopted by the Department of Public Safety, employ an unmanned aerial vehicle that has been registered with the Department. (NRS 493.118; NAC 493.100) ~~[This bill]~~ Section 1.7 of this bill requires the Department to adopt regulations to establish: (1) a list of countries, businesses and entities from which a public agency or law enforcement agency shall not purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle; and (2) a list of unmanned aerial vehicles and other related equipment or services that a public agency or law enforcement agency shall not operate, purchase or acquire. Sections 1 and 1.3 of this bill prohibit a public agency or law enforcement agency from operating, purchasing or acquiring any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle in violation of the regulations adopted by the Department.

Section 1.7 requires the Department to adopt regulations to : (1) authorize ~~[as public purposes for which]~~ a public agency ~~[may operate a registered unmanned aerial vehicle:]~~ (1) to conduct scheduled inspections ~~[conducted]~~ to ensure compliance with building and fire codes and laws, ordinances, regulations and rules adopting or establishing building and fire codes; ~~[and]~~ (2) ~~[inspections of public works and other real property in which the public agency has a property interest.]~~ prohibit a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during the scheduled inspection; and (3) provide that if a photograph, image or recording or other information is collected through the operation of

an unmanned aerial vehicle during a scheduled inspection, such photograph, image, recording or other information is not admissible and must not be disclosed in any proceeding other than a proceeding relating to the purpose of the scheduled inspection.

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

Section 1. NRS 493.112 is hereby amended to read as follows:

493.112 1. Except as otherwise provided in this section, nothing in this section shall be deemed to otherwise prohibit the operation of an unmanned aerial vehicle by a law enforcement agency for any lawful purpose in this State.

2. Except as otherwise provided in subsection 3, a law enforcement agency shall not operate an unmanned aerial vehicle for the purpose of gathering evidence or other information within the curtilage of a residence or at any other location or upon any property in this State at which a person has a reasonable expectation of privacy, unless the law enforcement agency first obtains a warrant from a court of competent jurisdiction authorizing the use of the unmanned aerial vehicle for that purpose. A warrant authorizing the use of an unmanned aerial vehicle must specify the period for which operation of the unmanned aerial vehicle is authorized. A warrant must not authorize the use of an unmanned aerial vehicle for a period of more than 10 days. Upon motion and a showing of probable cause, a court may renew a warrant after the expiration of the period for which the warrant was initially issued.

3. A law enforcement agency may operate an unmanned aerial vehicle without obtaining a warrant issued pursuant to subsection 2:

(a) If the law enforcement agency has probable cause to believe that a person has committed a crime, is committing a crime or is about to commit a crime, and exigent circumstances exist that make it unreasonable for the law enforcement agency to obtain a warrant authorizing the use of the unmanned aerial vehicle.

(b) If a person provides written consent to the law enforcement agency authorizing the law enforcement agency to acquire information about the person or the real or personal property of the person. The written consent must specify the information to be gathered and the time, place and manner in which the information is to be gathered by the law enforcement agency.

(c) For the purpose of conducting search and rescue operations for persons and property in distress.

(d) Under circumstances in which the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including, without limitation, the threat of an act of terrorism. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall document the factual basis for its belief that such an imminent threat exists and shall, not later than 2 business days after initiating operation, file a sworn statement with a court of competent jurisdiction describing the nature of the imminent threat and the need for the operation of the unmanned aerial vehicle.

(e) Upon the declaration of a state of emergency or disaster by the Governor. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall not use the unmanned aerial vehicle outside of the geographic area specified in the declaration or for any purpose other than the preservation of public safety, the protection of property, or the assessment and evaluation of environmental or weather-related damage, erosion or contamination.

4. Any photograph, image, recording or other information that is acquired by a law enforcement agency through the operation of an unmanned aerial vehicle in violation of this section, or that is acquired from any other person or governmental entity, including, without limitation, a public agency and any department or agency of the Federal Government, that obtained the photograph, image, recording or other information in a manner inconsistent with the requirements of this section, and any evidence that is derived therefrom:

(a) Is not admissible in and must not be disclosed in a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

5. A law enforcement agency shall not operate, purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle in violation of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118.

Sec. 1.3. NRS 493.115 is hereby amended to read as follows:

493.115 1. A public agency:

(a) May operate an unmanned aerial vehicle only if:

(1) Before the operation of the unmanned aerial vehicle, the public agency registers the unmanned aerial vehicle with the Department pursuant to subsection 2 of NRS 493.118.

(2) The public agency operates the unmanned aerial vehicle in accordance with the regulations adopted by the Department pursuant to subsection 4 of NRS 493.118.

(b) Must not operate an unmanned aerial vehicle for the purposes of assisting a law enforcement agency with law enforcement or conducting a criminal prosecution.

2. Any photograph, image, recording or other information that is acquired by a public agency through the operation of an unmanned aerial vehicle in violation of this section, and any evidence that is derived therefrom:

(a) Is not admissible in, and must not be disclosed in, a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

3. A public agency shall not operate, purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an

unmanned aerial vehicle in violation of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118.

~~[Section 1.]~~ Sec. 1.7. NRS 493.118 is hereby amended to read as follows:

493.118 1. The Department shall, to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.

2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:

- (a) The name of the public agency;
- (b) The name and contact information of each operator of the unmanned aerial vehicle;
- (c) Sufficient information to identify the unmanned aerial vehicle; and
- (d) A statement describing the use of the unmanned aerial vehicle by the public agency.

3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State.

4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle that is registered with the Department pursuant to this section, including, without limitation:

- (a) The provision of fire services.
- (b) The provision of emergency medical services.
- (c) The protection of a critical facility that is public property.
- (d) Search and rescue operations conducted for persons and property in distress.

5. The regulations adopted by the Department pursuant to subsection 4 must ~~authorize the following public purposes for which~~ include provisions that:

(a) Authorize, as a public purpose, a public agency ~~(may)~~ to operate an unmanned aerial vehicle that is registered with the Department ~~if~~

~~(a) An~~ in order to conduct a scheduled inspection ~~(conducted)~~ to ensure compliance with building or fire codes or laws, ordinances, regulations or rules adopting or establishing building or fire codes that are enforced by the public agency.

(b) ~~An inspection of a public work or other real property in which the public agency has a property interest.~~ Prohibit a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during a scheduled inspection described in paragraph (a). If any photograph, image or recording is collected in violation

of such a regulation or if any other information is collected through the operation of an unmanned aerial vehicle during such a scheduled inspection, the photograph, image, recording or other information:

(1) Is not admissible and must not be disclosed in any judicial, administrative or other adjudicatory proceeding other than a proceeding relating to the purpose of the scheduled inspection; and

(2) May not be used to establish reasonable suspicion or probable cause as the basis for the investigation or prosecution of a crime or other offense.

6. In addition to the regulations adopted pursuant to subsection 4, the Department shall adopt regulations to establish:

(a) A list of countries, businesses and entities from which a public agency or law enforcement agency shall not purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle; and

(b) A list of unmanned aerial vehicles and other related equipment or services that a public agency or law enforcement agency shall not operate, purchase or acquire.

7. The lists established pursuant to subsection 6 must include, without limitation:

(a) Any country, business or entity from which a federal agency or contractor is prohibited from purchasing or acquiring an unmanned aerial vehicle, or other equipment or service relating to the operation of an unmanned aerial vehicle pursuant to any federal law, rule, regulation or order; and

(b) Any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle which has been prohibited for use by a federal agency or contractor pursuant to any federal law, rule, regulation or order.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. ~~[Section]~~ Sections 1, 1.3 and 1.7 of this act becomes 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, 2023, for all other purposes.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 326 to Senate Bill No. 11 requires the department adopt regulations to ensure that only certain companies can sell these unmanned aerial vehicles as well as prohibit public agencies from using the images under certain circumstances.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 27.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 216.

SUMMARY—Revises provisions relating to excavations in areas containing subsurface installations. (BDR 40-224)

AN ACT relating to excavations; revising provisions governing excavations conducted in areas that are known or reasonably should be known to contain a subsurface installation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[With certain exceptions, existing]~~ Existing law prohibits a person, except a person responsible for an emergency excavation or demolition under certain circumstances, from beginning an excavation or demolition that is to be conducted in an area that is known or reasonably should be known to contain a subsurface installation, unless the person: (1) notifies the appropriate association for persons who own, operate or maintain a subsurface installation; and (2) cooperates with the operator in locating and identifying the subsurface installation. (NRS 455.110) Existing law defines "emergency" to mean a sudden, unexpected occurrence that involves clear and imminent danger and requires immediate action to prevent or mitigate loss of life or damage to health, property or essential public services. (NRS 455.090) Section 6.5 of this bill revises this definition by clarifying that an immediate action includes, without limitation: (1) the use of non-mechanical equipment and methods that are standard in the industry to determine the severity or spread of an underground leak; or (2) the locating of a subsurface installation by the operator of the subsurface installation using non-mechanical equipment within the area of a proposed excavation under certain circumstances.

Existing law defines "excavation" to mean the movement or removal of earth, rock or other material in or on the ground which is accomplished using mechanical equipment or by the placement and discharge of explosives. (NRS 455.092) Section 7 of this bill expands the definition of excavation to include the movement or removal of earth, rock or other material in or on the ground using non-mechanical equipment by: (1) a contractor; or (2) any person, other than a contractor, if the movement or removal of such material occurs more than 12 inches below the surface of the original groundline. Sections 2 and 3 of this bill define the terms "contractor" and "non-mechanical equipment," respectively. Sections 4-6, 8 and 10-12 of this bill make conforming changes indicating the placement of sections 2 and 3 within the Nevada Revised Statutes. Section 9 of this bill makes a conforming change by replacing the term "hand tools" with the defined term "non-mechanical equipment."

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

Section 1. Chapter 455 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. "Contractor" has the meaning ascribed to it in NRS 624.020.

Sec. 3. *"Non-mechanical equipment" means equipment operated solely by human power, including, without limitation, a hammer or other device used to drive stakes or rods into the ground, mattock, pickaxe, shovel or spade.*

Sec. 4. NRS 455.040 is hereby amended to read as follows:

455.040 1. The notice served pursuant to subsection 2 of NRS 455.030 must require the person or persons to appear before the justice of the peace of the township where the hole, excavation, shaft or other condition exists, or any municipal judge who may be acting in the place of the justice of the peace, at a time to be stated therein, not less than 3 days nor more than 10 days from the service of the notice, and show, to the satisfaction of the court, that the provisions of NRS 455.010 to 455.180, inclusive, *and sections 2 and 3 of this act* or the standards established by the Commission on Mineral Resources for the abatement of dangerous conditions have been complied with, or if the person or persons fail to appear, judgment will be entered against the person or persons for double the amount required to abate the condition.

2. All proceedings had therein must be as prescribed by law in civil cases.

3. Such persons, in addition to any judgment that may be rendered against them, are liable and subject to a fine not exceeding the sum of \$250 for each violation of the provisions of NRS 455.010 to 455.180, inclusive, *and sections 2 and 3 of this act* which judgments and fines must be adjudged and collected as provided for by law.

Sec. 5. NRS 455.050 is hereby amended to read as follows:

455.050 1. Suits commenced under the provisions of NRS 455.010 to 455.180, inclusive, *and sections 2 and 3 of this act* must be filed in the name of the State of Nevada.

2. All judgments collected must be paid into the county treasury for county purposes.

3. All fines collected must be paid into the State Permanent School Fund.

Sec. 6. NRS 455.080 is hereby amended to read as follows:

455.080 As used in NRS 455.080 to 455.180, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 455.082 to 455.105, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 6.5. NRS 455.090 is hereby amended to read as follows:

455.090 1. "Emergency" means a sudden, unexpected occurrence that involves clear and imminent danger and requires immediate action to prevent or mitigate loss of life or damage to health, property or essential public services.

2. As used in this section, "immediate action" includes, without limitation:
(a) The use of non-mechanical equipment and methods that are standard in the industry to determine the severity or spread of an underground leak; or

(b) The locating of a subsurface installation by the operator of the subsurface installation using non-mechanical equipment within the area of a proposed excavation if:

(1) The excavation is imminent;

(2) The excavator has complied with provisions of NRS 455.080 to 455.180, inclusive, and sections 2 and 3 of this act; and

(3) The operator has been unable to locate its subsurface installation.

Sec. 7. NRS 455.092 is hereby amended to read as follows:

455.092 1. "Excavation" means the movement or removal of earth, rock or other material in or on the ground by ~~use~~ :

(a) Use of mechanical equipment ;

(b) Use of non-mechanical equipment by:

(1) A contractor; or

(2) Any person, other than a contractor, if at any point the movement or removal of such material occurs more than 12 inches below the surface of the original groundline; or ~~by the~~

(c) The placement and discharge of explosives.

2. The term includes augering, backfilling, boring, digging, ditching, drilling, grading, plowing-in, ripping, scraping, trenching and tunneling.

Sec. 8. NRS 455.107 is hereby amended to read as follows:

455.107 1. Except as otherwise provided in subsection 2, possession of a permit to conduct an excavation or demolition does not exempt a person from complying with the provisions of NRS 455.080 to 455.180, inclusive ~~and~~, and sections 2 and 3 of this act.

2. A person is exempt from complying with the provisions of NRS 455.080 to 455.180, inclusive, and sections 2 and 3 of this act if the person obtains the written consent of all operators involved in the proposed excavation or demolition before the person receives a permit to conduct the excavation or demolition.

Sec. 9. NRS 455.137 is hereby amended to read as follows:

455.137 1. Except as otherwise provided in subsection 2, the person responsible for an excavation or demolition shall, before using any mechanical equipment, determine the exact location of a subsurface installation that is affected by the excavation or demolition by excavating with ~~hand tools~~ non mechanical equipment or by any other method agreed upon by the person responsible for the excavation or demolition and the operator within the approximate location of the subsurface installation as designated by markings made in accordance with NRS 455.133.

2. A person may use mechanical equipment for the removal of pavement if there are no subsurface installations contained in the pavement.

3. If the exact location of a subsurface installation cannot be determined by using ~~hand tools~~, non-mechanical equipment, the person responsible for an excavation or demolition shall request the operator to provide additional information to locate the installation. The operator shall, within 1 working day, provide any information that is available to the operator to enable the person responsible for the excavation or demotion to determine the exact location of the installation.

Sec. 10. NRS 455.150 is hereby amended to read as follows:

455.150 Any person who substantially complies with the provisions of

NRS 455.080 to 455.180, inclusive, *and sections 2 and 3 of this act* is not liable for the cost of repairing any damage to a subsurface installation which results from the person's excavation or demolition.

Sec. 11. NRS 455.170 is hereby amended to read as follows:

455.170 1. An action for the enforcement of a civil penalty pursuant to this section may be brought before the Public Utilities Commission of Nevada by the Attorney General, a district attorney, a city attorney, the Regulatory Operations Staff of the Public Utilities Commission of Nevada, the governmental agency that issued the permit to conduct an excavation or demolition, an operator or a person conducting an excavation or demolition.

2. Except as otherwise provided in subsection 4, in addition to any other penalty provided by law, any person who willfully or repeatedly violates a provision of NRS 455.080 to 455.180, inclusive, *and sections 2 and 3 of this act* is liable for a civil penalty:

(a) Not to exceed \$2,500 per day for each violation; and

(b) Not to exceed \$250,000 for any related series of violations within a calendar year.

3. Except as otherwise provided in subsections 2 and 4, any person who negligently violates any such provision is liable for a civil penalty:

(a) Not to exceed \$1,000 per day for each violation; and

(b) Not to exceed \$50,000 for any related series of violations within a calendar year.

4. The maximum civil penalty imposed pursuant to this section may be tripled for each violation that involves contact with, or that occurs less than 24 horizontal inches from a high consequence subsurface installation, regardless of the depth of the location of the high consequence subsurface installation. The amount of any civil penalty imposed pursuant to this section and the propriety of any settlement or compromise concerning a penalty shall be determined by the Public Utilities Commission of Nevada.

5. In determining the amount of the penalty or the amount agreed upon in a settlement or compromise, the Public Utilities Commission of Nevada shall consider:

(a) The gravity of the violation;

(b) The good faith of the person charged with the violation in attempting to comply with the provisions of NRS 455.080 to 455.180, inclusive, *and sections 2 and 3 of this act* before and after the violation;

(c) Any history of previous violations of the provisions of NRS 455.080 to 455.180, inclusive, *and sections 2 and 3 of this act* by the person charged with the violation;

(d) The willfulness or negligence of the person charged with the violation in failing to comply with the provisions of NRS 455.080 to 455.180, inclusive ~~of~~, *and sections 2 and 3 of this act*;

(e) The timeliness of notification of the violation to the Public Utilities Commission of Nevada by the person charged with the violation;

(f) The cooperation of the person charged with the violation in the investigation and repair of any damage caused by the violation; and

(g) Whether an interruption of services occurred as a result of the violation.

6. Except as otherwise provided in this subsection, a civil penalty recovered pursuant to this section must first be paid to reimburse the person who initiated the action for any cost incurred in prosecuting the matter. If the Regulatory Operations Staff of the Public Utilities Commission of Nevada initiates the action, a civil penalty recovered pursuant to this section must be deposited in the State General Fund.

7. Any person aggrieved by a determination of the Public Utilities Commission of Nevada pursuant to this section may seek judicial review of the determination in the manner provided by NRS 703.373.

Sec. 12. NRS 455.180 is hereby amended to read as follows:

455.180 The provisions of NRS 455.080 to 455.170, inclusive, *and sections 2 and 3 of this act* do not affect any civil remedies provided by law for personal injury or property damage and do not create a new civil remedy for any personal injury or property damage.

Sec. 13. This act becomes effective on July 1, 2023.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 216 to Senate Bill No. 27 revises the definition of "emergency," for which immediate action is required, to include the use of nonmechanical equipment according to industry standards to determine the severity or the spread of an underground leak or under certain circumstances for the operator of a subsurface installation to use nonmechanical equipment to locate the subsurface installation within the area of a proposed excavation when the excavation is imminent.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 47.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 222.

SUMMARY—Revises provisions relating to teachers. (BDR 34-379)

AN ACT relating to education; ~~creating the Public Education Employee Working Conditions Task Force; prescribing the membership, powers and duties of the Task Force;~~ authorizing the board of trustees of a school district to build, purchase or rent certain residential dwellings for employees; ~~abolishing~~ limiting the amount of the fees for certain licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the Nevada State Teacher Recruitment and Retention Advisory Task Force for the purpose of evaluating and addressing the challenges in attracting and retaining teachers throughout this State. (NRS 391.490-391.496) Section 5 of this bill creates the Public Education Employee Working Conditions Task Force. Section 4 of this bill defines the~~

~~term "Task Force" to refer to the Task Force created by section 5. Sections 5, 7 and 12 of this bill set forth the membership, powers and duties of the Task Force. Section 5 also: (1) prescribes certain procedural requirements governing the operation of the Task Force; (2) provides that members of the Task Force are entitled to a per diem allowance and travel expenses while engaged in the business of the Task Force; and (3) requires the Department of Education to provide administrative support to the Task Force. Section 6 of this bill establishes procedures for the appointment of members to the Task Force. Section 7 requires the Task Force to establish recommended standards for: (1) the working conditions of the employees of school districts, charter schools, the Department and the State Public Charter School Authority; and (2) the operation and accessibility of pathways to entering professions in public education. Section 7 also requires the Task Force to analyze the degree to which school districts, charter schools, the Department, the State Public Charter School Authority and persons and entities involved in the operation of pathways to entering professions in public education are making progress toward meeting the recommended standards. Section 7 also requires the Task Force to make recommendations to the Joint Interim Standing Committee on Education, the school districts and charter schools of this State, the Department, the State Public Charter School Authority and persons and entities involved in the operation of pathways to entering professions in public education concerning measures to improve: (1) the working conditions of the employees of school districts, charter schools, the Department and the State Public Charter School Authority; and (2) the operation and accessibility of pathways to entering professions in public education. Section 12 of this bill requires the Task Force to commission a third party to perform a statewide study of the working conditions for employees of the school districts and charter schools of this State, the Department and the State Public Charter School Authority.]~~

Existing law authorizes the board of trustees of a school district to build, purchase or rent certain buildings, including teacherages. (NRS 393.080) Section 10 of this bill expands this authority by authorizing the board of trustees of a school district to build, purchase or rent other residential dwellings for employees of the school district. Section 10 authorizes the board of trustees of a school district to own or rent teacherages or other dwellings directly or through a partnership with another entity. Section 1 of this bill authorizes the board of trustees of a school district to use money in certain funds and accounts for that purpose, and section 2 of this bill authorizes the board of trustees of a school district to issue general obligation bonds to raise money for that purpose. Section 11 of this bill requires the board of trustees of a school district to maintain residential dwellings for employees in such repair as is necessary for the comfort and health of teachers and other employees of the school district.

Existing law requires the Commission on Professional Standards in Education to fix fees by regulation for the initial issuance of a license as a

teacher or other educational personnel and the renewal of such a license. (NRS 391.040) ~~[Section 15 of this bill repeals the authority to adopt such regulations, and section 13 of this bill provides that any regulations prescribing such fees are void. Sections 8 and 9 of this bill remove references to such fees.]~~ Section 7.5 of this bill reduces the fees for the initial issuance and renewal of such licenses from not less than \$100 to not more than \$50. Section 13 of this bill provides that any regulations prescribing a fee greater than \$50 for the initial issuance and renewal of such licenses are void.

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

Section 1. NRS 387.205 is hereby amended to read as follows:

387.205 1. Subject to the provisions of subsection 3, money on deposit in the county school district fund or in a separate account, if the board of trustees of a school district has elected to establish such an account pursuant to the provisions of NRS 354.603, must be used for:

(a) Maintenance and operation of the public schools controlled by the county school district.

(b) Payment of premiums for Nevada industrial insurance.

(c) Rent of schoolhouses.

(d) Construction, furnishing or rental of teacherages ~~[-]~~ *and other residential dwellings for employees of the school district*, when approved by the Superintendent of Public Instruction.

(e) Transportation of pupils, including the purchase of new buses.

(f) Programs of nutrition, if such expenditures do not curtail the established school program or make it necessary to shorten the school term, and each pupil furnished lunch whose parent or guardian is financially able so to do pays at least the actual cost of the lunch.

(g) Membership fees, dues and contributions to an interscholastic activities association.

(h) Repayment of a loan made from the State Permanent School Fund pursuant to NRS 387.526.

(i) Programs of education and projects relating to air quality pursuant to NRS 445B.500.

2. Money on deposit in the county school district fund, or in a separate account, if the board of trustees of a school district has elected to establish such an account pursuant to the provisions of NRS 354.603, when available, may be used for:

(a) Purchase of sites for school facilities.

(b) Purchase of buildings for school use.

(c) Repair and construction of buildings for school use.

3. The board of trustees of a school district, in allocating the use of money pursuant to this section, shall prioritize expenditures in a manner which ensures that the budgetary priorities determined pursuant to NRS 387.301 are carried out.

Sec. 2. NRS 387.335 is hereby amended to read as follows:

387.335 1. The board of trustees of a county school district may issue its general obligations to raise money for the following purposes, and no others:

(a) Construction, design or purchase of new buildings for schools, including, but not limited to, teacherages ~~and other residential dwellings for employees of the school district~~, dormitories, dining halls, gymnasiums and stadiums.

(b) Enlarging, remodeling or repairing existing buildings or grounds for schools, including, but not limited to, teacherages ~~and other residential dwellings for employees of the school district~~, dormitories, dining halls, gymnasiums and stadiums.

(c) Acquiring sites for building schools, or additional real property for necessary purposes related to schools, including, but not limited to, playgrounds, athletic fields and sites for stadiums.

(d) Paying expenses relating to the acquisition of school facilities which have been leased by a school district pursuant to NRS 393.080.

(e) Purchasing necessary motor vehicles and other equipment to be used for the transportation of pupils or furniture and equipment for schools. If money from the issuance of general obligations is used to purchase vehicles and other equipment used for the transportation of pupils or furniture and equipment to replace existing vehicles and equipment or furniture and equipment, as applicable, and the existing vehicles and equipment or furniture and equipment subsequently are sold, the proceeds from the sale must be applied toward the retirement of those obligations.

2. Any one or more of the purposes enumerated in subsection 1 may, by order of the board of trustees entered in its minutes, be united and voted upon as one single proposition.

3. Any question submitted pursuant to this section and any question submitted pursuant to NRS 387.3285 may, by order of the board of trustees entered in its minutes, be united and voted upon as a single proposition.

Sec. 3. ~~[Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 7, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 4. ~~[As used in sections 4 to 7, inclusive, of this act, unless the context otherwise requires, "Task Force" means the Public Education Employee Working Conditions Task Force created by section 5 of this act.] (Deleted by amendment.)~~

Sec. 5. ~~[1. There is hereby created the Public Education Employee Working Conditions Task Force consisting of the following 11 members appointed by the Legislative Commission:~~

~~(a) Two employees of a school district, each of whom must be employed by a school district located in a county whose population is less than 100,000;~~

~~(b) Two employees of a school district, each of whom must be employed by a school district located in a county whose population is 100,000 or more but less than 700,000;~~

~~— (c) Three employees of a school district, each of whom must be employed by a school district located in a county whose population is 700,000 or more;~~

~~— (d) One employee of the Department;~~

~~— (e) Two experts in the field of human resources for public entities, at least one of whom must be employed as an executive of human resources for a school district; and~~

~~— (f) One employee of the State Public Charter School Authority.~~

~~2. A person may not serve concurrently on the Task Force and:~~

~~— (a) As the superintendent of a school district; or~~

~~— (b) On another statewide or regional board, commission, council, task force or similar body related to education.~~

~~3. Each member of the Task Force serves a term of 2 years and may be reappointed to one additional 2 year term following the initial full term of the member. If any member of the Task Force ceases to be qualified for the position to which the member is appointed, the position shall be deemed vacant. If a vacancy occurs, the Legislative Commission shall appoint a member who meets the qualifications prescribed by subsection 1 for the vacant position to fill the vacancy for the remainder of the unexpired term.~~

~~4. The Task Force shall, at its first meeting after the appointment of members pursuant to section 6 of this act or the first meeting after the position of Chair becomes vacant, elect a Chair from among its members.~~

~~5. The Task Force shall meet at least four times each year and may meet at other times upon the call of the Chair or a majority of the members of the Task Force.~~

~~6. Six members of the Task Force constitute a quorum, and a quorum may exercise all the power and authority conferred on the Task Force.~~

~~7. Members of the Task Force serve without compensation except that for each day or portion of a day during which a member of the Task Force attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~8. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from the duties of the member without loss of regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up that time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.~~

~~9. The Department shall provide administrative support to the Task Force.} (Deleted by amendment.)~~

Sec. 6. ~~{1. On or before August 1 of an odd numbered year, a person who wishes to serve on the Task Force must submit to the Legislative Commission an application on the form prescribed by the Department. If the~~

~~applicant is an employee of a school district, the application must be accompanied by a letter from the superintendent of the school district endorsing the applicant for membership on the Task Force.~~

~~2. On or before September 1 of each odd numbered year, the Legislative Commission shall appoint the members of the Task Force in accordance with section 5 of this act for a 2 year term commencing on September 1 of the odd numbered year.~~

~~3. To the extent possible, the Legislative Commission shall appoint a variety of educational professionals to serve on the Task Force, including, without limitation:~~

- ~~(a) Licensed teachers;~~
- ~~(b) Substitute teachers;~~
- ~~(c) Education support professionals; and~~
- ~~(d) Administrators.~~

~~4. As used in this section, "education support professional" means a person, other than a teacher or administrator, who is employed to work at a public school. The term includes, without limitation:~~

- ~~(a) Paraprofessionals;~~
- ~~(b) School police officers, school resource officers and other providers of security services at a school;~~
- ~~(c) School nurses;~~
- ~~(d) School counselors;~~
- ~~(e) School psychologists;~~
- ~~(f) School social workers;~~
- ~~(g) Drivers of school buses;~~
- ~~(h) Secretaries;~~
- ~~(i) Members of the custodial or maintenance staff; and~~
- ~~(j) Workers in food services.] (Deleted by amendment.)~~

Sec. 7. ~~{1. The Task Force shall:~~

- ~~(a) Establish recommended standards for:~~
 - ~~(1) The working conditions of the employees of school districts, charter schools, the Department and the State Public Charter School Authority; and~~
 - ~~(2) The operation and accessibility of pathways to entering professions in public education.~~
- ~~(b) Analyze the degree to which the school districts and charter schools of this State, the Department, the State Public Charter School Authority and persons and entities involved in the operation and accessibility of pathways to entering professions in public education are making progress toward meeting the recommended standards established pursuant to paragraph (a).~~
- ~~(c) Make recommendations to the Joint Interim Standing Committee on Education, the school districts and charter schools of this State, the Department, the State Public Charter School Authority and persons and entities involved in the operation of pathways to entering professions in public education concerning measures to improve:~~

~~(1) The working conditions of the employees of school districts, charter schools, the Department and the State Public Charter School Authority; and~~

~~(2) The operation and accessibility of pathways to entering professions in public education;~~

~~(d) On or before August 1 of each even-numbered year, present to the Joint Interim Standing Committee on Education recommendations for legislation to improve:~~

~~(1) The working conditions of the employees of school districts, charter schools, the Department and the State Public Charter School Authority; and~~

~~(2) The operation and accessibility of pathways to entering professions in public education;~~

~~(e) On or before December 31 of each even-numbered year, submit a report describing the findings and recommendations of the Task Force to:~~

~~(1) The Director of the Legislative Counsel Bureau for transmittal to the Legislature;~~

~~(2) The Superintendent of Public Instruction;~~

~~(3) The superintendent of each school district in this State; and~~

~~(4) The Executive Director of the State Public Charter School Authority.~~

~~2. The recommended standards established pursuant to paragraph (a) of subsection 1 must address all factors that influence the working conditions of the employees of school districts, charter schools, the Department and the State Public Charter School Authority and the operation and accessibility of pathways to entering professions in public education, including, without limitation, funding, operations, staffing and internal policies.~~ (Deleted by amendment.)

Sec. 7.5. NRS 391.040 is hereby amended to read as follows:

391.040 1. The Commission shall fix fees of not ~~less~~ more than ~~the \$100~~ \$50 for the:

(a) Initial issuance of a license, which must include the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; and

(b) Renewal of a license, which must include the fees for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

2. The fee for issuing a duplicate license is the same as for issuing the original.

3. The portion of each fee which represents the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant must be deposited with the State Treasurer for credit to the appropriate account of the Department of Public Safety. The remaining portion of the money received from the fees must be deposited with the State Treasurer for credit to the appropriate account of the Department of Education.

4. The Department of Education may waive any fee for the initial issuance of a license, the renewal of a license or the issuance of a duplicate license for an applicant or licensee who is a veteran of the Armed Forces of the

United States, an applicant or licensee who is a member of the Armed Forces of the United States who is on active duty or an applicant or licensee who is the spouse of such a veteran or member of the Armed Forces of the United States.

Sec. 8. ~~[NRS 391.0965 is hereby amended to read as follows:~~

~~391.0965 1. The Department may charge and collect a fee of \$50 to review information pertaining to and provide feedback concerning a person's qualifications for a license to teach or perform other educational functions, including, without limitation, records from a college or other educational institution and scores on examinations administered pursuant to the regulations adopted by the Commission, before the person applies for such a license. [Except as otherwise provided in subsection 4, the] The money received from the fee collected pursuant to this section must be deposited with the State Treasurer for credit to the appropriate account of the Department.~~

~~2. Upon submission and payment of the fee prescribed pursuant to subsection 1, the Department shall review the information submitted pursuant to that subsection and provide feedback to a person concerning whether the information submitted by the person is indicative of whether the person appears to satisfy all or some of the requirements for the issuance of a license and, if so, the kind of license for which it appears the person may satisfy the requirements.~~

~~3. The submission of information pursuant to subsection 1 or any feedback provided by the Department pursuant to subsection 2 is not a substitute for the application process prescribed by NRS 391.033 and does not confer upon any person a right to the issuance of a license.~~

~~[4. If the Department determines from the information submitted pursuant to subsection 1 that the person satisfies the requirements for the issuance of a license, the fee prescribed pursuant to subsection 1 must be applied toward the fee prescribed for the initial issuance of a license by the Commission pursuant to NRS 391.040.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 391.330 is hereby amended to read as follows:~~

~~391.330 1. The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, or may issue a letter of reprimand to any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:~~

- ~~(a) Unprofessional conduct.~~
- ~~(b) Immorality, as defined in NRS 391.650.~~
- ~~(c) Evident unfitness for service.~~
- ~~(d) Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.~~
- ~~(e) Conviction of a felony or crime involving moral turpitude.~~
- ~~(f) Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.~~

~~— (g) Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.~~

~~— (h) Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.~~

~~— (i) Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.~~

~~— (j) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275.~~

~~— (k) An intentional violation of NRS 388.497 or 388.499.~~

~~— (l) Knowingly and willfully failing to comply with the provisions of NRS 388.1351.~~

~~— (m) A substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made against the applicant in any state.~~

~~— 2. The State Board shall adopt regulations governing the process by which a letter of reprimand may be issued to a teacher, administrator or other licensed employee pursuant to this section, including, without limitation, regulations concerning the time period during which a letter of reprimand will remain on the record of the teacher, administrator or other licensed employee.~~

~~— 3. A teacher, administrator or other licensed employee whose license is suspended pursuant to this section:~~

~~— (a) May apply to reinstate his or her license after the period of suspension, as determined by the State Board, is completed; and~~

~~— (b) If he or she applies to reinstate his or her license pursuant to paragraph (a), shall:~~

~~— (1) Submit] submit a new application for licensure to the Department . [; and~~

~~— (2) Pay the appropriate fee for licensure.]~~

~~— 4. A teacher, administrator or other licensed employee whose license is revoked may not apply to reinstate his or her license and the Department shall not grant a new license to such a person.] (Deleted by amendment.)~~

Sec. 10. NRS 393.080 is hereby amended to read as follows:

393.080 1. The board of trustees of a school district may:

(a) Build, purchase or rent schoolhouses and other school buildings, including, but not limited to ~~[, teacherages, gymnasiums]~~ . :

(1) *Teacherages and other residential dwellings for employees of the school district. Such teacherages and other dwellings may be directly owned or rented by the school district or operated through a partnership with another person or entity.*

(2) *Gymnasiums and stadiums . [, and dormitories]*

(3) *Dormitories* and dining halls as provided in NRS 393.090.

(b) Enter into lease agreements for school facilities with an option to purchase the facilities.

(c) Change the location of schools.

(d) Close a school or change the use of the school building to a purpose other than the teaching of kindergarten through 12th grade.

(e) Supervise and inspect the work performed pursuant to a contract to which the provisions of NRS 393.110 apply.

2. Any board of trustees which proposes to change the location of a school, close a school or change the use of a school building as provided in subsection 1 shall give 30 days' written notice to the principal and teachers of the affected school and to the parents of the children attending that school. In addition the board of trustees shall publish a notice of the subject, time and place of the meeting at which the matter will be considered, in a newspaper of general circulation in the county at least 10 days before the meeting.

Sec. 11. NRS 393.100 is hereby amended to read as follows:

393.100 The board of trustees of a school district shall keep the public school buildings, teacherages, *other residential dwellings for employees of the school district*, dormitories, dining halls, gymnasiums, stadiums and all other buildings in its charge in such repair as is necessary for the comfort and health of pupils, ~~and~~ teachers ~~and other employees of the school district~~.

Sec. 12. ~~1. The Public Education Employee Working Conditions Task Force created by section 5 of this act shall, during the 2023-2024 interim, commission a third party to conduct a study of the working conditions for employees of school districts and charter schools of this State, the Department of Education and the State Public Charter School Authority. The study must include, without limitation, a review of:~~

~~(a) Whether the school districts and charter schools of this State, the Department of Education and the State Public Charter School Authority are adequately funded and staffed and the effects of any funding or staffing inadequacies on the working conditions for the employees of those entities; and~~

~~(b) The operations and policies of the school districts and charter schools of this State, the Department of Education and the State Public Charter School Authority and ways to improve those operations and policies for the purpose of improving the working conditions for the employees of those entities.~~

~~2. The third party commissioned to conduct a study pursuant to subsection 1 shall present the completed study to the Task Force at a meeting of the Task Force. (Deleted by amendment.)~~

Sec. 13. Any provisions of any regulation adopted by the Commission on Professional Standards in Education pursuant to NRS 391.040 prescribing a fee, including, without limitation, a fee for the issuance or renewal of a license or the issuance of an endorsement, in an amount that exceeds \$50 are void. The Legislative Counsel shall remove those provisions from the Nevada Administrative Code as soon as practicable after July 1, 2023.

Sec. 14. ~~[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.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 391.040 is hereby repealed.] (Deleted by amendment.)~~

Sec. 16. This act becomes effective on July 1, 2023. ‡

~~TEXT OF REPEALED SECTION~~

~~391.040 Fees for issuance and renewal of licenses; fee for duplicate license; waiver of fees for certain persons affiliated with Armed Forces.~~

~~1. The Commission shall fix fees of not less than \$100 for the:~~

~~(a) Initial issuance of a license, which must include the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; and~~

~~(b) Renewal of a license, which must include the fees for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.~~

~~2. The fee for issuing a duplicate license is the same as for issuing the original.~~

~~3. The portion of each fee which represents the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant must be deposited with the State Treasurer for credit to the appropriate account of the Department of Public Safety. The remaining portion of the money received from the fees must be deposited with the State Treasurer for credit to the appropriate account of the Department of Education.~~

~~4. The Department of Education may waive any fee for the initial issuance of a license, the renewal of a license or the issuance of a duplicate license for an applicant or licensee who is a veteran of the Armed Forces of the United States, an applicant or licensee who is a member of the Armed Forces of the United States who is on active duty or an applicant or licensee who is the spouse of such a veteran or member of the Armed Forces of the United States.]~~

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 222 to Senate Bill No. 47 removes provisions relating to the Public Education Employee Working Conditions Task Force and establishes that the fee set by the Commission on Professional Standards associated with educator licensure may not exceed \$50.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 60.

SUMMARY—Revises provisions governing the sales tax holiday for certain members of the Nevada National Guard and certain relatives of such

members. (BDR 32-253)

AN ACT relating to taxation; revising provisions governing the sales tax holiday occurring over the day on which Nevada Day is observed and the immediately following weekend for certain members of the National Guard and certain relatives of such members; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides an exemption from sales and use taxes on purchases of tangible personal property by members of the Nevada National Guard who are on active status and who are residents of this State and certain relatives of such members of the Nevada National Guard if the purchase occurs on the date on which Nevada Day is observed or the immediately following Saturday or Sunday. (NRS 372.7281, 374.7285) To claim this exemption from the tax on the purchase of tangible person property, existing law requires a person who is eligible for the exemption to obtain a letter of exemption from the Department of Taxation and to provide a copy of the letter to the retailer from whom the person purchases tangible person property. (NRS 372.7282, 374.7286)

This bill revises the manner in which a member of the Nevada National Guard or a relative of a member of the Nevada National Guard claims this exemption. This bill removes the requirement that to claim the exemption, the person must provide a copy of the letter of exemption to the retailer. Instead, this bill requires: (1) a retailer to collect the tax on the purchase of tangible personal property that qualifies for the exemption under existing law; and (2) the person who claims the exemption to submit to the Department a request for a refund of the tax, a copy of the letter of exemption issued to the person and the receipt issued to the person by the retailer indicating that the person paid the tax. Under this bill, the Department is required to issue a refund of the tax to a person who submits the required information.

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

Section 1. NRS 372.7282 is hereby amended to read as follows:

372.7282 1. A person who wishes to claim an exemption pursuant to NRS 372.7281 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department. A person who wishes to claim an exemption pursuant to subsection 4 or 5 of NRS 372.7281 must file the application not later than 30 days before the date on which Nevada Day is observed pursuant to NRS 236.015, unless a different deadline is specified by the Department by regulation, provided that any deadline established by the Department must not be earlier than 45 days before the date on which Nevada Day is observed.

2. If the Department determines that a person is eligible for the exemption provided pursuant to NRS 372.7281, the Department shall issue a letter of exemption to the person. A letter of exemption issued to a member of the Nevada National Guard described in subsection 1 of NRS 372.7281 or a

relative of a member described in subsection 2 of NRS 372.7281 expires 30 days after the member of the Nevada National Guard returns to the United States. A letter of exemption issued to a relative of a deceased member of the Nevada National Guard described in subsection 3 of NRS 372.7281 expires on the date 3 years after the date of the death of the member. A letter of exemption issued to a member of the Nevada National Guard described in subsection 4 of NRS 372.7281 or a relative of a member described in subsection 5 of NRS 372.7281 expires on December 31 of the year it is issued but may be renewed. *A retailer who makes a retail sale of tangible personal property to ~~which~~ a member of the Nevada National Guard described in subsection 4 of NRS 372.7281 or a relative of a member described in subsection 5 of NRS 372.7281 ~~provides a copy of the letter of exemption~~ shall collect the tax imposed by this chapter.*

3. To claim an exemption pursuant to *subsection 1, 2 or 3 of NRS 372.7281* for the sale of tangible personal property to such a person:

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

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

4. *To claim an exemption pursuant to subsection 4 or 5 of NRS 372.7281, as applicable, for the sale of tangible personal property to such a person, not later than 30 calendar days after the date of the sale, the person must submit to the Department:*

(a) *A request for a refund of the tax paid by the person upon a sale of tangible personal property that was exempt from tax pursuant to subsection 4 or 5 of NRS 372.7281, as applicable;*

(b) *A copy of the letter of exemption issued to the person; and*

(c) *A copy of the receipt which was provided to the person by the retailer from whom the person purchased the property and which indicates that the person to whom the letter of exemption was issued paid tax upon a sale of tangible personal property that was exempt from tax pursuant to subsection 4 or 5 of NRS 372.7281, as applicable.*

➡ *The Department shall issue a refund to a person who submits the information required by this subsection within the period established by this subsection.*

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

Sec. 2. NRS 374.7286 is hereby amended to read as follows:

374.7286 1. A person who wishes to claim an exemption pursuant to NRS 374.7285 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department. A person who wishes to claim an exemption pursuant to subsection 4 or 5 of NRS 374.7285 must file the application not later than 30 days before the date on which Nevada Day is observed pursuant to NRS 236.015, unless a different deadline is specified by the Department by

regulation, provided that any deadline established by the Department must not be earlier than 45 days before the date on which Nevada Day is observed.

2. If the Department determines that a person is eligible for the exemption provided pursuant to NRS 374.7285, the Department shall issue a letter of exemption to the person. A letter of exemption issued to a member of the Nevada National Guard described in subsection 1 of NRS 374.7285 or a relative of a member described in subsection 2 of NRS 374.7285 expires 30 days after the member of the Nevada National Guard returns to the United States. A letter of exemption issued to a relative of a deceased member of the Nevada National Guard described in subsection 3 of NRS 374.7285 expires on the date 3 years after the date of the death of the member. A letter of exemption issued to a member of the Nevada National Guard described in subsection 4 of NRS 374.7285 or a relative of a member described in subsection 5 of NRS 374.7285 expires on December 31 of the year it is issued but may be renewed. A retailer who makes a retail sale of tangible personal property to ~~which~~ a member of the Nevada National Guard described in subsection 4 of NRS 374.7285 or a relative of a member described in subsection 5 of NRS 374.7285 ~~provides a copy of the letter of exemption~~ shall collect the tax imposed by this chapter.

3. To claim an exemption pursuant to *subsection 1, 2, or 3 of NRS 374.7285*, for the sale of tangible personal property to such a person:

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

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

4. *To claim an exemption pursuant to subsection 4 or 5 of NRS 374.7285, as applicable, for the sale of tangible personal property to such a person, not later than 30 calendar days after the date of the sale, the person must submit to the Department:*

(a) *A request for a refund of the tax paid by the person upon a sale of tangible personal property that was exempt from tax pursuant to subsection 4 or 5 of NRS 374.7285, as applicable;*

(b) *A copy of the letter of exemption issued to the person; and*

(c) *A copy of the receipt which was provided to the person by the retailer from whom the person purchased the property and which indicates that the person to whom the letter of exemption was issued paid tax upon a sale of tangible personal property that was exempt from tax pursuant to subsection 4 or 5 of NRS 374.7285, as applicable.*

➡ *The Department shall issue a refund to a person who submits the information required by this subsection within the period established by this subsection.*

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

Sec. 3. This act becomes effective on July 1, 2023.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 60 to Senate Bill No. 50 eliminates the requirement for an eligible member of the Nevada National Guard or his or her relatives to provide a letter of exemption to a retailer upon the purchase of personal tangible property for which the member or his or her relatives will claim the tax exemption from the Department of Taxation during the Nevada Day weekend.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 85.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 194.

SUMMARY—Revises provisions relating to retention payments under certain highway contracts. (BDR 35-665)

AN ACT relating to highways; revising provisions governing the amount of money that the Director of the Department of Transportation must retain under certain highway contracts; revising provisions governing the disbursement of money by a contractor to a subcontractor or supplier; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Transportation, subject to certain exceptions, to make monthly payments to a contractor who satisfactorily performs any highway improvement or construction in full as the work is completed by the contractor. The payments must not exceed 97.5 percent of the contract price. The Director is required to retain the remaining 2.5 percent of the contract price until certain conditions are met. The Department is required to perform a final inspection of the work completed under a contract for a project of highway improvement or construction. If an inspection discloses that the work was completed satisfactorily, the Department is required to reduce the amount of the contract price retained to not more than \$50,000 until the entire contract is completed satisfactorily and accepted by the Director. (NRS 408.383) Section 1 of this bill changes the percentage of the contract price which must be retained by the Director to 5 percent, but not more than \$50,000. Section 1 eliminates : (1) the requirement for the Department to perform a final inspection; and (2) the requirement that if a final inspection discloses that the work was completed satisfactorily, the Director reduce the amount of the contract price retained by the Department to not more than \$50,000, with any remaining amount to be retained until the contract is completed satisfactorily and accepted by the Director. Section 1 requires instead that ~~if a final inspection discloses the work was~~ the amount of the contract price that is retained be retained until the entire contract is completed satisfactorily, and accepted by the Director, [shall pay the remaining amount of the contract price retained by the Department not later than 30 days after the final inspection.]

Existing law requires a contractor to disburse money paid to the contractor under a contract for a project of highway improvement or construction to his or her subcontractors and suppliers within a certain amount of time and provides that, if a contractor withholds more than 2.5 percent from such a required payment, the subcontractor or supplier may contact the Director to resolve such a dispute between the contractor and the subcontractor or supplier. (NRS 408.383) Section 1 provides that a subcontractor or supplier may contact the Director to resolve such a dispute if the contractor withholds more than 5 percent of a required payment.

Section 2 of this bill prohibits the retroactive application of the amendatory provisions of this bill to contracts made or awarded by the Department before the effective date of this bill.

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

Section 1. NRS 408.383 is hereby amended to read as follows:

408.383 1. Except as otherwise provided in subsections 2, 11 and 12, ~~and 13,~~ the Director may pay at the end of each calendar month, or as soon thereafter as practicable, to any contractor satisfactorily performing any highway improvement or construction as the work progresses in full for the work as completed but not more than ~~{97.5}~~ 95 percent of the entire contract price. The progress estimates must be based upon materials in place, or on the job site, or at a location approved by the Director, and invoiced, and labor expended thereon. The remaining ~~{2.5}~~ 5 percent, *but not more than \$50,000*, must be retained until the remaining money is disposed of in the manner provided in subsection 3 or ~~{4,}~~ upon satisfactory completion of the entire contract and final acceptance by the Director, as applicable.

2. If the work in progress is being performed on a satisfactory basis, the Director may reduce the percentage retained if the Director finds that sufficient reasons exist for additional payment and has obtained written approval from every surety furnishing bonds for the work. Any remaining money must be retained until such money is disposed of in the manner provided in subsection 3 or ~~{4, as applicable}~~.

~~3. Upon receiving notice from the contractor of the completion of all work under a contract for a project of highway improvement or construction, the Department shall perform a final inspection of such work. If the final inspection discloses that any work, in whole or in part, is unsatisfactory, the Department will provide the contractor with notice of the deficiencies in such work that require correction before the work will be considered completed satisfactorily. Upon receiving notice from the contractor that any such unsatisfactory work has been corrected, the Department shall conduct another final inspection. If a final inspection discloses that all work under a contract for a project of highway improvement or construction has been completed satisfactorily, the Director shall reduce pay any money being retained pursuant to subsection 1 to not more than \$50,000, not later than 30 days after such final inspection. Any remaining money must be retained until~~ upon satisfactory

completion of the entire contract [is completed satisfactorily and accepted] and final acceptance by the Director.

~~{4}~~ 3. If it becomes necessary for the Department to take over the completion of any highway contract or contracts, all of the amounts owing the contractor, including the withheld percentage, must first be applied toward the cost of completion of the contract or contracts. Any balance remaining in the retained percentage after completion by the Department is payable to the contractor or the contractor's creditors.

~~{5}~~ 4. Such retained percentage as may be due any contractor is due and payable at the expiration of the 30-day period as provided in NRS 408.363 for filing of creditors' claims, and this retained percentage is due and payable to the contractor at that time without regard to creditors' claims filed with the Department.

~~{6}~~ 5. The contractor under any contract made or awarded by the Department, including any contract for the construction, improvement, maintenance or repair of any road or highway or the appurtenances thereto, may, from time to time, withdraw the whole or any portion of the sums otherwise due to the contractor under the contract which are retained by the Department, pursuant to the terms of the contract, if the contractor deposits with the Director:

(a) United States treasury bonds, United States treasury notes, United States treasury certificates of indebtedness or United States treasury bills;

(b) Bonds or notes of the State of Nevada; or

(c) General obligation bonds of any political subdivision of the State of Nevada.

↪ Certificates of deposit must be of a market value not exceeding par, at the time of deposit, but at least equal in value to the amount so withdrawn from payments retained under the contract.

~~{7}~~ 6. The Director has the power to enter into a contract or agreement with any national bank, state bank, credit union, trust company or safe deposit company located in the State of Nevada, designated by the contractor after notice to the owner and surety, to provide for the custodial care and servicing of any obligations deposited with the Director pursuant to this section. Such services include the safekeeping of the obligations and the rendering of all services required to effectuate the purposes of this section.

~~{8}~~ 7. The Director or any national bank, state bank, credit union, trust company or safe deposit company located in the State of Nevada, designated by the contractor to serve as custodian for the obligations pursuant to subsection ~~{7}~~ 6, shall collect all interest or income when due on the obligations so deposited and shall pay them, when and as collected, to the contractor who deposited the obligation. If the deposit is in the form of coupon bonds, the Director shall deliver each coupon as it matures to the contractor.

~~{9}~~ 8. Any amount deducted by the State of Nevada, or pursuant to the terms of a contract, from the retained payments otherwise due to the contractor thereunder, must be deducted first from that portion of the retained payments

for which no obligation has been substituted, then from the proceeds of any deposited obligation. In the latter case, the contractor is entitled to receive the interest, coupons or income only from those obligations which remain on deposit after that amount has been deducted.

~~{10.}~~ 9. A contractor shall disburse money paid to the contractor pursuant to this section, including any interest that the contractor receives, to his or her subcontractors and suppliers within 15 days after receipt of the money in the proportion that the value of the work performed by each subcontractor or the materials furnished by each supplier bears to the total amount of the contract between the principal contractor and the Department.

~~{11.}~~ 10. Money payable to a subcontractor or supplier accrues interest at a rate equal to the lowest daily prime rate at the three largest banks in the United States on the date the subcontract or order for supplies was executed plus 2 percent, from 15 days after the money was received by the principal contractor until the date of payment.

~~{12.}~~ 11. If a contractor withholds more than ~~{2.5}~~ 5 percent of a payment required by subsection ~~{10.}~~ 9. the subcontractor or supplier may inform the Director in writing of the amount due. The Director shall attempt to resolve the dispute between the contractor and the subcontractor or supplier within 20 working days after the date that the Director receives notice of the amount due. If the dispute is not resolved within 20 working days after the date that the Director receives notice of the amount due, the contractor shall deposit the disputed amount in an escrow account that bears interest. The contractor, subcontractor or supplier may pursue any legal or equitable remedy to resolve the dispute over the amount due. The Director may not be made a party to any legal or equitable action brought by the contractor, subcontractor or supplier.

~~{13.}~~ 12. If the Director awards to a railroad company a contract for a project for the construction, reconstruction, improvement or maintenance of a highway and the project is located on property that is owned by or under the control of the railroad company, the Director may agree in the contract not to retain any portion of the contract price.

Sec. 2. The amendatory provisions of section 1 of this act do not apply to any highway contract that is made or awarded by the Department of Transportation before the effective date of this act.

Sec. 3. This act becomes effective upon passage and approval.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 194 to Senate Bill No. 85 revises retention payments in section 1 so that the remaining 5 percent of the contract price, but no more than \$50,000, be retained until the entire contract is completed satisfactorily and accepted by the Director of the Department of Transportation.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 107.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 193.

SUMMARY—Establishes provisions relating to contractors performing work on a highway. (BDR 35-537)

AN ACT relating to highways; requiring the Department of Transportation to establish a program to allow contractors performing certain work on a highway to ~~purchase and~~ obtain a permit for the use of certain law enforcement vehicles; ~~providing a fee;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Department of Transportation is required, with certain exceptions, to contract for all work of construction, reconstruction, improvement and maintenance of highways in this State. (NRS 408.327) Section 1 of this bill requires the Department to establish a program to allow a contractor who has been awarded a contract for work on a highway to ~~purchase and~~ obtain a permit for the use of a law enforcement vehicle owned by the Nevada Highway Patrol that: (1) is clearly marked as such; (2) is equipped with at least one flashing red warning lamp and may be equipped with other warning lights; and (3) has been rendered incapable of being driven. Section 1 also ~~authorizes the Department to charge a fee for the issuance of such a permit which may not exceed the actual cost of issuing the permit.~~ provides that a contractor may only use: (1) the flashing red warning lamp or other warning lamps if construction workers are present; and (2) the law enforcement vehicle if the contractor has requested the presence of an authorized emergency vehicle operated by a Nevada Highway Patrol Officer and neither an officer nor an authorized emergency vehicle could be made available in the area where the work is being performed.

Under existing law, certain state and local agencies are authorized to obtain permits from the Department of Public Safety to own and operate emergency vehicles in the performance of their duties. (NRS 484A.480) Section 2 of this bill authorizes the issuance of such a permit for a vehicle owned and operated by the office of a coroner or medical examiner.

Section 2 ~~(of this bill)~~ also makes a conforming change to allow the holder of a permit issued pursuant to section 1 to operate the warning lights on a law enforcement vehicle while parked on a highway.

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

Section 1. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall establish a program wherein a contractor that has been awarded a contract for the construction, reconstruction, improvement, maintenance or repair of a highway may ~~purchase and~~ obtain*

a permit for the use of a law enforcement vehicle owned by the Nevada Highway Patrol that is:

- (a) Plainly and clearly marked as a vehicle of the Nevada Highway Patrol;
- (b) Equipped with at least one flashing red warning lamp and may be equipped with additional warning lights; and
- (c) Rendered incapable of being driven.

2. The Department may ~~+~~

~~(a) Charge a fee for the issuance of a permit pursuant to subsection 1 which must not exceed the actual cost to the Department for issuing the permit; and~~

~~(b) Adopt~~ adopt regulations to carry out the program established pursuant to this section.

3. ~~+~~ Except as provided by subsection 5, a contractor who is issued a permit pursuant to subsection 1 ~~(and purchases)~~ for a law enforcement vehicle described in subsection 1 may:

(a) Tow the vehicle to and from the area where the work on the highway is being performed; and

(b) Operate the flashing red warning lamp or other warning lights while the vehicle is parked in the area in which work on the highway is being performed ~~+~~ only if construction workers are present.

4. The use of a law enforcement vehicle pursuant to a permit issued pursuant to this section, including, without limitation, the operation of the flashing red warning lamp or other warning lights, shall not be considered the false impersonation of a police officer.

5. A contractor may only use the law enforcement vehicle pursuant to subsection 3 if the contractor has requested the presence of an authorized emergency vehicle operated by a peace officer employed by the Nevada Highway Patrol and neither an officer nor an authorized emergency vehicle could be made available in the area where the work on the highway is being performed.

Sec. 2. NRS 484A.480 is hereby amended to read as follows:

484A.480 1. Except as otherwise provided in NRS 484A.490, authorized emergency vehicles are vehicles publicly owned and operated in the performance of the duty of:

- (a) A police or fire department.
- (b) A sheriff's office.
- (c) The Department of Public Safety, for vehicles that are:

(1) Operated in the performance of the duty of the Capitol Police Division, the Investigation Division, the Nevada Highway Patrol Division, the State Fire Marshal Division, the Training Division and the Office of the Director of the Department of Public Safety; or

(2) Designated an authorized emergency vehicle by the Director of the Department of Public Safety.

(d) The Office of the Attorney General.

(e) The Division of Forestry of the State Department of Conservation and Natural Resources in responding to a fire.

(f) The Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel in the Department of Motor Vehicles.

(g) A public ambulance agency.

(h) A public lifeguard or lifesaving agency.

(i) The office of a coroner or medical examiner.

2. A vehicle publicly maintained in whole or in part by the State, or by a city or county, and privately owned and operated by a regularly salaried member of a police department, sheriff's office or traffic law enforcement department, is an authorized emergency vehicle if:

(a) The vehicle has a permit, pursuant to NRS 484A.490, from the Department of Public Safety;

(b) The person operates the vehicle in responding to emergency calls or fire alarms, or at the request of the Nevada Highway Patrol or in the pursuit of actual or suspected violators of the law; and

(c) The State, county or city does not furnish a publicly owned vehicle for the purposes stated in paragraph (b).

3. Every authorized emergency vehicle must be equipped with at least one flashing red warning lamp visible from the front and a siren for use as provided in chapters 484A to 484E, inclusive, of NRS, which lamp and siren must be in compliance with standards approved by the Department of Public Safety. In addition, an authorized emergency vehicle may display revolving, flashing or steady red or blue warning lights to the front, sides or rear of the vehicle.

4. An authorized emergency vehicle may be equipped with a system or device that causes the upper-beam headlamps of the vehicle to continue to flash alternately while the system or device is activated. The driver of a vehicle that is so equipped may use the system or device when responding to an emergency call or fire alarm, while escorting a funeral procession, or when in pursuit of an actual or suspected violator of the law. As used in this subsection, "upper-beam headlamp" means a headlamp or that part of a headlamp which projects a distribution of light or composite beam meeting the requirements of subsection 1 of NRS 484D.210.

5. Except as otherwise provided in subsection 4, a person shall not operate a motor vehicle with any system or device that causes the headlamps of the vehicle to continue to flash alternately or simultaneously while the system or device is activated. This subsection does not prohibit the operation of a motorcycle equipped with any system or device that modulates the intensity of light produced by the headlamp of the motorcycle, if the system or device is used only during daylight hours and conforms to the requirements of 49 C.F.R. § 571.108.

6. A person shall not operate a vehicle with any lamp or device displaying a red light visible from directly in front of the center of the vehicle except an authorized emergency vehicle, a school bus, ~~or~~ an official vehicle of a regulatory agency ~~or~~ or a vehicle operated pursuant to section 1 of this act.

7. A person shall not operate a vehicle with any lamp or device displaying a blue light, except a motorcycle pursuant to NRS 486.261, ~~for~~ an authorized emergency vehicle ~~or~~ *or a vehicle operated pursuant to section 1 of this act.*

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 193 to Senate Bill No. 107 provides that authorized emergency vehicles include vehicles operated in the performance of the duty of a coroner or medical examiner; removes language referring to purchasing a vehicle or Nevada's Department of Transportation charging a fee for the permit; clarifies that the lights on the vehicle can only be on and flashing when construction crews are present; and clarifies that the provisions of this bill only apply if the contractor first requested the presence of an authorized emergency vehicle operated by a peace officer employed by the Nevada Highway Patrol at the area where the work on the highway is being performed and an officer or authorized emergency vehicle could not be made available.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 112.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 217.

SUMMARY—Revises provisions governing groundwater basin assessments. (BDR 48-600)

AN ACT relating to water; revising provisions governing certain assessments on water users; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of county commissioners of a county to levy a special assessment in an amount necessary to pay the salaries and expenses of well supervisors, assistants of well supervisors and the Well Drillers' Advisory Board, if fees collected for certain licenses are not sufficient to pay such salaries and expenses. Existing law authorizes the board of county commissioners of a county to pay those salaries and expenses by appropriating money from the general fund of the county, if the amount of a special assessment combined with all other taxes and assessments levied upon a property owner is less than the cost of collecting the special assessment. Existing law further provides that well supervisors and assistants of well supervisors employed by the State Engineer are exempt from certain provisions of existing law governing public officers and employees. (NRS 534.040) Sections 1 and 3 of this bill prohibit the use of the money levied from such a special assessment or money appropriated from the general fund of a county to pay the salaries and expenses of ~~the~~ a person employed by the State Engineer ~~for the technical, clerical and operational staff of the State Engineer.~~ who is subject to certain provisions of existing law governing public officers and employees. Section 2 of this bill makes a conforming change to account for a change to an internal reference in section 3.

Existing law requires such special assessments to be deposited with the State Treasurer for credit to the Water District Account to be accounted for in basin well accounts. (NRS 534.040) Section 3 requires the State Engineer to ~~annually submit to each~~ provide, upon the written request of a board of county commissioners which may be requested not more than once each year, a report on the expenditures and activities from the Water District Account for the particular basin well account of that groundwater basin.

Existing law further establishes, subject to certain exceptions, a minimum charge of \$1 for a special assessment upon certain areas in which the use of groundwater is predominately for agricultural purposes. (NRS 534.040) Section 3 : (1) removes the minimum charge; and (2) establishes a maximum charge [of \$2] that is equal to the existing charge as of June 30, 2023, plus the annual percentage increase in the Consumer Price Index for the preceding year for such assessments. Section 3 further authorizes the State Engineer to increase the amount of the maximum charge with the approval of the board of county commissioners.

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

Section 1. NRS 532.210 is hereby amended to read as follows:

532.210 1. The fund created pursuant to the provisions of chapter 232, Statutes of Nevada 1931, and chapter 23, Statutes of Nevada 1943, is hereby continued as a revolving account within the State General Fund, for the purposes set forth in NRS 533.270 to 533.295, inclusive, and for the purposes set forth in the provisions of chapters 534, 535 and 536 of NRS pertaining to the conservation and distribution of waters.

2. ~~{The}~~ *Except as otherwise provided in subsection 2 of NRS 534.040, the money in the Water Distribution Revolving Account may be used for:*

(a) The payment of state water commissioners' and assistant state water commissioners' salaries and expenses.

(b) The payment of salaries and expenses of other employees engaged in the work of the distribution of waters or streams that are directly under the supervision of the State Engineer.

(c) The payment of expenses necessarily incurred by the state water commissioners in the distribution of water.

3. The money in the Water Distribution Revolving Account, or so much thereof as is necessary, may be used by the State Engineer for the uses and purposes of, and in the administration of the provisions of, chapter 534 of NRS pertaining to the conservation and distribution of underground waters.

Sec. 2. NRS 534.035 is hereby amended to read as follows:

534.035 1. In each area designated as a groundwater basin by the State Engineer pursuant to the provisions of NRS 534.030, the board of county commissioners may recommend to the State Engineer that the State Engineer establish a groundwater board. The State Engineer shall determine whether or not a groundwater board is to be established and may direct its establishment by order.

2. If a groundwater board is established, the governing bodies of all the cities and towns within the designated area, the board of county commissioners of each county in which the area is located, and the governing body of any water district in which the area is included, or partly included, shall each submit a list of names of residents of the area to the Governor, who shall appoint seven members of the board. At least one member must be appointed from each list.

3. After the initial terms, the term of office of each member of the board is 4 years. The board shall elect one member as chair and one member as secretary to serve as such at the pleasure of the board.

4. The board shall maintain its headquarters at the county seat of the county in which the designated area is located, or if the area lies in more than one county, in the county seat of one of the counties in which the area is located. The board shall hold meetings at such times and places as it may determine. Special meetings may be called at any time by the secretary at the request of any four members, or by the chair, upon notice specifying the matters to be acted upon at the meeting. No matters other than those specified in the notice may be acted upon at that meeting unless all members are present and consent thereto.

5. A majority of the board constitutes a quorum, and the board shall act only by a majority of those present.

6. For each day's attendance at each meeting of the groundwater board, or for each day when services are actually performed for the groundwater board, the members are entitled to receive per diem and travel allowances provided by law. Claims for those expenses must be paid as provided in subsection ~~{7}~~ 8 of NRS 534.040.

7. The State Engineer shall not approve any application or issue any permit to drill a well, appropriate groundwater, change the place or manner of use or the point of diversion of water within the designated area, adopt any related regulations or enter any related orders until the State Engineer has conferred with the board and obtained its written advice and recommendations.

8. It is the intention of the Legislature that the State Engineer and the board be in agreement whenever possible, but, for the purpose of fixing responsibility to the Governor, if there is any disagreement between the State Engineer and the board, the views of the State Engineer prevail. A written report of any such disagreement must be made immediately to the Governor by the State Engineer and the board.

9. Any groundwater board may request from the State Engineer or any other state, county, city or district agency such technical information, data and advice as it may require to perform its functions, and the State Engineer and such other agencies shall, within the resources available to them, furnish such assistance as may be requested.

10. The Governor may dissolve the groundwater board by order if the Governor determines that the future activities of the board are likely to be insubstantial.

Sec. 3. NRS 534.040 is hereby amended to read as follows:

534.040 1. Upon the initiation of the administration of this chapter in any particular basin, and where the investigations of the State Engineer have shown the necessity for the supervision over the waters of that basin, the State Engineer may employ a well supervisor and other necessary assistants, who shall execute the duties as provided in this chapter under the direction of the State Engineer. The salaries of the well supervisor and the assistants of the well supervisor must be fixed by the State Engineer. The well supervisor and assistants are exempt from the provisions of chapter 284 of NRS.

2. If the money available from the license fees provided for in NRS 534.140 is not sufficient to pay those salaries, together with necessary expenses, including the compensation and other expenses of the Well Drillers' Advisory Board, the board of county commissioners shall, except as otherwise provided in this subsection, levy a special assessment annually, or at such time as the assessment is needed, upon all taxable property situated within the confines of the area designated by the State Engineer to come under the provisions of this chapter in an amount as is necessary to pay such salaries and expenses. If the board of county commissioners determines that the amount of a special assessment levied upon a property owner pursuant to this section when combined with the amount of all other taxes and assessments levied upon the property owner is less than the cost of collecting the special assessment levied pursuant to this subsection, the board of county commissioners may exempt the property owner from the assessment and appropriate money from the general fund of the county to pay the cost of the assessment. *Money levied from a special assessment or appropriated from the general fund of a county pursuant to this section must not be used to pay the salaries and expenses of [the State Engineer or the technical, clerical and operational staff of the State Engineer.] an employee subject to the provisions of chapter 284 of NRS.*

3. Except as otherwise provided in subsection 2, in designated areas within which the use of groundwater is predominantly for agricultural purposes, any special assessment levied pursuant to this section must be charged against each water user who has a permit to appropriate water or a perfected water right, and the charge against each water user must be based upon the proportion which his or her water right bears to the aggregate water rights in the designated area. ~~The minimum charge is \$1. and~~ Except as otherwise provided in this subsection, the maximum charge is ~~+\$2.~~ equal to the existing charge as of June 30, 2023, plus the annual percentage increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding year. The State Engineer may, with the approval of the board of county commissioners, increase the charge beyond the maximum set forth in this subsection.

4. The salaries and expenses may be paid by the State Engineer from the Water Distribution Revolving Account pending the levy and collection of an assessment levied pursuant to this section.

5. Except as otherwise provided in subsection 2, if a special assessment is levied pursuant to this section, the proper officers of the county shall levy and collect the special assessment as other special assessments are levied and collected, and the assessment is a lien upon the property.

6. Any special assessment collected pursuant to this section must be deposited with the State Treasurer for credit to the Water District Account to be accounted for in basin well accounts.

7. ~~The State Engineer shall submit annually on or before the first Monday in October to each~~ provide to a board of county commissioners in this State which levies a special assessment or appropriates money from the general fund of the county pursuant to this section, upon written request from a board of county commissioners not more than once each year, a report on the expenditures and activities from the Water District Account for the particular basin well account of that groundwater basin.

8. Upon determination and certification by the State Engineer of the amount to be budgeted for the current or ensuing fiscal year for the purpose of paying the per diem and travel allowances of the groundwater board and employing consultants or other help needed to fulfill its responsibilities, the State Controller shall transfer that amount to a separate operating account for that fiscal year for the groundwater basin. Claims against the account must be approved by the groundwater board and paid as other claims against the State are paid. The State Engineer may use money in a particular basin well account to support an activity outside the basin in which the money is collected if the activity bears a direct relationship to the responsibilities or activities of the State Engineer regarding the particular groundwater basin.

Sec. 4. This act becomes effective on July 1, 2023.

Senator Pazina moved the adoption of the amendment.

Remarks by Senator Pazina.

Amendment No. 217 to Senate Bill No. 112 clarifies that the money levied or appropriated and credited to the Water District Account must not be used to pay employees subject to the provisions of Chapter 284 of NRS. It removes the minimum assessment charge and establishes a maximum charge and authorizes the State Engineer to increase the charge beyond the maximum with the approval of the board of county commissioners. It provides that the State Engineer shall provide, upon written request from a board of county commissioners up to once per year, a report on the expenditures and activities from the Water District Account for the basin well account of a groundwater basin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 218.

SUMMARY—Revises provisions relating to groundwater management plans. (BDR 48-595)

AN ACT relating to water; requiring the State Engineer to affirm or modify the perennial yield of a basin in a designated critical management area; revising provisions relating to groundwater management plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer: (1) may designate certain basins as critical management areas; and (2) is required to designate a basin as a critical management area upon receipt of a petition signed by a majority of the holders of certificates or permits to appropriate water in the basin. (NRS 534.110) Existing law further provides that in a basin that has been designated as a critical management area, a petition for the approval of a groundwater management plan may be submitted to the State Engineer by a majority of the holders of permits or certificates to appropriate water in the basin. (NRS 534.037) Section 1 of this bill: (1) requires the State Engineer to affirm or modify the perennial yield of a basin at the same time he or she designates a basin as a critical management area; and (2) authorizes the State Engineer to modify the perennial yield for a critical management area based on the best available science. Section 1 also requires the State Engineer to review the perennial yield before reviewing the results of a groundwater management plan and modify the perennial yield if there has been a change.

Section ~~(1)~~ 1.5 of this bill provides that ~~(such)~~ a petition for the approval of a groundwater management plan must instead be signed by ~~(1)~~ the holders of permits or certificates to appropriate water in the basin that are on file in the Office of the State Engineer who represent a majority of the total groundwater ~~(committed)~~ permitted or certificated for use in the basin ~~(1)~~; and (2) the holders of permits or certificates to appropriate water in the basin that are on file in the Office of the State Engineer who represent a majority of groundwater committed in the basin with dates of priority that are older than the date on which appropriations for withdrawals of groundwater in the basin were equal to the perennial yield of the basin. Section ~~(1)~~ 1.5 also provides that the holder of a permit or certificate with ~~(such)~~ a date of priority before the date on which permits or certificates for withdrawals of groundwater in the basin were equal to the perennial yield of the basin who does not sign the petition may not be required to comply with an approved groundwater management plan.

Section 1.5 further provides that, if the State Engineer modifies the perennial yield of the basin, the holders of permits or certificates with dates of priority before or after the date on which withdrawals of groundwater in the basin were equal to the previous perennial yield of the basin must be required to comply or allowed to opt out of complying with an approved groundwater management plan, depending on whether the perennial yield is increased or decreased.

Under existing law, the State Engineer is required to restrict withdrawals of groundwater to conform to priority rights under certain circumstances, including if a basin has been designated as a critical management area for at least 10 consecutive years. (NRS 534.110) Section ~~(1)~~ 1.5 requires the State

Engineer to review an approved groundwater management plan that has been in effect for 10 consecutive years to determine whether there has been significant progress towards stabilizing the ~~drawdown~~ water level of ~~groundwater in~~ the basin and, if not, with certain exceptions, to restrict withdrawals of groundwater to conform to priority rights ~~until the water level is stabilized~~. Section 2 of this bill makes a conforming change to create an exception for the restriction of withdrawals to allow a domestic well to continue to withdraw 0.5 acre-feet of water per year if the owner of the domestic well installs or has installed a water meter to record the withdrawal.

Section 3 of this bill requires that, beginning on October 1, 2033, 10 years after the effective date of this bill, the State Engineer must review any groundwater management plan that was approved before October 1, 2023, to determine whether there has been significant progress towards stabilizing the ~~drawdown~~ water level of ~~groundwater in~~ the basin and, if not, to restrict withdrawals in accordance with the requirements of this bill ~~until the water level is stabilized~~.

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

Section 1. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the State Engineer designates a basin as a critical management area pursuant to subsection 7 of NRS 534.110, the State Engineer shall, in the order designating the critical management area, affirm or modify the perennial yield of the designated basin.

2. The State Engineer may, by order, modify the perennial yield of a basin set forth in the order designating the critical management area pursuant to subsection 1 if the State Engineer determines, after consideration of the best available science, that the perennial yield of the basin is different from the perennial yield set forth in such order.

3. The State Engineer shall, before reviewing the results of a groundwater management plan pursuant to subsection 8 of NRS 534.037, review the perennial yield of the basin set forth in the order pursuant to subsection 1 and may modify the perennial yield of the basin pursuant to subsection 2 if the State Engineer determines the perennial yield has changed.

~~{Section 1.}~~ Sec. 1.5. NRS 534.037 is hereby amended to read as follows:

534.037 1. In a basin that has been designated as a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110, a petition for the approval of a groundwater management plan for the basin may be submitted to the State Engineer. The petition must ~~be~~ :

(a) Be signed by ~~a majority of the~~
~~(1) The~~ the holders of permits or certificates to appropriate water in the basin that are on file in the Office of the State Engineer ~~who represent a majority of the total groundwater committed~~ permitted or certificated for use in the basin; and ~~must be~~

~~[(2) The holders of permits or certificates to appropriate water in the basin that are on file in the Office of the State Engineer who represent a majority of groundwater committed in the basin with dates of priority that are older than the date on which appropriations for withdrawals of groundwater in the basin were equal to the perennial yield of the basin; and]~~

(b) Be accompanied by a groundwater management plan which must set forth the necessary steps for removal of the basin's designation as a critical management area.

2. In determining whether to approve a groundwater management plan submitted pursuant to subsection 1, the State Engineer shall consider, without limitation:

- (a) The hydrology of the basin;
- (b) The physical characteristics of the basin;
- (c) The geographic spacing and location of the withdrawals of groundwater in the basin;
- (d) The quality of the water in the basin;
- (e) The wells located in the basin, including, without limitation, domestic wells;
- (f) Whether a groundwater management plan already exists for the basin; and
- (g) Any other factor deemed relevant by the State Engineer.

3. Before approving or disapproving a groundwater management plan submitted pursuant to subsection 1, the State Engineer shall hold a public hearing to take testimony on the plan in the county where the basin lies or, if the basin lies in more than one county, within the county where the major portion of the basin lies. The State Engineer shall cause notice of the hearing to be:

(a) Given once each week for 2 consecutive weeks before the hearing in a newspaper of general circulation in the county or counties in which the basin lies.

(b) Posted on the Internet website of the State Engineer for at least 2 consecutive weeks immediately preceding the date of the hearing.

4. The decision of the State Engineer on a groundwater management plan may be reviewed by the district court of the county pursuant to NRS 533.450.

5. An amendment to a groundwater management plan must be proposed and approved in the same manner as an original groundwater management plan is proposed and approved pursuant to this section.

6. *The State Engineer shall not require the holder of a permit or certificate in the basin with a date of priority that is ~~older than~~ before the date on which ~~appropriations~~ permits or certificates for withdrawals of groundwater in the basin were equal to the perennial yield of the basin who does not sign the petition submitted pursuant to subsection 1 to comply with the provisions of a groundwater management plan that is approved pursuant to this section, but the holder of such a permit or certificate may notify the State Engineer in writing that he or she intends to comply with the approved groundwater*

management plan at any time after the groundwater management plan has been approved.

7. If the State Engineer modifies the perennial yield of a basin pursuant to subsection 2 of section 1 of this act after a groundwater management plan is submitted pursuant to subsection 1, the State Engineer shall, as applicable:

(a) If the perennial yield is decreased, require all holders of permits or certificates in the basin with a date of priority that is after the date on which permits or certificates for withdrawals of groundwater in the basin were equal to the perennial yield of the basin to comply with the provisions of the approved groundwater management plan; and

(b) If the perennial yield is increased, provide all holders of permits or certificates in the basin with a date of priority that is before the date on which permits or certificates for withdrawals of groundwater in the basin were equal to the perennial yield of the basin the opportunity to opt out of complying with the approved groundwater management plan by notifying the State Engineer in writing that he or she does not intend to comply with the approved groundwater management plan.

8. If a groundwater management plan approved pursuant to this section has been in effect for 10 consecutive years, the State Engineer shall review the results of the groundwater management plan to determine whether there has been significant progress towards stabilizing the ~~drawdown~~ water level of ~~groundwater in~~ the basin, as determined by the State Engineer. If the State Engineer determines there has not been significant progress, the State Engineer shall, except as otherwise provided in subsection 9 of NRS 534.110, order:

(a) The groundwater management plan dissolved; and

(b) That withdrawals, including, without limitation, withdrawals from domestic wells, be restricted in that basin to conform to priority rights ~~+~~ until the water level of the basin is stabilized.

Sec. 2. NRS 534.110 is hereby amended to read as follows:

534.110 1. The State Engineer shall administer this chapter and shall prescribe all necessary regulations within the terms of this chapter for its administration.

2. The State Engineer may:

(a) Require periodical statements of water elevations, water used, and acreage on which water was used from all holders of permits and claimants of vested rights.

(b) Upon his or her own initiation, conduct pumping tests to determine if overpumping is indicated, to determine the specific yield of the aquifers and to determine permeability characteristics.

3. The State Engineer shall determine whether there is unappropriated water in the area affected and may issue permits only if the determination is affirmative. The State Engineer may require each applicant to whom a permit is issued for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

→ to report periodically to the State Engineer concerning the effect of that well on other previously existing wells that are located within 2,500 feet of the well.

4. It is a condition of each appropriation of groundwater acquired under this chapter that the right of the appropriator relates to a specific quantity of water and that the right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion. In determining a reasonable lowering of the static water level in a particular area, the State Engineer shall consider the economics of pumping water for the general type of crops growing and may also consider the effect of using water on the economy of the area in general.

5. This section does not prevent the granting of permits to applicants later in time on the ground that the diversions under the proposed later appropriations may cause the water level to be lowered at the point of diversion of a prior appropriator, so long as any protectable interests in existing domestic wells as set forth in NRS 533.024 and the rights of holders of existing appropriations can be satisfied under such express conditions. At the time a permit is granted for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

→ the State Engineer shall include as a condition of the permit that pumping water pursuant to the permit may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well, unless the holder of the permit and the owner of the domestic well have agreed to alternative measures that mitigate those adverse effects.

6. Except as otherwise provided in subsection 7, the State Engineer shall conduct investigations in any basin or portion thereof where it appears that the average annual replenishment to the groundwater supply may not be adequate for the needs of all permittees and all vested-right claimants, and if the findings of the State Engineer so indicate, except as otherwise provided in subsection 9, the State Engineer may order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted to conform to priority rights ~~in~~ until the water level of the basin is stabilized.

7. The State Engineer:

(a) May designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin.

(b) Shall designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon receipt of a petition for such a designation which is signed by ~~the majority of~~ the holders of certificates or permits to appropriate water in the

basin that are on file in the Office of the State Engineer ~~and~~ who represent a majority of groundwater permitted or certificated for use in the basin.

↪ The designation of a basin as a critical management area pursuant to this subsection may be appealed pursuant to NRS 533.450. If a basin has been designated as a critical management area for ~~at least~~ 10 consecutive years, except as otherwise provided in subsection 9, the State Engineer shall order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted in that basin to conform to priority rights ~~and~~ until the water level of the basin is stabilized, unless a groundwater management plan has been approved for the basin pursuant to NRS 534.037.

8. In any basin or portion thereof in the State designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells. Any order or decision of the State Engineer so restricting drilling of such wells may be reviewed by the district court of the county pursuant to NRS 533.450.

9. If a court of competent jurisdiction orders the State Engineer to restrict withdrawals to conform to priority rights or if pursuant to subsection 6 or 7 ~~or subsection 7~~ 8 of NRS 534.037 the State Engineer orders that withdrawals be restricted to conform to priority rights, the State Engineer must limit the restriction of withdrawals from a domestic well to allow a domestic well to continue to withdraw 0.5 acre-feet of water per year, which must be recorded by a water meter.

Sec. 3. 1. Except as otherwise provided in subsection 2, the amendatory provisions of ~~section~~ sections 1 and 1.5 of this act do not apply to a groundwater management plan approved before October 1, 2023.

2. Beginning on October 1, 2023, the State Engineer shall review any groundwater management plan approved before October 1, 2023, to determine whether there has been significant progress towards stabilizing the ~~drawdown~~ water level of ~~groundwater in~~ the basin, as determined by the State Engineer. If the State Engineer determines there has not been significant progress, the State Engineer shall, except as otherwise provided in subsection 9 of NRS 534.110, as amended by section 2 of this act, order:

- (a) The groundwater management plan dissolved; and
- (b) That withdrawals, including, without limitation, withdrawals from domestic wells, be restricted in that basin to conform to priority rights ~~and~~ until the water level of the basin is stabilized.

Senator Pazina moved the adoption of the amendment.

Remarks by Senator Pazina.

Amendment No. 218 to Senate Bill No. 113 requires the State Engineer to affirm or modify the perennial yield of a basin at the same time he or she designates the basin as a critical management area. It authorizes the State Engineer to modify the perennial yield based on the best available science. It provides that a petition for the approval of a groundwater management plan must be signed by the holders of permits or certificates to appropriate water who represent a majority of the total groundwater permitted or certificated for use in the basin. It provides that the holder of a permit or certificate with a priority before the date on which withdrawals of groundwater in the

basin were equal to the perennial yield of the basin, who does not sign the petition, may not be required to comply with an approved groundwater management plan. Finally, it provides that if the State Engineer modifies the perennial yield of the basin, the holders of permits or certificates with dates of priority before or after the date on which withdrawals of groundwater in the basin were equal to the previous perennial yield must be required to either comply or allowed to opt out of complying with an approved groundwater management plan, depending on whether perennial yield is increased or decreased.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 126.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 150.

SUMMARY—Revises provisions relating to the NV Grow Program. (BDR S-791)

AN ACT relating to economic development; revising provisions governing the NV Grow Program; making ~~an appropriation,~~ appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law directs the Division of Workforce and Economic Development of the College of Southern Nevada to develop, create, oversee and manage the NV Grow Program to provide certain informational and technical assistance to existing small businesses in this State that are expanding or ready to expand. Existing law further directs the Division to: (1) select the lead counselor who serves as coordinator of the Program; (2) employ a geographic information specialist; and (3) consult with a stakeholder group in identifying additional components that are necessary, advisable or advantageous for the growth and development of businesses located in this State. (Section 2 of chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3666)

Section 1 of this bill requires the Division to establish requirements for: (1) the supervision of the lead counselor by at least two employees of the Division or by an advisory team appointed by the Division; and (2) the training of the geographic information specialist. Section 1 also requires the Program to provide to participants in the Program classes and resources on business development and business financing. Section 1 further revises the stakeholder group to include the African Chamber of Commerce and Tourism ~~and~~ and the Vegas Chamber.

Existing law provides that the institutions of the Nevada System of Higher Education located in Clark County and the Nevada Small Business Development Center in Clark County shall cooperate with the geographic information system specialist to mentor and track businesses participating in the Program in Clark County. (Section 2 of chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3666)

Section 1 removes the requirement for the Nevada Small Business Development Center in Clark County to participate in the tracking and mentoring of businesses participating in the Program in Clark County. Section 1 also provides that the Nevada Small Business Development Center located in Clark County and the Division will assist in identifying skilled labor in this State and focus on the utilization of existing resources as part of the Program.

Section 2 of this bill appropriates ~~[\$2,100,000]~~ \$950,000 for each fiscal year to ~~[the Nevada System of Higher Education to: (1) enable]~~ the College of Southern Nevada to assist and carry out the NV Grow Program. ~~[; and (2) study the feasibility of establishing a center to provide services and training in geographic information systems and assist in carrying out the geographic information services provided by the Program. Section 2 requires the Nevada System of Higher Education to prepare a report on the results of the study.]~~

Section 3.5 of this bill: (1) appropriates \$100,000 to the University of Nevada Cooperative Extension in Clark County to provide certain services to the NV Grow Program; and (2) appropriates \$30,000 to the stakeholder group of the NV Grow Program to employ or contract with a marketing professional to provide marketing services for the NV Grow Program.

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

Section 1. Section 2 of the NV Grow Act, being chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3666, is hereby amended to read as follows:

Sec. 2. 1. The Division, in consultation with the stakeholders group, shall develop, create and oversee the NV Grow Program to stimulate Nevada's economy with a view toward providing assistance to businesses that are already located and operating in this State rather than recruiting businesses from other states to relocate in Nevada.

2. Under the auspices of the program:

(a) Institutions of the Nevada System of Higher Education located in Clark County ~~[and the Nevada Small Business Development Center in Clark County]~~ shall, in cooperation with the geographic information system specialist employed at the College of Southern Nevada, mentor and track businesses participating in the program in Clark County. The Clark County Department of Business License will coordinate with the College to provide such data as may be necessary for the operation of the program in Clark County.

(b) The Nevada Small Business Development Centers located in Clark County and Washoe County shall each cooperate with the geographic information system specialist employed to assist businesses in Clark County that are participating in the program with marketing and other efforts.

3. The Division shall select the lead counselor and manage the NV Grow Program, which must include, without limitation:

(a) The employment *and supervision* of the lead counselor at the College of Southern Nevada who, in addition to his or her other duties, serves as the coordinator of the program . ~~{ }~~ *The Division shall, to the extent practicable, ensure that the work of the lead counselor of the program is supervised by at least two employees of the Division or an advisory team appointed by the Division.*

(b) The employment *and training* of a geographic information specialist at the College of Southern Nevada who provides data to clients of the stakeholders group . ~~{ }~~ *To the extent practicable, the geographic information specialist must receive training in geographic information systems at the Nevada Small Business Development Center located in Washoe County.*

(c) The appointment of the College of Southern Nevada as administrator of the geographic information system and fiscal agent for the program . ~~{ }~~

(d) An analysis and identification by the Division of businesses and business sectors in this State that are ready to expand and a determination of which of these businesses and business sectors will participate in the program . ~~{ }~~

(e) Identification by the ~~{Centers}~~ *Nevada Small Business Development Center located in Clark County* and the Division of the skilled labor that exists in this State and its potential for growth . ~~{ }~~

(f) Targeting by the Centers and the Division of business sectors and occupations in this State that have demonstrated the ability to grow and stimulate the economy of the State . ~~{ }~~

(g) A focus by the ~~{Centers}~~ *Nevada Small Business Development Center located in Clark County* and the Division on the utilization of existing resources . ~~{ }~~

(h) The harnessing of the academic expertise of the College of Southern Nevada and the Centers to provide economic and market data to contribute to the diversification and growth of the economy of this State . ~~{ }~~

(i) The use of geographic information systems by the College of Southern Nevada and the Centers to map areas of this State to determine locations in which retail sales and other commerce are flourishing and locations in which retail sales and commerce demonstrate the capacity for further growth . ~~{ }~~

(j) The elements described in subsection 2 . ~~{ }~~

(k) The provision of informational and other assistance by the College of Southern Nevada to businesses and business sectors in this State, including, without limitation, business training, nontraditional marketing techniques and business mentoring . ~~{and}~~

(l) Such other components as the Division, in consultation with the stakeholders group, determines are likely to be necessary, advisable or advantageous for the growth and development of businesses located in this State.

4. The program shall, insofar as is possible, use the resources and expertise of the Centers and make available those resources and that expertise to businesses in this State for the purposes of:

(a) Developing business connections and business mentorships within the program;

(b) Exchanging data and other information with and between businesses and trade associations;

(c) Creating and facilitating peer-to-peer mentoring sessions for participants in the NV Grow Program; ~~and~~

(d) Providing to businesses and business sectors data and other information that is calculated or otherwise generated through the use of geographic information systems ~~[-]~~; and

(e) Providing to participants in the NV Grow Program classes and resources on business development and business financing.

5. To the extent possible, the program must be conducted with the goal of selecting at least 30 businesses in Clark County to participate in the program every year.

6. To qualify to participate in the program, a business must:

(a) Have its principal place of business within the State of Nevada and have had its principal place of business in this State for at least 2 years;

(b) Generate at least \$50,000 but not more than \$700,000 in revenue; and

(c) Have a business plan.

7. As used in this section:

(a) "Business plan" means a written statement of a set of business goals, the reasons those goals are believed to be attainable and the plan for reaching those goals.

(b) "Centers" means all institutions of the Nevada System of Higher Education, including, without limitation, the College of Southern Nevada and the University of Nevada, Reno.

(c) "Geographic information system" means a computerized database management system for the capture, storage, retrieval, analysis and display of spatial or locationally defined data.

(d) "Stakeholders group" means a group of persons interested in economic development in this State selected by the Division, including, without limitation, a representative of the College of Southern Nevada, the University of Nevada, Las Vegas, the Urban Chamber of Commerce of Las Vegas, the Las Vegas Latin Chamber of Commerce, *the African Chamber of Commerce and Tourism, the Vegas Chamber*, the Henderson Chamber of Commerce, the Asian

Community Development Council, the Valley Center Opportunity Zone, the University of Nevada Cooperative Extension in Clark County, Clark County and incorporated cities in Clark County and various entities affiliated with the Small Business Administration.

Sec. 2. 1. There is hereby appropriated from the State General Fund to ~~the Nevada System of Higher Education the sum of \$2,100,000 to:~~

~~—(a) Enable~~ the College of Southern Nevada ~~to:~~

~~===== (1) the following sums:~~

For the Fiscal Year 2023-2024 \$950,000

For the Fiscal Year 2024-2025 \$950,000

2. The College of Southern Nevada shall use the money appropriated pursuant to subsection 1 to:

(a) Provide or obtain such services as may be necessary to assist and carry out the Program;

~~—(2)~~ (b) Provide training to the geographic information specialist employed pursuant to paragraph (b) of subsection 3 of section 2 of the NV Grow Act to assist small businesses who participate in the Program, including, without limitation, travel expenses to receive training from a geographic information specialist at the Nevada Small Business Development Center in Washoe County at least once every 3 months for not less than 1 year;

~~—(3)~~ (c) Provide stipends for the counselors and members of the faculty of the Nevada System of Higher Education who provide services in connection with the Program; and

~~—(4)~~ (d) Make direct program expenditures to assist and carry out the Program, including, without limitation, expenditures for data software, marketing tools, interns, field trips and grants to members of the stakeholders group, as defined in subsection 7 of section 2 of the NV Grow Act to assist and carry out the Program. ~~and~~

~~—(b) Study the feasibility of establishing a center to provide services and training in geographic information systems and assist in carrying out the geographic information services provided by the Program.~~

~~—2. All money~~

3. Any remaining balance of the sums appropriated by ~~the provisions of this section~~ subsection 1 must ~~be used only for the purposes specified in subsection 1 and no portion of the money may be set aside, distributed or otherwise committed or used for any other purpose, including, without limitation, any indirect costs incurred by any institution of the Nevada System of Higher Education, including, without limitation, the College of Southern Nevada.~~

~~—3. On or before September 1, 2024, the Nevada System of Higher Education shall:~~

~~—(a) Prepare a report on the results of the study of the feasibility of establishing a center to provide services and training in geographic information systems and assist in carrying out the geographic information services provided by the Program; and~~

~~(b) Submit the report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.]~~
~~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 20, 2024, and September 19, 2025, 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 20, 2024, and September 19, 2025, respectively.~~

4. As used in this section, "Program" means the NV Grow Program created pursuant to section 2 of the NV Grow Act, chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3666.

~~Sec. 3. [Any remaining balance of the appropriation made by section 2 of this act must not be committed for expenditure after June 30, 2025, 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 19, 2025, 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 19, 2025.] (Deleted by amendment.)~~

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to:

(a) The University of Nevada Cooperative Extension in Clark County the sum of \$100,000 to provide counseling, training in geographic information systems and data scrubbing services for the Program.

(b) The stakeholder group as defined in subsection 7 of section 2 of the NV Grow Act the sum of \$30,000 to employ or contract with a marketing professional on a part-time basis to provide marketing services for the Program.

2. Any remaining balance of the appropriations made by subsection 1 must not be committed for expenditure after June 30, 2025, 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 19, 2025, 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 19, 2025.

3. As used in this section, "Program" means the NV Grow Program created pursuant to section 2 of the NV Grow Act, chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3666.

Sec. 4. Any remaining balance of the money received by the Division of Workforce and Economic Development of the College of Southern Nevada

from any gifts, grants or donations accepted by the Division pursuant to section 4.5 of the NV Grow Act, chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3669, that has not been committed for expenditure before July 1, 2023, must be transferred to an account in the State General Fund administered by the College of Southern Nevada for the purposes of carrying out the provisions of the NV Grow Act.

Sec. 5. Upon acceptance of the money appropriated by section 2 of this act, the ~~the Nevada System of Higher Education~~ College of Southern Nevada agrees to:

1. Prepare and transmit quarterly reports to the Interim Finance Committee that describe each expenditure made from the money appropriated by section 2 of this act from the date on which the money was received by the ~~Nevada System of Higher Education~~ College of Southern Nevada through December 1, 2024;

2. Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by section 2 of this act from the date on which the money was received by the ~~Nevada System of Higher Education~~ College of Southern Nevada through June 30, 2025; and

3. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the ~~Nevada System of Higher Education~~ College of Southern Nevada, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to section 2 of this act.

Sec. 6. This act becomes effective on July 1, 2023.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 150 to Senate Bill No. 126 removes the requirement for the Nevada Small Business Development Center in Clark County to participate in the tracking and mentoring of businesses; adds the Las Vegas Chamber of Commerce as the stakeholder group; reduces the appropriation to the College of Southern Nevada to support the program, adds an appropriation of \$100,000 to the University of Nevada Cooperative Extension in Clark County to provide counseling, training in geographic information systems and data services and adds an appropriation of \$30,000 for stakeholder groups to employ or contract for marketing.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 191.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 428.

SUMMARY—Makes certain changes relating to applied behavior analysis. (BDR 38-545)

AN ACT relating to applied behavior analysis; requiring the State Plan for

Medicaid to include coverage for certain services related to applied behavior analysis; revising the ~~application~~ issuance fee for a license as a behavior analyst or an assistant behavior analyst; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Health and Human Services to develop and administer a State Plan for Medicaid which includes a list of specific medical services required to be provided to Medicaid recipients. (NRS 422.063, 422.270-422.27497) Existing law requires the State Plan for Medicaid to include: (1) rates of reimbursement for services provided by behavior analysts, assistant behavior analysts and registered behavior technicians that are comparable to rates paid by Medicaid programs in other states for such services; and (2) reasonable limits on the number of hours that such providers are authorized to bill for services provided to a recipient of Medicaid in a 24-hour period. (NRS 422.27497) Section 1 of this bill requires the Director to include in the State Plan coverage for the cost of services provided by behavior analysts, assistant behavior analysts and registered behavior technicians to Medicaid recipients who are less than 27 years of age.

Existing law authorizes the Board of Applied Behavior Analysis to charge a fee of not more than ~~(\$100 to apply)~~ \$25 for ~~for~~ the issuance of an initial license as a behavior analyst or assistant behavior analyst. (NRS 641D.380) Section 2 of this bill increases to ~~(\$550)~~ \$450 the maximum ~~application~~ fee for an initial license that the Board is authorized to charge.

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

Section 1. NRS 422.27497 is hereby amended to read as follows:

422.27497 1. *The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for services provided by behavior analysts, assistant behavior analysts and registered behavior technicians to recipients of Medicaid who are less than 27 years of age.*

2. The Director shall:

(a) Biennially establish and include in the State Plan for Medicaid rates of reimbursement which are provided on a fee-for-service basis for services provided by behavior analysts, assistant behavior analysts and registered behavior technicians that are comparable to rates of reimbursement paid by Medicaid programs in other states for the services of those providers.

(b) Establish reasonable limits on the number of hours that a behavior analyst, assistant behavior analyst or registered behavior technician is authorized to bill for services provided to a recipient of Medicaid in a 24-hour period.

~~{2.}~~ 3. The Division shall provide training to behavior analysts, assistant behavior analysts and registered behavior technicians who provide services to recipients of Medicaid concerning the limits established pursuant to paragraph (b) of subsection ~~1~~.

~~—3.}~~ 2.

4. On or before January 31 of each year, the Division shall:

(a) Compile a report concerning the provision of services to recipients of Medicaid who have been diagnosed with an autism spectrum disorder. The report must include:

(1) The number of recipients of Medicaid who were newly diagnosed with an autism spectrum disorder during the immediately preceding year and the number of those recipients for whom assistance with care management was provided;

(2) The number of recipients of Medicaid diagnosed with an autism spectrum disorder for whom assistance with care management was reimbursed through Medicaid during the immediately preceding year;

(3) The number of recipients of Medicaid for whom the first claim for reimbursement for the services of a registered behavior technician was submitted during the immediately preceding year;

(4) The number of assessments or evaluations by a behavior analyst that were reimbursed through Medicaid during the immediately preceding year;

(5) The total number of claims for applied behavior analysis services provided to recipients of Medicaid made during the immediately preceding year;

(6) For the immediately preceding year, the average times that elapsed between claims for each step of the process that a recipient of Medicaid must undergo to receive treatment from a registered behavior technician, beginning with initial diagnosis with an autism spectrum disorder and including, without limitation, comprehensive diagnosis with an autism spectrum disorder, evaluation and treatment by a behavior analyst and treatment by a registered behavior technician;

(7) The number of recipients of Medicaid receiving services through Medicaid managed care who were, at the end of the immediately preceding year, on a wait list for applied behavior analysis services;

(8) An assessment of the adequacy of the network of each health maintenance organization or managed care organization that provides services to recipients of Medicaid under the State Plan for Medicaid for applied behavior analysis services, as compared to the applicable standard for network adequacy set forth in the contract between the health maintenance organization or managed care organization and the Division;

(9) The number of behavior analysts and registered behavior technicians who are currently providing services to recipients of Medicaid who receive services through each health maintenance organization or managed care organization described in subparagraph (8); and

(10) The number of behavior analysts and registered behavior technicians who provide services to recipients of Medicaid who do not receive services through managed care.

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the next regular session of the Legislature;
and

(2) In even-numbered years, the Joint Interim Standing Committee on Health and Human Services.

~~{4.}~~ 5. As used in this section:

(a) "Applied behavior analysis services" means the services of a behavior analyst, assistant behavior analyst or registered behavior technician.

(b) "Assistant behavior analyst" has the meaning ascribed to it in NRS 641D.020.

(c) "Behavior analyst" has the meaning ascribed to it in NRS 641D.030.

(d) "Registered behavior technician" has the meaning ascribed to it in NRS 641D.100.

Sec. 2. NRS 641D.380 is hereby amended to read as follows:

641D.380 1. The Board shall prescribe, by regulation, fees for any services provided by the Board pursuant to this chapter and the following fees, which must not exceed:

Application for licensure as a behavior analyst or assistant behavior analyst	<u>\$100</u> /\$550/
Issuance of an initial license as a behavior analyst or assistant Behavior analyst	{25} <u>450</u>
Biennial renewal or reinstatement of a license as a behavior Analyst	550
Biennial renewal or reinstatement of a license as an assistant behavioral analyst	425
Biennial renewal or reinstatement of a registration as a registered behavior technician	100
Placement of a license on inactive status	100
Biennial review of a license on inactive status	100
Restoration to active status of a license as a behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed	300
Restoration to active status of a license as a behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed	100
Restoration to active status of a license as an assistant behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed	175
Restoration to active status of a license as an assistant behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed	40
Reproduction and mailing of material for an application	25

A dishonored check	35
A change of name on a license or registration	25
A duplicate license or registration	25
Copies of the provisions of NRS relating to the practice of applied behavior analysis and the rules and regulations adopted by the Board	25
Letter of good standing	15
Review and approval of a course or program of continuing education	25

2. The Board shall ensure, to the extent practicable, that the amount of such fees is sufficient to pay the costs incurred by the Board under the provisions of this chapter, including, without limitation, the compensation of the Board prescribed by NRS 641D.220, and does not exceed the amount necessary to pay those costs.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 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 January 1, 2024, for all other purposes.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 428 to Senate Bill No. 191 raises the fee of issuance to an initial license as a behavior analyst or an assistant behavior analyst from \$25 to \$450.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 258.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 342.

SUMMARY—Revises provisions relating to water. (BDR 48-889)

AN ACT relating to water; ~~authorizing the drilling of a conservation domestic well in certain designated groundwater basins; revising provisions relating to domestic wells to include conservation domestic wells;~~ revising provisions governing an application for a temporary change relating to water already appropriated; ~~providing a penalty;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the State Engineer is authorized to make such rules, regulations and orders as are deemed essential for the welfare of a groundwater basin or portion thereof that has been designated by the State Engineer. In such a designated basin, the State Engineer may, under existing law, require the dedication of a right to appropriate water before approving the development,~~

~~division or subdivision of a parcel of land. (NRS 534.120) Section 9 of this bill authorizes the State Engineer in any designated basin to authorize the drilling of a conservation domestic well, which is limited to a withdrawal of 0.5 acre feet per year, instead of a domestic well, which is limited to a withdrawal of 2 acre feet per year pursuant to existing law. (NRS 534.180) If the State Engineer authorizes the drilling of a conservation domestic well, section 9 requires the owner of the conservation domestic well to: (1) install a water meter; (2) ensure the withdrawal of the well does not exceed 0.5 acre feet in a calendar year; and (3) file a report annually with the State Engineer on the total withdrawal from the well during the immediately preceding calendar year. A violation of these requirements by an owner of a conservation domestic well may subject the owner to civil and criminal penalties. (NRS 534.190, 534.193)~~

~~Section 7 of this bill defines the term "conservation domestic well." Sections 1, 2 and 6 of this bill provide that the term "domestic well" includes a conservation domestic well. Sections 3, 5 and 8 of this bill make conforming changes to indicate the proper placement of these definitions in the Nevada Revised Statutes.]~~

Under existing law, the State Engineer may grant a permit for a temporary change of the place of diversion, manner of use or place of use of water already appropriated for a period not to exceed 1 year. Before granting such a permit, if the State Engineer determines that a temporary change may not be in the public interest, or may impair the water rights held by other persons, existing law: (1) requires the State Engineer to give notice of the application; (2) authorizes any interested person to file a written protest to the application; and (3) if a protest is filed, provides that the State Engineer may hold a hearing. (NRS 533.345) Section 4 of this bill authorizes the State Engineer to grant an application for such a temporary change for a period not to exceed ~~5~~ 3 years ~~if the temporary change is for a renewable energy generation project. If an application for a temporary change is filed for a period of more than 1 year, if for such a renewable energy project, section 4 requires the State Engineer to give notice of the application.~~

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

Section 1. ~~NRS 532.167 is hereby amended to read as follows:~~
~~532.167 1. For each basin located in whole or in part in the State, the State Engineer shall prepare a water budget and calculate and maintain an inventory of water which includes, without limitation:~~
~~[1.] (a) The total amount of groundwater appropriated in the basin in accordance with decreed, certified and permitted rights regardless of whether the water appropriations are temporary in nature;~~
~~[2.] (b) An estimate of the amount of groundwater used by domestic wells in the basin; and~~
~~[3.] (c) An estimate of the amount of all groundwater that is available for appropriation in the basin.~~

~~2. As used in this section, "domestic well" includes a conservation domestic well, as defined in section 7 of this act.~~ (Deleted by amendment.)

Sec. 2. ~~[Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~"Domestic well" includes a conservation domestic well, as defined in section 7 of this act.]~~ (Deleted by amendment.)

Sec. 3. ~~[NRS 533.005 is hereby amended to read as follows:~~
~~533.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 533.007 to 533.023, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 4. NRS 533.345 is hereby amended to read as follows:

533.345 1. Every application for a permit to change the place of diversion, manner of use or place of use of water already appropriated must contain such information as may be necessary to a full understanding of the proposed change, as may be required by the State Engineer.

2. If an applicant is seeking a temporary change of place of diversion, manner of use or place of use of water already appropriated, the State Engineer shall approve the application if:

- (a) The application is accompanied by the prescribed fees;
- (b) The temporary change is in the public interest; and
- (c) The temporary change does not impair the water rights held by other persons.

3. ~~[If the State Engineer determines that the temporary change may not be in the public interest, or may impair the water rights held by other persons, the]~~
 The State Engineer shall give notice of the application as provided in NRS 533.360 ~~[Any]~~ if:

- (a) *The State Engineer determines that the temporary change may not be in the public interest, or may impair the water rights held by other persons; or*
- (b) *The temporary change is for a period of more than 1 year ~~for~~ pursuant to subsection 5.*

4. *If the State Engineer gives notice of the application in accordance with subsection 3, any person interested may file a written protest to the application and the State Engineer may hold a hearing before rendering a decision in accordance with the provisions of NRS 533.365.*

~~[4.]~~ 5. ~~[A]~~ *Except as otherwise provided in this subsection, a temporary change may be granted for any period not to exceed 1 year. ~~for~~ The State Engineer may grant a temporary change for a period of more than 1 year, but not to exceed 3 years ~~for~~, if the temporary change is for a renewable energy generation project.*

6. *As used in this section, "renewable energy generation project" has the meaning ascribed to it in NRS 701.080.*

Sec. 5. ~~[Chapter 534 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.]~~ (Deleted by amendment.)

Sec. 6. ~~["Domestic well" includes a conservation domestic well.]~~
(Deleted by amendment.)

Sec. 7. ~~["Conservation domestic well" means a well that is drilled for the development and use of groundwater for domestic purposes where the draught does not exceed 0.5 acre feet per year.]~~ (Deleted by amendment.)

Sec. 8. ~~[NRS 534.010 is hereby amended to read as follows:~~
~~534.010 1. As used in this chapter, unless the context otherwise requires,~~
~~the words and terms defined in NRS 534.0105 to 534.0175, inclusive, and~~
~~sections 6 and 7 of this act have the meanings ascribed to them in those~~
~~sections.~~

~~2. As used in this chapter, the terms "underground water" and~~
~~"groundwater" are synonymous.]~~ (Deleted by amendment.)

Sec. 9. ~~[NRS 534.120 is hereby amended to read as follows:~~
~~534.120 1. Within an area that has been designated by the State~~
~~Engineer, as provided for in this chapter, where, in the judgment of the State~~
~~Engineer, the groundwater basin is being depleted, the State Engineer in his or~~
~~her administrative capacity may make such rules, regulations and orders as are~~
~~deemed essential for the welfare of the area involved.~~

~~2. In the interest of public welfare, the State Engineer is authorized and~~
~~directed to designate preferred uses of water within the respective areas so~~
~~designated by the State Engineer and from which the groundwater is being~~
~~depleted, and in acting on applications to appropriate groundwater, the State~~
~~Engineer may designate such preferred uses in different categories with respect~~
~~to the particular areas involved within the following limits:~~

~~(a) Domestic, municipal, quasi municipal, industrial, irrigation, mining and~~
~~stock watering uses; and~~

~~(b) Any uses for which a county, city, town, public water district or public~~
~~water company furnishes the water.~~

~~3. Except as otherwise provided in subsection 5, the State Engineer may:~~

~~(a) Issue temporary permits to appropriate groundwater which can be~~
~~limited as to time and which may, except as limited by subsection 4, be~~
~~revoked if and when water can be furnished by an entity such as a water district~~
~~or a municipality presently engaged in furnishing water to the inhabitants~~
~~thereof.~~

~~(b) Deny applications to appropriate groundwater for any use in areas~~
~~served by such an entity.~~

~~(c) Limit the depth of domestic wells.~~

~~(d) Prohibit the drilling of wells for domestic use, as defined in~~
~~NRS 534.013, in areas where water can be furnished by an entity such as a~~
~~water district or a municipality presently engaged in furnishing water to the~~
~~inhabitants thereof.~~

~~(e) In connection with the approval of a parcel map in which any parcel is~~
~~proposed to be served by a domestic well, require the dedication to a city or~~
~~county or a designee of a city or county, or require a relinquishment to the~~
~~State Engineer, of any right to appropriate water required by the State Engineer~~

~~to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance.~~

~~4. The State Engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom groundwater was appropriated pursuant to the permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:~~

~~—(a) The distance from the property line of any parcel served by a well pursuant to a temporary permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and~~

~~—(b) The well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well drilling rig.~~

~~5. The State Engineer may, in an area in which have been issued temporary permits pursuant to subsection 3, limit the depth of a domestic well pursuant to paragraph (c) of subsection 3 or prohibit repairs from being made to a well, and may require the person proposing to deepen or repair the well to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:~~

~~—(a) The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and~~

~~—(b) The deepening or repair of the well would require the use of a well drilling rig.~~

~~6. Within an area that has been designated as a groundwater basin by the State Engineer pursuant to NRS 534.030, the State Engineer may authorize the drilling of a conservation domestic well. If the State Engineer authorizes the drilling of a conservation domestic well pursuant to this subsection, the owner of the conservation domestic well shall do all of the following:~~

~~—(a) Install a water meter capable of measuring the total withdrawal of water from the conservation domestic well.~~

~~—(b) Ensure that the total withdrawal of water from the conservation domestic well does not exceed 0.5 acre feet during a calendar year.~~

~~—(c) On or before the date required by the State Engineer, file a report with the State Engineer on a form prescribed by the State Engineer indicating the total quantity of water withdrawn from the conservation domestic well during the immediately preceding calendar year. The State Engineer may establish procedures for the electronic filing of the reports required pursuant to this paragraph.~~

~~7. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.~~

~~[7.] 8. The provisions of this section do not prohibit the State Engineer from revoking a temporary permit issued pursuant to this section if any parcel served by a well pursuant to the temporary permit is currently obtaining water~~

~~from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.~~ (Deleted by amendment.)

Sec. 10. This act becomes effective on July 1, 2023.

Senator Pazina moved the adoption of the amendment.

Remarks by Senator Pazina.

Amendment No. 342 to Senate Bill No. 258 deletes sections 1 through 3 and sections 5 through 9 of the original bill. It provides that the State Engineer may grant a temporary change of the place of diversion, manner of use or place of use of water already appropriated for a period of more than one year, but not to exceed three years, if the temporary change is for a renewable energy generation project.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 269.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 341.

SUMMARY—Revises provisions related to animal cruelty. (BDR 50-246)

AN ACT relating to cruelty to animals; prohibiting a person from restraining a dog during any time in which a heat advisory , excessive heat warning, wind chill warning or winter storm warning has been issued for the area; eliminating from provisions relating to animal cruelty certain exemptions that authorize a dog to be restrained in a certain manner or maintained in certain enclosures; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits, with certain exceptions, a person from restraining a dog: (1) using certain tethers, chains, ties, trolleys or pulley systems or other devices; (2) using a prong, pinch or choke collar or similar restraint; or (3) for more than 14 hours during a 24-hour period. (NRS 574.100) Section 1 of this bill prohibits a person from also restraining a dog outdoors during any time in which a heat advisory , excessive heat warning, wind chill warning or winter storm warning has been issued for the area by the National Weather Service.

In addition to the prohibitions on restraining a dog, existing law requires that any pen or other outdoor enclosure that is used to maintain a dog be appropriate for the size and breed of the dog. Existing law exempts from the limitations on restraining a dog or maintaining a dog in such enclosures circumstances where a dog is: (1) being used lawfully to hunt a species of wildlife in this State during the hunting season for that species; (2) receiving training to hunt a species of wildlife in this State; (3) being kept in a shelter or boarding facility or temporarily in a camping area; (4) temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes; or (5) with a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour. Existing law sets forth graduated criminal penalties depending on whether the offense is a

first, second or third and subsequent offense for a violation of certain provisions relating to animal cruelty. (NRS 574.100) Section 1 eliminates these exemptions where a dog is being used lawfully to hunt a species of wildlife in this State during the hunting season for that species, receiving training to hunt a species of wildlife in this State and temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes so that: (1) the limitations on the restraint and use of outdoor enclosures apply to a dog in such circumstances; and (2) the graduated criminal penalties also apply to such circumstances. Section 1 further exempts from the limitations where a dog is: (1) being processed into an animal shelter; or (2) under the direct custody or control of a person, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour, provided a heat advisory, excessive heat warning, wind chill warning or winter storm warning has not been issued for the area by the National Weather Service.

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

Section 1. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110. The provisions of this paragraph do not apply to a feral cat that has been caught to provide vaccination, spaying or neutering and released back to the location where the feral cat was caught after providing the vaccination, spaying or neutering. As used in this paragraph, "feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; ~~for~~

(c) ~~During~~ Outdoors, during any time in which a heat advisory or excessive heat warning has been issued for the area by the National Weather Service; ~~for~~

(d) Outdoors, during any time in which a wind chill warning or winter storm warning has been issued for the area by the National Weather Service; or

(e) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) ~~Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;~~

~~—(c) Receiving training to hunt a species of wildlife in this State;~~

~~—(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined; or~~

~~—(e) (c) Being kept in a processed into an animal shelter; for boarding facility or temporarily in a camping area;~~

~~—(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;~~

~~—(g) (e) (d) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry ~~for~~; or~~

~~—(h) With~~

(e) Under the direct custody or control of a person, ~~having custody or control of the dog,~~ if the person is engaged in a temporary task or activity with the dog for not more than 1 hour ~~for~~ provided that a heat advisory, excessive heat warning, wind chill warning or winter storm warning has not been issued for the area by the National Weather Service.

5. A person shall not:

(a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes horse tripping.

6. A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

7. Except as otherwise provided in subsection 6, a person who violates subsection 1, 2, 3 or 5:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➡ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➡ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

8. In addition to any other fine or penalty provided in subsection 6 or 7, a court shall order a person convicted of violating subsection 1, 2, 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, 3 or 5 including, without limitation, money expended for veterinary treatment, feed and housing.

9. The court may order the person convicted of violating subsection 1, 2, 3 or 5 to surrender ownership or possession of the mistreated animal.

10. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

- (a) Carrying out the activities of a rodeo or livestock show; or
- (b) Operating a ranch.

11. As used in this section, "horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:

- (a) Tripping such an animal to provide medical or other health care for the animal; or
- (b) Catching such an animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

Senator Pazina moved the adoption of the amendment.

Remarks by Senator Pazina.

Amendment No. 341 to Senate Bill No. 269 prohibits a person from restraining a dog outdoors during any time in which a heat advisory, excessive heat warning, wind chill warning or winter storm warning has been issued for the area by the National Weather Service; adds an exemption to existing prohibitions on the restraint of a dog under direct custody or control of a person, if the person is engaged in a temporary activity with the dog for not more than 1 hour, provided that a heat advisory, excessive heat warning, wind chill warning or winter storm warning has not been issued; eliminates existing exemptions on the restraint of a dog where a dog is being used lawfully to hunt during hunting season or receiving training to hunt or temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 364.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 391.

SUMMARY—Makes various changes relating to cultural remains. (BDR 33-533)

AN ACT relating to cultural remains; requiring, under certain circumstances, a law enforcement agency to communicate with an Indian tribe or notify the Office of Historic Preservation of the State Department of Conservation and Natural Resources regarding certain human remains; requiring the Office ~~of Historic Preservation of the State Department of Conservation and Natural Resources~~ to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Historic Preservation of the State Department of Conservation and Natural Resources to adopt regulations to carry out the provisions of existing law relating to the protection of Indian burial sites and historic and prehistoric sites. (NRS 383.440) Section 2 of this

bill instead requires the Office to adopt such regulations. Section 3 of this bill requires that the Office adopt such regulations not later than December 31, 2023.

Section 1 of this bill provides that if a law enforcement agency goes to a location where human remains are found that are ~~thought~~ reasonably believed to be a native Indian, the law enforcement agency, as part of an investigation, is required to ~~communicate and collaborate~~; (1) communicate with a representative of an Indian tribe ~~that~~ located within the county where the remains are found; or (2) notify the Office. Section 2 makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

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

Section 1. Chapter 383 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a law enforcement agency goes to a location where human remains are found that are ~~thought~~ reasonably believed to be native Indian, the law enforcement agency must ~~communicate and collaborate~~, as part of an investigation:

(a) Communicate with a representative of an Indian tribe ~~that~~ located within the county where the remains are found; or
(b) Notify the Office.

2. As used in this section, "law enforcement agency" has the meaning ascribed to it in NRS 289.010.

Sec. 2. NRS 383.440 is hereby amended to read as follows:

383.440 1. The Office ~~may~~ shall adopt regulations to carry out the provisions of NRS 383.400 to 383.440, inclusive.

2. The Office shall adopt regulations as necessary to carry out the provisions of NRS 383.150 to 383.440, inclusive, *and section 1 of this act*, including, without limitation, regulations which set forth the process for repatriation of prehistoric native Indian human remains and funerary objects. The regulations must be developed in consultation with Indian tribes and incorporate the values, beliefs and traditions of the Indian tribes as determined and conveyed by the members of the Indian tribes during the consultation with the Office.

Sec. 3. Not later than December 31, 2023, the Office of Historic Preservation of the State Department of Conservation and Natural Resources shall adopt regulations to carry out the provisions of NRS 383.150 to 383.440, inclusive, and section 1 of this act, as required pursuant to NRS 383.440, as amended by section 2 of this act.

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

Senator Pazina moved the adoption of the amendment.

Remarks by Senator Pazina.

Amendment No. 391 to Senate Bill No. 364 clarifies that if a law enforcement agency goes to a location where human remains are found that are reasonably believed to be a native Indian, the

law enforcement agency, as part of an investigation, is required to either communicate with a representative of an Indian tribe located within the county where the remains are found or notify the Office of Historic Preservation of the State Department of Conservation and Natural Resources.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Senate Bills Nos. 47, 112, 126, 191 and 364 be taken from the General File and re-referred to the Committee on Finance upon return from reprint.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Flores, the privilege of the floor of the Senate Chamber for this day was extended to Rudy Gonzales, Sylvia Lazos and the Nevada Immigrant Coalition.

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to Lisa Brady and Colleen Chapman.

On request of Senator Hansen, the privilege of the floor of the Senate Chamber for this day was extended to Felicia Edwards and Kathleen Edwards.

On request of Senator Krasner, the privilege of the floor of the Senate Chamber for this day was extended to Amy Brinkerhoff, Barron Louderbaugh and Special Olympics Nevada.

On request of Senator SeEVERS Gansert, the privilege of the floor of the Senate Chamber for this day was extended to the NAIOP-Commercial Real Estate Development Association, Ainsley Stremmel, Crosby Stremmel and Megan Stremmel.

Senator Cannizzaro moved that the Senate adjourn until Wednesday, April 19, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 5:46 p.m.

Approved:

STAVROS ANTHONY

President of the Senate

Attest: BRENDAN BUCY

Secretary of the Senate