THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 23, 2023

Senate called to order at 12:09 p.m.

President Anthony presiding.

Roll called.

All present except for Senator Cannizzaro, who was excused.

Prayer by the Chaplain, Pastor Chase Ward.

Lord, Your Word says:

> Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme
>
> or to governors as sent by Him to punish those who do evil and to praise those who do good.

Lord, we ask for wisdom. I ask for Your guidance, for discussion and decisions that are for the good of the people and the betterment of our State. May Your hand direct and bring about Your will.

Thank You for these men and women who seek to do good through law. I ask for wisdom that they may address today's agenda with direct fervor. Lead them in truth and in the well-being of our 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 Commerce and Labor, to which were referred Assembly Bills Nos. 22, 415, 432, 442, 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 Education, to which was referred Assembly Bill No. 74, 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 Finance, to which were referred Senate Bills Nos. 501, 503, 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

Mr. President:

Your Committee on Judiciary, to which was referred Assembly Bill No. 55, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 22, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 4, 8, 13, 16, 18, 19, 20, 21, 22, 23, 25, 87, 117, 119, 131, 169, 210, 214, 437.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 32, Amendment No. 537, and respectfully requests your honorable body to concur in said amendment.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, May 23, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 465, 514.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

May 23, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 286, 442.

WAYNE THORLEY
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Lange moved that Senate Concurrent Resolution No. 5; and Assembly Joint Resolutions Nos. 1, 5 and 8; and Assembly Joint Resolution No. 1 of the 81st Legislative Session; and Assembly Concurrent Resolution No. 5 be taken from their positions on the Resolution File and placed on the Resolution File for the next legislative day.

Motion carried.

Senator Dondero Loop moved that Assembly Bill No. 286 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

Senator Lange moved that Senate Bill No. 367 and Assembly Bills Nos. 11, 13, 20, 23, 32, 33, 35, 44, 53, 54, 60, 91, 97, 107, 120, 124, 127, 132, 144, 159, 163, 169, 175, 177, 183, 202, 207, 241, 256, 267, 275, 284, 291, 309, 316, 334, 339, 342, 343, 350, 356, 391, 394, 398, 410, 414, 423, 424, 455, 456 and 464 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 465.

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

Motion carried.

Assembly Bill No. 514.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 244.

Bill read third time.

Remarks by Senators Pazina and Seevers Gansert.

SENATOR PAZINA:

Senate Bill No. 244, as amended, provides General Fund appropriations of $1.5 million in both Fiscal Year (FY) 2024 and FY 2025 to the Nevada Department of Education's Other State Education Programs Account for allocation to nonprofit organizations to provide programs for the creation and maintenance of school gardens for public schools. Additionally, the bill outlines the parameters to be met in order for a nonprofit organization to receive an allocation of money to provide a program for a school garden.

The bill further requires a nonprofit organization that receives funding to prepare a report to be transmitted to the Interim Finance Committee that details each expenditure made from the money received on or before October 1, 2024, for FY 2024 and on or before October 1, 2025, for FY 2025.

SENATOR SEEVERS GANSERT:

I support Senate Bill No. 244. I want to thank its sponsor. There are a number of school garden programs throughout the State. The bill was amended to include Pre-K and extend it to 6th through 12th graders.

Roll call on Senate Bill No. 244:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Senate Bill No. 244 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 282.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 551

SUMMARY—Revises provisions governing education. (BDR 34-532)

AN ACT relating to education; clarifying that the hiring of staff by a principal of a local school precinct must conform to applicable collective bargaining agreements; requiring certain uses of money carried forward at the end of a school year by a local school precinct; requiring certain approval from an organizational team of a local school precinct to approve a plan of operation for the local school precinct; making the principal of a local school precinct a voting member of the organizational team; revising the procedure for the selection of a candidate to fill a vacancy in the position of principal of a local school precinct; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that each public school within a school district in this

State which has more than 100,000 pupils enrolled in its public schools (currently the Clark County School District) is deemed to be a local school precinct. (NRS 388G.530, 388G.600) Under existing law, a local school precinct is required to operate using site-based decision-making in which certain responsibilities are transferred from the large school district to the local school precinct. (NRS 388G.600) One function that the superintendent of the large school district is required to transfer from the large school district to the local school precinct is the selection for the local school precinct of teachers, administrators other than the principal and other staff who work under the direction of the principal. (NRS 388G.610) Section 1 of this bill clarifies that the principal of the local school district is required to select such staff in accordance with the applicable collective bargaining agreement.

Existing law requires the principal of a local school precinct to establish an organizational team for the local school precinct on or before October 1 of each school year. (NRS 388G.700) Under existing law, the organizational team for a local school precinct is required to consist of the principal as a nonvoting member, teachers or other educational personnel at the local school precinct, persons employed at the local school precinct, other than teachers or other educational personnel, and parents or legal guardians of pupils who are enrolled at the local school precinct. (NRS 388G.720) Section 4 of this bill makes the principal of a local school precinct a voting member, rather than a nonvoting member, of the organizational team of the local school precinct.

Existing law requires the principal of a local school precinct to develop a plan of operation for the local school precinct with the assistance and advice of the organizational team. The plan of operation is required to include, without limitation, a plan to improve the achievement of pupils enrolled in the local school precinct and a budget for the use of money allocated to the local school precinct. (NRS 388G.700) Under existing law, the principal is responsible for finalizing the plan of operation and, when the principal finalizes the plan of operation, the principal is required to submit the plan for approval by the school associate superintendent for that local school precinct. (NRS 388G.710) Existing law authorizes the school organizational team to submit to the school associate superintendent objections to any part of the plan of operation and establishes a procedure for the school associate superintendent to consider and respond to those objections. (NRS 388G.750) Section 6 of this bill removes the procedure for the school organizational team to submit to the school associate superintendent objections to the plan of operation and, instead, sections 2, 3 and 6 of this bill establish procedures requiring a plan of operation to be approved by a vote of at least 75 percent of the members of the organizational team who are present at the time of the vote before the plan is submitted to the school associate superintendent for approval. Sections 2 and 3 require the principal of a local school precinct to make every effort to notify the members of an organizational team of the date time and location of a vote on a plan of operation. Under section 6, if a plan of operation is not approved by a vote of at least 75 percent of the members of

the organizational team who are present at the time of the vote: (1) the principal of the local school precinct is required to submit a notice to the school associate superintendent that includes a copy of the proposed plan of operation and a statement of the reasons that the plan of operation was not approved by the required vote of the organizational team; and (2) the superintendent is required to develop and approve a plan of operation for the local school precinct based on that information.

Existing law provides that when a vacancy occurs in the position of principal for a local school precinct, the organizational team for the local school precinct is required to establish a list of qualifications that the organizational team determines are desirable for the next principal and provide that list to the superintendent. The superintendent is required to interview qualified candidates and establish a list of at least three but not more than five candidates to submit to the organizational team and the organizational team is required to recommend one candidate to the superintendent for the position of principal. (NRS 388G.740) Section 5 of this bill establishes qualifications for the position of principal that the organizational team is required to include in the list of qualifications submitted to the superintendent. Section 5 also revises the procedure for filling a vacancy in the position of principal for the local school precinct by requiring that, rather than recommending one candidate to the superintendent, the organizational team is required to submit to the superintendent a ranking of candidates for the position of principal. Finally, section 5: (1) requires the school associate superintendent responsible for a local school precinct to make every effort to notify the members of an organizational team of the date, time and location of a vote on a selected candidate; (2) authorizes the organizational team to reject the selection by the superintendent of a candidate for the position of principal if at least 75 percent of the members of the organizational team who are present at the time of the vote to reject the selection; and (3) provides that if the organizational team rejects the selection of the superintendent, the superintendent is required to select a candidate for the position of principal from the remaining candidates on the list submitted by the organizational team.

Existing law: (1) deems each public school within a large school district (currently Clark County School District) to be a local school precinct which is empowered to carry forward its year-end balance to the next school year for use by the local school precinct; and (2) requires a large school district to account for any amount carried forward by a local school precinct as a restricted fund balance. (NRS 388G.600, 388G.650) Section 1.5 of this bill requires a local school precinct that carries forward a balance of more than 5 percent of its actual expenditures to use the money for certain purposes. If a local school precinct fails to spend the entire amount of money within ~~[18]~~ 24 months after the end of the school year, section 1.5 requires a large school district to transfer the balance in excess of 5 percent of the expenditures of the local school precinct to the Education Stabilization Account.

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

Section 1. NRS 388G.610 is hereby amended to read as follows:

388G.610 1. Except as otherwise provided in this section, the superintendent shall transfer authority to each local school precinct to carry out responsibilities in accordance with this section and the plan of operation approved for the local school precinct.

2. The superintendent shall transfer to each local school precinct the authority to carry out the following responsibilities:

(a) Select for the local school precinct the:

(1) Teachers;

(2) Administrators other than the principal; and

(3) Other staff who work under the direct supervision of the principal.

(b) Direct the supervision of the staff of the local school precinct, including, without limitation, taking any necessary disciplinary action which does not involve a violation of law or which does not require an investigation to comply with the law.

(c) Procure such equipment, services and supplies as the local school precinct deems necessary or advisable to carry out the plan of operation for the local school precinct. Equipment, services and supplies may be procured from the large school district in which the local school precinct is located or elsewhere, but such procurement must be carried out in accordance with the applicable policies of the large school district.

(d) Develop a balanced budget for the local school precinct for the use of the money allocated to the local school precinct, which must include, without limitation, the manner in which to expend any money not used for the purposes described in paragraphs (a), (b) and (c).

(e) Any other responsibility for which authority is transferred pursuant to subsection 7.

3. Except as otherwise provided in subsection 7, a large school district shall remain responsible for paying for and carrying out all other responsibilities necessary for the operation of the local school precincts and the large school district which have not been transferred to the local school precincts pursuant to subsection 2, including, without limitation, responsibility for:

(a) Negotiating the salaries, benefits and other conditions of employment of administrators, teachers and other staff necessary for the operation of the local school precinct;

(b) Transportation services;

(c) Food services;

(d) Risk management services;

(e) Financial services, including payroll services;

(f) Qualifying employees for any position within the large school district;

(g) Services to promote and ensure equity and diversity;

(h) Services to ensure compliance with all laws relating to civil rights;

(i) Identification, evaluation, program placement, pupil assignment and other services provided to pupils pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto, or pursuant to section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the regulations adopted pursuant thereto;

(j) Legal services;

(k) Maintenance and repair of buildings;

(l) Maintenance of the grounds of the local school precinct;

(m) Custodial services;

(n) Implementation of the master plan developed for English learners;

(o) Internal audits;

(p) Information technology services;

(q) Police services;

(r) Emergency management services;

(s) Carrying out state mandated assessments and accountability reports;

(t) Capital projects; and

(u) Utilities.

4. *The principal of a local school precinct shall select for the local school precinct the staff described in paragraph (a) of subsection 2 in accordance with the applicable collective bargaining agreements.* To the greatest extent possible, the principal of a local school precinct shall select teachers who are licensed and in good standing before selecting substitutes to teach at the local school precinct. The principal, in consultation with the organizational team, shall make every effort to ensure that effective licensed teachers are employed at the local school precinct.

5. If a large school district is unable to provide any necessary maintenance or repair of the buildings or grounds of a local school precinct in a timely manner, the large school district must, at the expense of the large school district, procure any equipment, services and supplies necessary from another entity or business to provide such maintenance or repair for the local school precinct or take any other necessary action.

6. To the extent that any member of the staff of central services is assigned to provide services at a local school precinct on a temporary or permanent basis, the decision regarding the assignment and any subsequent reassignment of the member of the staff must be made in consultation with the principal of the local school precinct and the school associate superintendent.

7. On or before January 15 of each year, the superintendent shall determine, in consultation with the principals, school associate superintendents and organizational teams of each local school precinct, any additional authority that is not listed in subsection 2 to recommend transferring to one or more local school precincts. Such authority may include the authority to carry out any of the responsibilities listed in subsection 3 which is not prohibited by law, other than the responsibility for capital projects, if it is determined that transferring the authority will serve the best interests of the pupils. The recommendation to transfer authority to one or more local school precincts

must be submitted for approval by the board of trustees of the large school district. The board of trustees of the large school district shall consider such a recommendation and determine whether to approve the transfer of additional authority at its next regularly scheduled meeting if submitted within 5 working days before the next regularly scheduled meeting and otherwise the recommendation shall be considered at the following meeting.

8. If the authority to carry out any responsibility is transferred to a local school precinct pursuant to subsection 7, the large school district must allocate additional money to the local school precinct in an amount equal to the amount that would otherwise be paid by the large school district to carry out the responsibility.

Sec. 1.5. NRS 388G.650 is hereby amended to read as follows:

388G.650 1. On or before January 15 of each year, to assist the local school precincts in preparing their budgets for the next school year, the superintendent shall establish and make public:

(a) The average unit cost for each type of employee employed to work at a local school precinct which is determined based upon the average unit cost across the large school district. A separate average unit cost must be established for teachers and substitute teachers, respectively.

(b) A list of equipment, services and supplies that a local school precinct may obtain from the large school district using the money allocated to the local school precinct and the cost for such equipment, services and supplies. The cost of such equipment, services and supplies must not exceed the actual cost to the large school district to provide the equipment, services and supplies to the local school precinct.

2. ~~[Each]~~ *Except as otherwise provided by subsections 3 and 4, each* local school precinct must carry forward its year-end balance to the next school year for use by the local school precinct. The large school district must account for any such amount that is carried forward as a restricted fund balance.

3. If the year-end balance carried forward pursuant to subsection 2 in any school year exceeds 5 percent of the actual expenditures of the local school precinct during the immediately preceding school year, the local school precinct shall spend the entire amount of money by which the year-end balance carried forward pursuant to subsection 2 exceeds 5 percent of the actual expenditures of the local school precinct during the immediately preceding school year for one or more of the following purposes, in order of priority:

(a) Tutoring or other supplemental academic achievement programs within the local school precinct;

(b) Programs to support social and emotional learning within the local school precinct;

(c) Extracurricular programming for pupils within the local school precinct;

(d) Tutoring or other supplemental academic achievement programs within the large school district;

(e) Extracurricular programming for pupils within the large school district; and

(f) Any other instructional training, program or activity designed and intended to improve the achievement of pupils enrolled in the local school precinct.

4. If a local school precinct fails to spend the entire amount of money by which the year-end balance carried forward pursuant to subsection 2 exceeds 5 percent of the actual expenditures of the local school precinct during the immediately preceding school year within ~~[18]~~ 24 months after the end of the school year from which the year-end balance is carried forward, the large school district shall transfer the amount of money by which the balance carried forward exceeded 5 percent of the actual expenditures of the local school precinct during the immediately preceding school year, less any amount spent by the local school precinct pursuant to subsection 3, to the Education Stabilization Account created by NRS 387.1213. The local school precinct shall reduce any balance carried forward by any amount transferred to the Education Stabilization Account pursuant to this subsection.

5. A large school district shall not require a local school precinct to use either the money expended pursuant to subsection 3 or 4, or the programs and activities supported by such money, to supplant any duty, responsibility or funding owed by the large school district to any local school precinct.

Sec. 2. NRS 388G.700 is hereby amended to read as follows:

388G.700 1. The principal of a local school precinct shall:

(a) Establish an organizational team for the local school precinct consisting of the members described in NRS 388G.720 on or before October 1 of each school year;

(b) Develop the proposed plan of operation for the local school precinct for the next school year with the assistance and advice of the organizational team; ~~[and]~~

(c) ~~[Submit]~~ *Before any vote on a proposed plan of operation for the local school precinct, make every effort to notify the members of the organizational team for the local school precinct of the date, time and location of the scheduled vote;*

(d) If the proposed plan of operation for the local school precinct is approved by a vote of at least 75 percent of the members of the organizational team for the local school precinct who are present at the time of the vote, submit the proposed plan of operation ~~[for the local school precinct]~~ to the school associate superintendent for approval ~~[.]~~ *; and*

(e) If the proposed plan of operation for the local precinct is not approved by a vote of at least 75 percent of the members of the organizational team who are present at the time of the vote, notify the school associate superintendent in accordance with NRS 388G.750.

2. ~~[The]~~ *In accordance with the applicable collective bargaining agreement, the* principal of the local school precinct shall select staff for the

local school precinct as necessary to carry out the plan of operation from a list provided by the superintendent.

3. The plan of operation for the local school precinct must include, without limitation:

(a) A plan to improve the achievement of pupils enrolled in the local school precinct, regardless of whether such a plan is required to be prepared pursuant to NRS 385A.650; and

(b) A budget which itemizes the manner in which the local school precinct will use the money allocated to the local school precinct.

4. The budget included in the plan of operation for the local school precinct pursuant to subsection 3 must be based upon the average unit cost for each type of employee of the local school precinct established pursuant to paragraph (a) of subsection 1 of NRS 388G.650, the actual cost for the procurement of equipment, services and supplies for the local school precinct and the actual cost of any other item included in the budget of the local school precinct. The budget must be developed in accordance with the criteria for determining budgetary priorities established by the board of trustees of the large school district pursuant to NRS 387.301.

Sec. 3. NRS 388G.710 is hereby amended to read as follows:

388G.710 1. Before *the organizational team conducts a vote on* approving a plan of operation for ~~[a]~~ *the* local school precinct, the principal of the local school precinct shall present the plan at a public meeting held in accordance with subsection 2 at the local school precinct to which the plan of operation applies.

2. The principal shall post notice of the meeting not less than 3 working days before the date on which the meeting will be held. Members of the public must be allowed to attend any portion of the meeting, except any portion of the meeting during which confidential information is discussed, and each meeting must include a period for public comment. A meeting held pursuant to this subsection is not subject to the provisions of chapter 241 of NRS.

3. ~~[When]~~ *Before any vote on a proposed plan of operation for the local school precinct, the principal of the local school precinct must make every effort to notify the members of the organizational team for the local school precinct of the date, time and location of the scheduled vote.*

4. The principal shall not finalize the plan of operation for the local school precinct unless the plan of operation has been approved by at least 75 percent of the members of the organizational team who are present at the time of the vote. If the plan of operation for the local school precinct is finalized by the principal, the principal must submit the plan to the school associate superintendent for approval. After receipt of the plan of operation ~~[,]~~ *pursuant to this subsection,* the school associate superintendent must approve or deny the plan of operation within 10 days. The plan of operation must be approved unless any provision of the plan violates any federal or state law or policy of the large school district.

~~[4.]~~ *5.* If the school associate superintendent:

(a) Approves the plan of operation for a local school precinct, the school associate superintendent must notify the principal of the local school precinct and cause the plan of operation to be posted on the Internet website of the large school district and on the Internet website of the local school precinct and make the plan of operation available to any person upon request.

(b) Does not approve the plan of operation for a local school precinct, the school associate superintendent must notify the principal of the local school precinct of the reasons for not approving the plan and post those reasons on the Internet website of the large school district and on the Internet website of the local school precinct and make the plan of operation available to any person upon request. The school associate superintendent must assist the principal as necessary to revise the plan of operation.

~~[5.]~~ *6.* Any adjustment to the budget that the principal of the local school precinct determines is necessary after the plan of operation has been approved *pursuant to this section or NRS 388G.750* may be made upon consultation with the organizational team and approval of the school associate superintendent.

Sec. 4. NRS 388G.720 is hereby amended to read as follows:

388G.720 1. The organizational team for a local school precinct must consist of:

(a) The principal of the local school precinct who shall serve as a ~~[nonvoting]~~ *voting* member.

(b) At least two but not more than four members, as determined by the principal, who are teachers or other licensed educational personnel at the local school precinct who are elected by a vote of the teachers and other licensed educational personnel at the local school precinct and at least one-half of whom are members of the association representing teachers and other licensed educational personnel. The association shall establish the process for nominating and electing the members pursuant to this paragraph, which must allow all teachers and other licensed educational personnel an opportunity to participate and be elected regardless of whether the teachers or other licensed educational personnel are members of the association.

(c) One member who is employed at the local school precinct, other than a teacher or other licensed educational personnel, who is elected by a vote of all such employees, other than teachers or other licensed educational personnel, except that if four members are elected pursuant to paragraph (b), then two members who are elected by a vote of all such employees and who are members of an organization that represents those employees. The organization that represents those employees shall establish the process for nominating and electing the members pursuant to this paragraph, which must allow any eligible employee an opportunity to vote regardless of whether the employee is a member of the organization.

(d) A number of parents or legal guardians of pupils who are enrolled at the local school precinct which represents 50 percent of the total number of voting members if possible, or, if fewer are available to accept membership, then the greatest number of parents or legal guardians available. The parents or legal

guardians must be elected by a vote of all parents and legal guardians of pupils enrolled at the local school precinct. A parent or legal guardian who is a teacher or other licensed educational personnel or employee of the local school precinct may not be elected to serve as a member pursuant to this paragraph, but may be elected to serve as a member of the organizational team pursuant to paragraph (b) or (c), as applicable. The association of parents for the school, if there is one, must establish the process for nominating and electing these members pursuant to this paragraph. If no such association exists, the principal of the local school precinct must inform all parents and legal guardians of the opportunity to serve on the organizational team and provide the parents and guardians with information about the responsibilities associated with serving as a member of the organizational team, the manner in which to submit a name to be included on a ballot, the date on which a vote will be taken and any other relevant information. The principal must post such information on the Internet website of the local school precinct and provide the information to the superintendent who shall post the information on the Internet website of the large school district. The information must also be made available to any person upon request.

2. If one or more specialty schools exist within a local school precinct, at least one member selected pursuant to paragraphs (b) and (d) of subsection 1 must represent each specialty school on the organizational team.

3. In addition to the members described in subsection 1, if the local school precinct is a middle school, junior high school or high school, the organizational team must have one nonvoting member who is a pupil enrolled at the local school precinct who is elected by a vote of all of the pupils enrolled at the local school precinct. Any pupil who attends the local school precinct may request to be placed on the ballot to be elected to serve as a member of the organizational team pursuant to this subsection. A teacher or administrator of the local school precinct may nominate a pupil but the pupil may only be placed on the ballot if the pupil agrees to have his or her name placed on the ballot. The principal of the local school precinct shall cause a vote to be taken of the entire student body at the local school precinct through secret ballot to elect the pupil member. A member elected pursuant to this subsection may only provide assistance and advice regarding the plan of operation for the local school precinct.

4. The organizational team may select one or more nonvoting advisory members from the community at large to assist the organizational team and provide input from the community. Such members must not be the parent or legal guardian of a pupil who attends the local school precinct and must not otherwise be qualified to serve as a voting member of the organizational team.

5. The principal of a local school precinct shall assist as necessary with establishing the process for nominating and electing the members described in subsection 1 and shall ensure that each member who is elected pursuant to paragraph (d) of subsection 1 is informed that the member is not an employee

of the local school precinct or the large school district and of any potential liability for serving as a member of the organizational team.

6. A person who receives the highest number of votes must be appointed to the organizational team regardless of the total number of votes cast for the position.

7. Except as otherwise provided in this subsection, an organizational team and its members who are not employees of the large school district are immune from liability for civil damages as a result of an act or omission in performing any of the duties of the organizational team as set forth in NRS 388G.700 to 388G.750, inclusive. This subsection does not restrict the liability of a local school precinct or the large school district for an act or omission of an organizational team or its members in performing the duties described in NRS 388G.700 to 388G.750, inclusive.

Sec. 5. NRS 388G.740 is hereby amended to read as follows:

388G.740 1. An organizational team shall:

(a) Provide assistance and advice to the principal of the local school precinct regarding the development of the plan of operation for the local school precinct ~~[,]~~ *and vote on whether to approve that plan of operation;*

(b) Provide continued assistance and advice to the principal of the local school precinct in carrying out the plan of operation for the local school precinct; and

(c) Whenever a vacancy occurs in the position of principal for the local school precinct, assist with the selection of the next principal in accordance with the provisions of this section.

2. The organizational team may provide input regarding the principal of the local school precinct to the school associate superintendent not more than two times each school year.

3. Whenever a vacancy occurs in the position of principal for the local school precinct, the organizational team shall establish a list of qualifications that the organizational team determines are desirable for the next principal of the local school precinct and provide the list to the superintendent. *The list of qualifications must include, without limitation, qualifications relating to the:*

(a) Employment history of the candidate;

(b) Ability of the candidate to connect and communicate with pupils;

(c) Ability of the candidate to provide a safe and respectful learning environment pursuant to NRS 388.1321; and

(d) Strategies the candidate would implement to improve the achievement of pupils.

4. The superintendent shall post notice of the vacancy ~~[.]~~ *pursuant to subsection 3.* The superintendent shall interview qualified candidates and establish a list of at least three but not more than five candidates to submit to the organizational team. One member of the organizational team must be allowed to participate in interviewing candidates with the superintendent.

~~[4.]~~ *5.* From the list of candidates submitted by the superintendent pursuant to subsection ~~[3,]~~ *4,* the organizational team shall ~~[recommend one~~

~~candidate]~~ *rank the candidates* for the position of principal *by preference and submit a list with that ranking* within 15 school days after receipt of the recommendation. The superintendent, in consultation with the school associate superintendent, must ~~[, in his or her sole discretion, determine whether to hire the]~~ *select a* candidate ~~[recommended.~~

~~5.]~~ *to hire for the position of principal. Before any vote on the selected candidate, the school associate superintendent responsible for the local school precinct must make every effort to notify the members of the organizational team for the local school precinct of the date, time and location of the scheduled vote. The organizational team may reject the selection of the candidate if at least 75 percent of the members of the organizational team who are present at the time of the vote to do so. The superintendent must then select a candidate from the remaining members of the list submitted pursuant to subsection 4.*

6. Each person who participates in interviewing candidates pursuant to this section shall comply with all laws that apply to an employer when making a decision about employment.

~~[6.]~~ *7.* After the principal of the local school precinct is hired, the superintendent may, in his or her sole discretion, reassign and make other employment decisions concerning the principal.

Sec. 6. NRS 388G.750 is hereby amended to read as follows:

388G.750 1. If ~~[an organizational team objects to any part of]~~ the *proposed* plan of operation for the local school precinct ~~[that is submitted by the principal of the local school precinct for approval pursuant to NRS 388G.700, the organizational team may submit a request to the school associate superintendent to consider revising the plan in accordance with the recommendations]~~ *is not approved by a vote of at least 75 percent of the members of the organizational team who are present at the time of the vote, the principal of the local school precinct must notify the school associate superintendent that the proposed plan of operation has not been approved. The principal shall include in the notice a copy of the proposed plan of operation and a statement of the reasons that the proposed plan of operation has not been approved by a vote of at least 75 percent* of the organizational team ~~[.]~~ *who were present at the time of the vote.*

2. If the school associate superintendent receives a ~~[request]~~ *notice* pursuant to subsection 1, the school associate superintendent must ~~[consider the recommendations of the organizational team and provide a written response to the organizational team upon making a final determination about the plan of operation for the local school precinct within 5 working days.~~

~~3. If the school associate superintendent:~~

~~(a) Agrees with the recommendations of the organizational team, the school associate superintendent must work with the principal of the local school precinct to revise the plan of operation.~~

~~(b) Does not agree with the recommendations of the organizational team, the school associate superintendent must inform the organizational team pursuant to subsection 2.~~

~~4. If the school associate superintendent does not agree with the recommendations of the organizational team, the organizational team may appeal the decision of the school associate superintendent~~] *submit the notice provided pursuant to subsection 1* to the superintendent [~~. The superintendent must consider such an appeal within 5 days after receipt of the appeal. The decision of~~] *and, based on the information included in the notice, the superintendent must develop and approve a plan of operation for the local school precinct. The school associate superintendent must notify the principal of the local school precinct of the development and approval of a plan of operation by the superintendent and cause the plan of operation to be posted on the Internet website of the large school district and on the Internet website of the local school precinct and make the plan of operation available to any person upon request. The development and approval of a plan of operation by* the superintendent *pursuant to this subsection* is final and not subject to any further appeal or judicial review.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

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

(b) On July 1, 2024, for all other purposes.

Senator Nguyen moved the adoption of the amendment.

Remarks by Senator Nguyen.

Amendment No. 551 amends the amount of time to expend carryover dollars from 18 months to 24 months.

Amendment adopted.

Bill read third time.

Remarks by Senator Nguyen.

Plainly, Senate Bill No. 282 ensures that schools hire licensed teachers in good standing over substitutes. It further empowers parents on school organizational teams and ensures that the money allocated to schools by this legislative body follows those same students. Specifically, it clarifies that the hiring of staff by a principal of a local school precinct must conform to applicable collective bargaining agreements, and it requires certain approval from an organizational team of a local school precinct to approve a plan of operation for the school precinct. It also includes principals of local school precincts as voting members on those organizational teams, and it revises the procedure for the selection of a candidate to fill the vacancy of a position of a school principal and requires certain monies carried forward at the end of the school year by a local precinct.

Again, with that amendment, it changes it from originally as introduced 18 months to 24 months. It requires a local precinct that carries forward a balance of not more than 5 percent of actual expenditures at the end of the school year to use that money for certain purposes and requires a local school precinct that fails to spend that money in excess of 5 percent of its actual expenditures during the immediately preceding school year, less that amount, within 24 months at the end of the school year any excess would be transferred to the Education Stabilization Account.

Roll call on Senate Bill No. 282:
YEAS—17.
NAYS—Hansen, Krasner, Titus—3.
EXCUSED—Cannizzaro.

Senate Bill No. 282 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered reprinted, re-engrossed and transmitted to the Assembly.

Assembly Bill No. 76.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 76 increases the maximum amount of costs that a court may award to a prevailing party for the reasonable fees of expert witnesses from $1,500 for each expert witness to not more than $15,000 for each expert witness.

Roll call on Assembly Bill No. 76:
YEAS—18.
NAYS—Seevers Gansert, Titus—2.
EXCUSED—Cannizzaro.

Assembly Bill No. 76 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 98.

Bill read third time.

Remarks by Senator Buck.

Assembly Bill No. 98 makes various changes to the Governor's Workforce Investment Board, including changing the name of the Board to the Governor's Workforce Development Board, expanding the representation of the Board to include members of local workforce development boards and other business representatives from industry sectors and requiring the Board to collaborate with local workforce development boards and regional development authorities on various economic and workforce development activities.

The bill additionally requires each regional industry or sector partnership working with a local workforce development board to submit certain reports to the Governor's Workforce Development Board.

Roll call on Assembly Bill No. 98:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 98 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 100.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 100 requires the Department of Health and Human Services, during the 2023-2024 interim, to develop evidence-based and culturally sensitive assessments to be administered by the Department to family caregivers of individuals with disabilities or health

conditions, implement a pilot program to administer these assessments to family caregivers, recruit certain persons and entities who directly or indirectly receive funding from the Department to voluntarily participate in the pilot program and annually report on the progress and results of the pilot program to certain entities that provide or oversee services for persons with disabilities and certain legislative interim committees.

Roll call on Assembly Bill No. 100:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 100 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 101.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 101 requires each office of a prosecuting attorney to maintain complete and systematic records of cases prosecuted by the office in which testimony is provided by an informant pursuant to a cooperation agreement. Such records are confidential and not considered public books or records. If a prosecuting attorney intends to use testimony provided by an informant in a trial, the prosecuting attorney is required to disclose certain information or material to the defendant as soon as is practicable before a trial but not later than 30 days before the trial, unless the court revises the deadline. In addition, if a court finds that making the disclosures may result in substantial bodily harm to the informant, the court may order the disclosures to only be made to the attorney for the defendant and not to the defendant or any other party. Lastly, a court is required to instruct the jury to consider certain information in assessing the credibility of an informant.

Roll call on Assembly Bill No. 101:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 101 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 110.

Bill read third time.

Remarks by Senator Pazina.

Assembly Bill No. 110 authorizes a manufacturer or wholesaler to dispense dialysate drugs and deliver devices necessary to administer dialysis at a residence after satisfying certain requirements to a patient with irreversible renal disease, or his or her designee, health care provider or hospital or facility for the treatment of irreversible renal disease.

A prescription provided to a manufacturer or a wholesaler for such purposes must comply with requirements concerning format, contents and recordkeeping that apply to prescriptions generally. In addition, a manufacturer or wholesaler may use a third-party logistics provider to deliver the dialysate drug or device necessary to administer dialysis at home. A manufacturer or wholesaler that dispenses dialysate drugs must maintain certain records relating to dangerous drugs in the same manner as a pharmacy, hospital or practitioner that furnishes dangerous drugs.

Roll call on Assembly Bill No. 110:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 110 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 116.
Bill read third time.
Remarks by Senator Nguyen.

Assembly Bill No. 116 requires certain health care providers to provide information concerning Down syndrome and referrals for related support services to the parent or guardian of a child with Down syndrome, or a person who is pregnant and has received test results indicating the fetus has Down syndrome, if the person wishes to receive such information.

The Department of Health and Human Services must maintain a website listing support services available in different areas of the State for people with Down syndrome and parents or guardians of such persons.

Roll call on Assembly Bill No. 116:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 116 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 118.
Bill read third time.
Remarks by Senators Doñate and Seevers Gansert.

SENATOR DOÑATE:

Assembly Bill No. 118 reduces the number of members on the Board of Regents of the University of Nevada from 13 to 9. It revises the members' terms from six- to four-year periods and outlines other provisions concerning election districts, election dates and terms.

SENATOR SEEVERS GANSERT:

I oppose Assembly Bill No. 118. As was just mentioned, it reduces the number of regents from 13 to 9 to cover the entire state, which we believe lessens the representation people have. There is also a change going from six years to a four-year term; there are no issues with a shorter term because those are extensive terms just like judges, but reducing the number of members is an issue.

Roll call on Assembly Bill No. 118:
YEAS—13.
NAYS—Buck, Goicoechea, Hansen, Krasner, Seevers Gansert, Stone, Titus—7.
EXCUSED—Cannizzaro.

Assembly Bill No. 118 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 122.

Bill read third time.

Remarks by Senator Doñate.

Assembly Bill No. 122 in its first reprint provides an exception to current law relating to age verification for tobacco sales for persons selling, distributing or offering to sell cigarettes, cigarette paper or other tobacco products in face-to-face transactions that occur in an area within a casino where loitering by persons who are under 21 years of age is already prohibited.

Roll call on Assembly Bill No. 122:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 122 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 126.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 126 is an omnibus measure that revises various provisions governing Nevada business entities, among other things. The bill authorizes certain business entities to correct an erroneously filed record with the Office of the Secretary of State, clarifies the content of the affidavit required to be submitted with a demand to inspect certain private corporation records, authorizes a publicly traded corporation with the approval of certain stockholders to decrease the number of issued and outstanding shares of a class or series, revises provisions governing permissible restrictions on the transfer of shares of a corporation by clarifying the manner in which a transferee may be presumed to have knowledge of the restriction and repeals, reenacts and reorganizes the definitions of "advance notice statement" and "statement of intent" for the purposes of certain provisions relating to dissenters' rights.

This is a good, pro-business bill, and I am happy to have been able to cosponsor this. I urge your support.

Roll call on Assembly Bill No. 126:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 126 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 131.

Bill read third time.

Remarks by Senator Flores.

Assembly Bill No. 131 creates the Urban and Community Forestry Program within the Division of Forestry of the State Department of Conservation and Natural Resources to promote, create, improve and maintain urban and community forests in the State. The bill sets forth the duties of the State Forester Firewarden to administer the Program and authorizes them to establish a program to distribute grants for the support and advancement of urban and community forestry.

Roll call on Assembly Bill No. 131:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 131 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 146.
Bill read third time.
Remarks by Senator Stone.
Assembly Bill No. 146 clarifies the definition of "video service" to mean the provision by a video service provider over a video service network of certain multichannel video programming provided by a video service provider. The revised definition also excludes certain video content, including streaming video content accessed via the internet, direct-to-home satellite service and any wireless multichannel programming provided by a commercial mobile service provider.
The measure also clarifies the definition of "cable service" to exclude any video content, including streaming video content, accessed by a service that enables users to access content, information, electronic mail or other services that are offered via the internet, regardless of the provider of the video content.

Roll call on Assembly Bill No. 146:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 146 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Mr. President announced that Senate Bills Nos. 244 and 282 would be immediately transmitted to the Assembly.

Assembly Bill No. 154.
Bill read third time.
Remarks by Senator Nguyen.
Assembly Bill No. 154 requires the Division of Public and Behavioral Health of the Department of Health and Human Services to publish on an internet website a list of entities that accept living donations of birth tissue in a hospital or birthing center. Such entities must show proof of accreditation by the American Association of Tissue Banks to be placed and remain on such a list. The bill also requires hospitals and certain physicians to provide a patient who is pregnant with a link to that internet website or a printed version of that list.

Roll call on Assembly Bill No. 154:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 154 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 162.

Bill read third time.

Remarks by Senators Scheible, Goicoechea, Hammond and Titus.

SENATOR SCHEIBLE:

Assembly Bill No. 162 lists permissible uses of neonicotinoid pesticides, prohibits the purchase or use of these pesticides on plants not grown for commercial agricultural purposes and limits the use of neonicotinoid pesticides to those who possess a certificate of commercial agricultural use from the State Department of Agriculture.

This bill will help save bees.

SENATOR GOICOECHEA:

I am all about saving bees. Unfortunately, I oppose Assembly Bill No. 162 as it prevents certified, licensed, restricted-use applicators from using a pesticide that is not even listed by the Environmental Protection Agency. It is over the counter in most states. With the passage of this bill, a restricted-use applicator cannot be applied. It cannot be used. Clearly, with their licensing they should be able to use them. Although I am sympathetic to the backyard gardener who is maybe misusing it, in this case, certified applicators cannot. That is an overreach. I urge opposition.

SENATOR HAMMOND:

I do have a speech. I will *bee* a "yes."

SENATOR TITUS:

This bill may not *bee* perfect, but I am a "yes" also.

Roll call on Assembly Bill No. 162:

YEAS—17.

NAYS—Goicoechea, Hansen, Stone—3.

EXCUSED—Cannizzaro.

Assembly Bill No. 162 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 164.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 164 requires the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources to establish an Outdoor Education Advisory Working Group during the 2023-2024 interim to study approaches to incorporate outdoor recreation into public education curriculum. It eliminates the advisory committee established by the Division and instead requires the Advisory Board on Outdoor Recreation to serve as a technical advisory committee.

Roll call on Assembly Bill No. 164:

YEAS—17.

NAYS—Hansen, Stone, Titus—3.

EXCUSED—Cannizzaro.

Assembly Bill No. 164 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 189.

Bill read third time.

Remarks by Senator Daly.

Assembly Bill No. 189 provides that if the board of county commissioners in a county whose population is 700,000 or more, currently only Clark County, or the governing body of a city which is located in such a county adopts an ordinance restricting the hours in which construction work may begin in a common-interest community in which the original developer controls a majority of the units, the hours for construction work in a such a community must be allowed to begin at, but not earlier than, 5:00 a.m. during the period beginning on April 1 and ending on September 30. The governing body of a county or city to which these provisions apply must amend any ordinance not in compliance with these provisions as of the effective date of this measure. Any existing ordinance regulating excessive noise is also subject to these provisions.

Roll call on Assembly Bill No. 189:

YEAS—19.

NAYS—Titus.

EXCUSED—Cannizzaro.

Assembly Bill No. 189 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 210.

Bill read third time.

Remarks by Senator Krasner.

Assembly Bill No. 210 requires each contractor engaged on a public work to provide his or her workers with a written or electronic notice that sets forth the internet website of the Labor Commissioner where the prevailing wage rates for the public work project are posted, the name of the contractor and the physical address of the principal place of business of the contractor. Finally, the bill requires a person found to have willfully and repeatedly failed to pay a worker the damages in an amount equal to the difference between the prevailing wages required to be paid and the wages that were actually paid by the employer to the affected worker.

Roll call on Assembly Bill No. 210:

YEAS—19.

NAYS—Titus.

EXCUSED—Cannizzaro.

Assembly Bill No. 210 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 214.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 214 requires a regional transportation commission (RTC) in a county whose population is 100,000 or more to establish an advisory committee to provide certain information and advice to the RTC relating to public mass transportation in the county. The bill also makes various changes to the membership of such an advisory committee including those that already exists in a county whose population is 700,000 or more, currently Clark County. Among other changes, the RTC must appoint all members of the advisory committee, and at least two must be employees of the person who contracts with the commission to operate the public transit system.

The bill further requires an RTC, or any person who contracts with an RTC to operate a public transit system, to maintain any audio or video recording that is used as evidence in certain

disciplinary actions or contains an incident on a public transit system that results in an injury to an employee. Upon request of an employee organization that is the exclusive bargaining agent of the employees of a person who contracts with the RTC, the audio or video recording must be provided to the employee organization.

Finally, Assembly Bill No. 214 allows an RTC to establish fines for passengers who refuse to comply with a regional or statewide health and safety standard or mandate.

Roll call on Assembly Bill No. 214:

YEAS—18.

NAYS—Stone, Titus—2.

EXCUSED—Cannizzaro.

Assembly Bill No. 214 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 225.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 225 sets forth a process for a person who is not otherwise authorized under existing state law or a representative of a governmental agency for whom such a person is an employee to petition the district court to make the personal information of the person that is contained in the records of the county recorder, county assessor, county clerk, city clerk or the Secretary of State confidential. If the petition meets certain criteria and is granted by the district court, such order of the court expires after five years but may be extended in subsequent five-year increments. Finally, the bill makes the list of persons who are authorized to request such a court order consistent for the records of the county recorder, county assessor, county clerk, city clerk or the Secretary of State.

Roll call on Assembly Bill No. 225:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 225 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 227.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 227 creates summary procedures for an annulment and for child custody under certain circumstances. The bill provides that a marriage may be dissolved by the summary procedure for annulment when certain factors are present and both spouses agree to the summary procedure. Additionally, an action to determine custody of a child may be brought by the summary procedure when the parents or legal guardians of a child have reached a detailed agreement on the custody, medical or other care, education, maintenance and support of the child, and the court determines that using the summary procedure is in the best interest of the child.

Roll call on Assembly Bill No. 227:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 227 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 235.

Bill read third time.

Remarks by Senators Daly, Goicoechea and Hansen.

SENATOR DALY:

Assembly Bill No. 235 requires the payment of prevailing wages to workers who perform custom fabrication on a public work or for certain performance contracts of local governments or State agencies.

SENATOR GOICOECHEA:

I oppose Assembly Bill No. 235. This bill requires that any custom project ordered on a site off the job site has the prevailing wage be paid to that employee. Clearly, it presents a problem if you went to a shop and that shop was in California, how do you track who pays the prevailing wage or, worse yet, if you ordered the project overseas? There is no way to track that and pay prevailing wage. It will be a bookkeeping nightmare. Again, prevailing wage on a job we live with, but when you start ordering it off the job site in a shop that could be 500 miles away, it is clearly an overreach. Please vote "no."

SENATOR HANSEN:

I echo the comments from our colleague from Eureka. I am a strong proponent of prevailing wage, but in this case it is entirely impractical. For those of us in the trades, these are often called prefabrication shops. In the bill they are listed as custom work, but because these shops are often doing projects for numerous other projects that may not be prevailing wage at the same time, it creates a logistical and paperwork nightmare. While I do support prevailing wage, in this case it is not practical to try and apply this not only for the examples that our colleague from Eureka mentioned but also the fact that our local shops are often doing work for numerous projects at the same time and maybe only one of those may be a prevailing wage project. This is a nightmare, logistically speaking. I urge a "no" vote on Assembly Bill No. 235.

Roll call on Assembly Bill No. 235:

YEAS—12.

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

EXCUSED—Cannizzaro.

Assembly Bill No. 235 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 251.

Bill read third time.

Remarks by Senators Scheible, Stone, Nguyen and Spearman.

SENATOR SCHEIBLE:

Assembly Bill No. 251 removes the requirement for the State Board of Pharmacy to adopt regulations prescribing every language in which certain information about a prescription is required to be provided based on demographic trends and projections and instead requires each pharmacy to provide such information in any of the ten languages most commonly spoken at home in this State as determined by the most recent decennial census. The measure authorizes a pharmacy to provide the specific directions for use given by the prescribing practitioner in English and the other language in a separate document if it is impractical to include that information on the label or other device affixed to the container of the prescription in English only.

SENATOR STONE:

This is a very well-intentioned bill, but the problem is it is not fully cooked. Nevada is a melting pot, as you know, with over 150 languages spoken here. This bill is tailored to one software company that accommodates such translations.

If you look at a prescription blank, you will see there is an area called a "sig," and that is where the provider writes the directions of the prescription for the patient to understand how to take the medication. This bill expands the standards of practice of pharmacists and pharmacies by requiring a pharmacist to have translated an English sig, or directions, into another language.

Basically, a pharmacist has three responsibilities. He ensures the label on the vial has the accurate directions written by the doctor on the prescription. I do not have a problem with this having a flag document if there is too much information that cannot fit on the label. That is not a problem.

Then the pharmacist has to fill the contents with the right medication and the right strength of that medication. Then by Nevada state law, for a new prescription, a pharmacist must do a patient consultation to give that patient the warnings that could occur in the event the patient took the medication. A pharmacist can be disciplined by the State Board of Pharmacy if they do not give the patient a consultation, and a pharmacist can be civilly liable for damages if the pharmacist not consulting with that patient results in injury or death of the patient.

The author of this bill has opined that the software company doing the translations can only translate the sig, or directions, and cannot translate the oral or written warnings affixed to the bottles. I am sure many of you have gotten a bottle that says, "Do not drink, do not take with alcohol, do not operate with dangerous machinery, avoid prolonged sunlight, do not take with aspirin, et cetera." Hence, the pharmacist is not able to communicate these warnings that this law may cause in conflict with pharmacy law.

I will give you a couple examples. A doctor may prescribe an antidepressant class of drugs called monoamine oxidase inhibitors. It is imperative that the pharmacist warn a patient through having a personal consultation to not take any cold medicines that have decongestants like Sudafed, phenylpropanolamine or ephedrine that can cause a hypertensive crisis and immediate death. How can a pharmacist warn a patient of this if they do not speak the language? What if the patient is prescribed a powerful narcotic like oxycontin? The pharmacist must tell the patient that this drug can cause severe drowsiness; do not drink alcohol, do not drive your car. How can a pharmacist engage in communications of these warnings if they do not speak the language? What if that patient maybe has severe pain, and they had a couple beers before going to the pharmacy to negate that pain? They drink, and then they take not one but two of the OxyContin’s because they think, if one will do the job, two will do it better. Then they get into a car and cause a horrific accident. Who will be liable? I can guarantee you the trial attorneys will find that the pharmacist, the pharmacy and maybe even the physician, who may not even be aware of that translation, will be held accountable.

We learn early in pharmacy that decimals kill in our profession especially when dealing with toxic drugs like drug thinners, various narcotics and heart medications. In its present form if this bill becomes law, many pharmacists and pharmacies could be sued for not providing warnings in the language the patient understands. You see, the pharmacist cannot use the excuse that he or she did not speak the language since the label was translated for that same patient. Again, a higher quality of care. This scenario will become a trial attorney's dream scenario, suing a deep-pocket pharmacy chain or breaking a pharmacist financially for not providing a mandatory patient consultation in line with this expansion of the standard of practice of pharmacy.

If this does pass into law, I predict that chain stores will refuse to fill such prescriptions because of liability and legal issues. Lastly, it may also affect prescribers that are not required by this bill to be alerted that a third party will be translating their prescriptions, their directions or sigs, for their patients because of the uncertainty of who has the liability if the translation is wrong and harms the patient.

While I support better communications for our languages spoken in Nevada, I am not willing to sacrifice safety to get there. We are talking about people living or dying without these warnings. The easy solution is for this lone software company to allow pharmacists' warnings on their labels and thus enhancing the software marketability. For those reasons, I urge a "no" vote.

SENATOR NGUYEN:

I support Assembly Bill No. 251. Many of you know that I live with my father. He is a Vietnamese refugee. He is an immigrant. He came here after serving alongside Americans and fighting in the Vietnam War for ten years of his life. When he came here as a refugee when the Americans pulled out, he spoke very limited English. He came here at the age of 30 and tried to live that American Dream.

Why this bill is so important to people like me and people that have immigrant parents is even though he has lived the American Dream and made a better future for his daughters, including myself, reading things in his native language is important. My Senate colleague talked about how it was important to get the right information to individuals seeking prescriptions, and I will tell you who is doing that now. I did it all growing up, and I was a child. It is children of immigrants that are reading prescription labels to their parents. Are children in the best position to be reading those prescription drugs and those warning labels to their parents? Probably not.

Is this bill perfect? Probably not. Does it need improvement? Yes, but I think this is a step in the right direction to make sure we are getting information from our trained pharmacists, doctors and nurses, and we are not getting it from children who are reading those prescription labels to their parents to make sure they are getting the right information. I urge my colleagues to vote in favor of this bill.

SENATOR SPEARMAN:

I support this bill. I want to reiterate what we said during committee. With respect to legal exposure—not having any of a label written in the language that someone can understand—to my colleague's point from Senate District 20, right now there would be two reasons for them to have legal exposure, but at least with this bill they have the instructions in the language they can understand.

The second thing is, we had testimony from those in the retail pharmacy associations that they already have access to telephone assistance, so that if there is something on the warning label that would be dangerous and maybe they cannot communicate with the patient, they already are doing that. What this bill really does is it means that children will not have the burden, if you will, of trying to translate something to the parent. The major pharmacists and pharmacies already do this. What this bill does is it puts another provision in place for safety.

We went through this during our committee meeting, and I need to make sure everyone understands that the language we are talking about here is the language of the directions. On the bottle now—do not drive, do not drink—all of that right now is in English and so are the directions. At least with this bill you have the directions in a language that someone can understand. I encourage my colleagues to vote "yes." It is not about some type of computer association or program. It is not about that at all. If we are really concerned about patient safety, we vote "yes."

Roll call on Assembly Bill No. 251:

YEAS—13.

NAYS—Buck, Goicoechea, Hansen, Krasner, Seevers Gansert, Stone, Titus—7.

EXCUSED—Cannizzaro.

Assembly Bill No. 251 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 264.

Bill read third time.

Remarks by Senator Buck.

Assembly Bill No. 264 makes various changes relating to school absences due to the observance of religious holidays. In the case of such absences, pupils shall not be deprived of any award or award eligibility that is based on perfect attendance; school districts shall not count them toward certain reported absences for accountability, and they shall not impact annual

accountability reports; a parent or legal guardian must provide notification in writing at least three days prior to the absence and not more than five absences shall be approved.

Finally, days on which a pupil is absent due to observance of a religious holiday must be credited toward required days of attendance if the absence was approved and if certain coursework requirements were completed.

Roll call on Assembly Bill No. 264:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 264 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 282.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 282 requires school districts to provide a monthly subsidy to full-time substitute teachers for the purchase of health insurance. In order to receive the subsidies, such teachers must provide proof of health insurance coverage. The bill prohibits a school district or public school from taking certain actions that would prevent a substitute teacher from qualifying for the subsidy.

Roll call on Assembly Bill No. 282:

YEAS—16.

NAYS—Buck, Krasner, Stone, Titus—4.

EXCUSED—Cannizzaro.

Assembly Bill No. 282 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 289.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 289 authorizes the use of natural organic reduction for disposing human remains, which is the contained, accelerated conversion of human remains to soil. The Nevada Funeral and Cemetery Services Board may adopt regulations governing natural organic reduction.

The bill includes natural organic reduction in the definition of "cremation," thereby applying existing penalty provisions for violating requirements governing the disposition of human remains and the licensing, permitting and certification of operators and facilities for the disposition of human remains. Upon written consent from the board of county commissioners of the county or the governing body of the city or town, as applicable, the Board may license crematories using only natural organic reduction located within certain cities and towns. Finally, the bill exempts soil resulting from natural organic reduction from the size requirement for cremated remains and makes several other conforming changes.

Mr. President, I do have an additional remark on Assembly Bill No. 289. As we were hearing this bill, and the mention was organic reduction, and that we're able to now … this now becomes part of the soil. So with that in mind, many of you may have attended the Elko poetry gathering in Elko, Nevada, in January. And a particular poem I heard there in 2007 came to mind when we heard this bill. And it's a bill [*sic*] by William [*sic*] McRae, and if you've never heard him before, you need to. He wrote this poem about reincarnation.

"Reincarnation" by Wallace McRae.
What is reincarnation? A cowboy asked his friend.
It starts, his old pal told him, when your life comes to an end.
They wash your neck and comb your hair and clean your fingernails,
And put you in a padded box away from life's travails.
The box and you goes in a hole that's been dug in the ground.
Reincarnation starts in when you're planted 'neath that mound.
Them clods melt down, just like the box, and you who is inside.
And that's when you begin your transformation ride.
And in a while the grass will grow upon your rendered mound,
Until some day, upon that spot, a lonely flower is found.
And then a horse may wander by and graze upon that flower
That once was you, and now has become your vegetated bower.
Now, the flower that the horse done eat, along with his other feed,
Makes bone and fat and muscle essential to the steed.
But there's a part that he can't use and so it passes through.
And there it lies upon the ground, this thing that once was you.
And if perchance, I should pass by and see this on the ground,
I'll stop awhile and ponder at this object that I've found.
I'll think about reincarnation and life and death and such,
And come away concludin', why, you ain't changed all that much.

Roll call on Assembly Bill No. 289:

YEAS—19.

NAYS—Krasner.

EXCUSED—Cannizzaro.

Assembly Bill No. 289 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 298.

Bill read third time.

Remarks by Senators Spearman and Stone.

SENATOR SPEARMAN:

Assembly Bill No. 298 requires a landlord who collects any fee from a prospective tenant who applies to rent a dwelling unit to refund the fee if the landlord rents the dwelling unit to a different prospective tenant and does not conduct the activity for which the fee was collected. Additionally, the measure requires a written rental agreement to contain a separate appendix containing certain information regarding fees and the rights of the tenant. In addition, a landlord is prohibited from collecting an application fee to obtain a credit report or background check for a minor who is a member of the household of the prospective tenant.

Further, the bill provides that during the period beginning July 1, 2023, and ending on December 31, 2024, a landlord must not renew a rental agreement or enter into a new rental agreement for a dwelling unit with the existing tenant that increases the rent payable in an amount that is more than 10 percent of the rent payable by the existing tenant that is in effect on June 30, 2023.

Provisions relating to temporarily prohibiting a landlord from increasing the rent due by a tenant is effective on July 1, 2023, and expires by limitation on December 31, 2024. All other provisions are effective on October 1, 2023.

SENATOR STONE:

I oppose Assembly Bill No. 298. I like a lot of provisions in this bill, especially when it comes to application fees, which I think have been abused by some landlords in Nevada, especially in the past year or two. The provision that you cannot charge for an application fee for a minor only

makes sense, and charging multiple people for an application fee before you even run a credit on somebody just to make a revenue source of application fees should be frowned upon. I applaud the author for the transparency in identifying those fees that should not be charged and shall not be charged if it were to be passed into law.

My concern, of course, is the rent control. Albeit, it is only for a year, but once we crack that dam open, we are going to see this extended. It is my belief that rent control is not going to provide more affordable housing; it is going to provide less affordable housing. You just need to look at San Francisco and Santa Monica, California, that have enacted such rent control ordinances. They do not work. You will get decreased investment. For those reasons, I oppose Assembly Bill No. 298, and I urge a "no" vote.

Roll call on Assembly Bill No. 298:

YEAS—12.

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

EXCUSED—Cannizzaro.

Assembly Bill No. 298 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 311.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 311 authorizes a hospital to enter into an agreement with the Armed Forces of the United States allowing unlicensed federal medical providers and surgical technologists to provide care in the hospital if they are operating in their official capacity and within the scope of practice authorized by the federal government and part of a training or educational program.

The bill exempts such providers from licensure and regulation requirements of certain health professionals in Nevada.

Roll call on Assembly Bill No. 311:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 311 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 318.

Bill read third time.

Remarks by Senator Stone.

Assembly Bill No. 318 revises certain procedures the Board of Medical Examiners must follow to provide notice to a holder of a license to practice medicine that his or her license is scheduled to expire.

The measure also requires a physician assistant, a practitioner of respiratory care, a perfusionist or an insurer of such a person to report to the Board any actions for malpractice, claim for malpractice that is submitted in arbitration or mediation, settlement, award judgement or other disposition of such an action or claim and certain sanctions imposed that are reportable to the National Practitioner Data Bank. The Board may impose an administrative penalty against such a person that fails to report the required information. After receiving a report that a judgement has been rendered or that an action or claim has been resolved by settlement, the Board must conduct an investigation to determine whether to impose disciplinary action unless an investigation has already commenced or been completed. The Board may require a physician assistant, practitioner

of respiratory care or perfusionist to undergo certain examinations to determine his or her fitness to practice under certain circumstances.

Finally, the Board must impose a fine not to exceed $10,000 for each violation committed by a person that constitutes grounds for disciplinary action. All money from the penalties must be credited to an account with the State Treasurer to be used to support the improvement of health care or the practice of medicine in this State.

Roll call on Assembly Bill No. 318:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 318 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 333.

Bill read third time.

Remarks by Senator Daly.

Assembly Bill No. 333 requires each housing authority in Nevada to conduct an inspection on a regular basis as required by the United States Department of Housing and Urban Development of each dwelling unit owned or managed by the housing authority and dwelling units leased pursuant to certain federal law. After performing such an inspection, the housing authority must obtain the handwritten or electronic signature of the tenant to confirm that the inspection was conducted. The housing authority or the housing authority in coordination with the private owner, as applicable, shall ensure that all necessary repairs are made as soon as practicable after the inspection so that the dwelling unit is in a decent, safe and sanitary condition.

Roll call on Assembly Bill No. 333:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 333 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 359.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 359 authorizes the continued imposition of annual increases in taxes on certain motor vehicle fuels in a county whose population is 700,000 or more if the board of county commissioners on or before December 31, 2026, adopts an ordinance authorizing the effectuation of such increases. If the board of county commissioners does not adopt such an ordinance on or before that date, the board is prohibited from imposing any additional annual increases in those taxes.

Roll call on Assembly Bill No. 359:

YEAS—15.

NAYS—Hansen, Krasner, Seevers Gansert, Stone, Titus—5.

EXCUSED—Cannizzaro.

Assembly Bill No. 359 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 361.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 361 provides that if a department, institution or agency of the Executive Branch of the State Government is required to request the approval of the Interim Finance Committee (IFC) to accept a grant from the federal government and revise a work program to implement the grant, then the entity may, upon submission of the application for the grant, request that the IFC grant provisional approval to accept the grant and revise the work program. With this approval, the department, institution or agency is not required to obtain additional approval from the IFC unless the actual amount of the grant or change to the work program exceeds the greater of the amount provisionally approved by the IFC plus 10 percent or the amount provisionally approved by the IFC plus $75,000. Finally, the bill authorizes the IFC to consider such requests during a regular or special session of the Legislature.

Roll call on Assembly Bill No. 361:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 361 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 366.

Bill read third time.

Remarks by Senator Daly.

Assembly Bill No. 366 moves the Keep Nevada Working Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State and revises the membership of the Task Force.

Roll call on Assembly Bill No. 366:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 366 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 407.

Bill read third time.

Remarks by Senators Spearman and Hansen.

SENATOR SPEARMAN:

Assembly Bill No. 407 prohibits the Director of the Department of Motor Vehicles from releasing any personal information for any purpose relating to the enforcement of immigration laws unless the subject of the information provides written consent or the Director receives an order, subpoena or warrant issued by a court. When responding to such an order, subpoena or warrant, the Director must not release personal information beyond what is specifically required in order to comply.

SENATOR HANSEN:

I oppose Assembly Bill No. 407. I think it is ironic that we as a legislative body are going to be telling a government agency not to cooperate in the enforcement of law. It does not make any sense. I have been watching this since the 2013 session, when I also voted against something similar. Our responsibility as Legislators passing laws is to try and ensure compliance whether it is on the federal, state or local level. I urge my colleagues to vote "no" on Assembly Bill No. 407.

Roll call on Assembly Bill No. 407:

YEAS—12.

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

EXCUSED—Cannizzaro.

Assembly Bill No. 407 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Mr. President announced that Assembly Bills Nos. 164, 210, 214 and 366 would be immediately transmitted to the Assembly.

SECOND READING AND AMENDMENT

Senate Bill No. 501.

Bill read second time and ordered to third reading.

Senate Bill No. 503.

Bill read second time and ordered to third reading.

Senate Bill No. 504.

Bill read second time and ordered to third reading.

Assembly Bill No. 22.

Bill read second time.

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

Amendment No. 706.

SUMMARY—Revises provisions governing the issuance of cease and desist orders for unlicensed activity by the State Contractors' Board. (BDR 54-267)

AN ACT relating to contractors; revising provisions governing the actions that the State Contractors' Board is authorized or required to take after the issuance of a cease and desist order for unlicensed activity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Contractors' Board to issue a cease and desist order to a person for acting as a contractor or submitting a bid on a job in this State without a license as a contractor and sets forth the actions that the Board is authorized or required to take after the issuance of the order. If the Board determines that the person to whom the cease and desist order was issued has not complied with the order, existing law requires the Board to: (1) for a first violation for which the value of the unlicensed work is $50,000 or less, issue a written administrative citation, conditioned upon the submission by the

person of an application for a license as a contractor; and (2) for a second or subsequent violation, or a first violation for which the value of the unlicensed work exceeds $50,000, report the violation for possible criminal prosecution. If the Board determines that the person has complied with the cease and desist order, existing law: (1) requires the Board to issue an administrative citation and impose an administrative fine; and (2) authorizes the Board to require the person to submit an application for a license as a contractor. (NRS 624.212)

This bill replaces the separate procedures in existing law that the Board is required to follow after the issuance of a cease and desist order, depending upon whether the person to whom the order was issued complied with the order. Under the procedures set forth in this bill, the Board, regardless of the person's compliance with the order, is required to issue an administrative citation and impose an administrative fine for a first violation which does not involve theft or fraud. For a second or subsequent violation, or for any first violation involving theft or fraud, this bill requires the Board to : ~~[either:]~~ (1) issue an administrative citation and impose an administrative fine; ~~[or]~~ (2) report the violation for possible criminal prosecution ~~[.]~~ ; or (3) take both of those actions. This bill retains the authority of the Board in existing law to, after the issuance of a cease and desist order: (1) require the person to submit an application for a license as a contractor; and (2) apply for injunctive relief.

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

Section 1. NRS 624.212 is hereby amended to read as follows:

624.212 1. The Executive Officer, on behalf of the Board, shall issue an order to cease and desist to any person:

(a) Acting as a contractor, including, without limitation, commencing work as a contractor; or

(b) Submitting a bid on a job situated in this State,

➥ without a valid license issued pursuant to this chapter. The order must be served personally or by certified mail and is effective upon receipt. For the purposes of this section, a person shall be deemed to have a valid license if the person has an active license and is performing work in conformity with the requirements of subsection 4 of NRS 624.220.

2. After confirming that the cease and desist order has been received by the person to whom it was issued, the Board shall return to the job site or take any other action required to confirm that the terms of the cease and desist order have been complied with. The person to whom the cease and desist order was issued may, while in the course of stopping work on the job, take any necessary action within 48 hours after receiving the cease and desist order to protect the public, the project, any other contractors, laborers and equipment on the site and to limit the loss of any perishable goods.

3. ~~[If the Board determines that any term of a cease and desist order has not been complied with and no exception applies:~~

~~(a) The person to whom the cease and desist order was issued shall be deemed noncompliant with the cease and desist order and the person may not~~

~~complete the project, except for taking any necessary action to protect the public, the project, any other contractors, laborers and equipment and to limit the loss of any perishable goods.~~

~~(b) Except as otherwise provided in paragraph (c), for a first violation, the Board shall issue a written administrative citation pursuant to NRS 624.341, which may include any reasonable investigatory fees and costs, conditioned upon the submission by the person of a bona fide application for the issuance of a license pursuant to this chapter within a reasonable period established by the Board.~~

~~(c) For a second or subsequent violation, or for any first violation for which the reasonable value of the unlicensed work exceeds $50,000, the Board shall:~~

~~(1) Report the violation of the cease and desist order to the appropriate district attorney for possible criminal prosecution pursuant to NRS 624.700; and~~

~~(2) Provide any reasonable assistance in the prosecution.~~

~~(d) The Board may apply for injunctive relief pursuant to the Nevada Rules of Civil Procedure to enjoin the person to whom the cease and desist order was issued from continuing to violate the cease and desist order in any county in which the person may be found. If such an action is filed, irreparable injury is presumed and the likelihood of success on the merits may be established by a showing that, on the date the cease and desist order was issued, the person did not hold a valid license issued pursuant to this chapter and had bid for or undertaken work for which such a license is required.~~

~~4. If the Board determines that the person to whom the~~ *After issuing a* cease and desist order , ~~[was issued has complied with the order,]~~ the Board ~~[:]~~ *shall:*

(a) ~~[Shall]~~ *For a first violation which does not involve theft or fraud,* issue an administrative citation pursuant to NRS 624.341 and impose an administrative fine against the person in accordance with NRS 624.710, in addition to any reasonable investigatory fees and costs . ~~[; and]~~

(b) ~~[May require]~~ *For a second or subsequent violation, or for any first violation involving theft or fraud, ~~[either:]~~ take any or all of the following actions:*

(1) Issue an administrative citation pursuant to NRS 624.341 and impose an administrative fine against the person in accordance with NRS 624.710, in addition to any reasonable investigatory fees and costs . ~~[; or]~~

(2) Report the violation of the provisions of this chapter for possible criminal prosecution pursuant to NRS 624.700. If the violation is prosecuted, the Board shall provide any reasonable assistance in the prosecution.

4. After issuing a cease and desist order, in addition to the actions required by subsection 3, the Board may:

(a) Require the person to submit a bona fide application for the issuance of a license pursuant to this chapter within a reasonable period established by the Board.

(b) If the Board determines that any term of the cease and desist order has not been complied with and no exception applies, apply for injunctive relief pursuant to the Nevada Rules of Civil Procedure to enjoin the person to whom the cease and desist order was issued from continuing to violate the cease and desist order in any county in which the person may be found. If such an action is filed, irreparable injury is presumed and the likelihood of success on the merits may be established by a showing that, on the date the cease and desist order was issued, the person did not hold a valid license issued pursuant to this chapter and had bid for or undertaken work for which such a license is required.

5. When assessing an administrative fine pursuant to this section, the Board may:

(a) Require the person to whom the cease and desist order was issued to remedy any loss or damage caused by the unlicensed activity for which the order was issued, including, without limitation, the disgorgement of any amount of money collected from the owner of the project that was not for material delivered to the job site and that has not been damaged or altered by the person;

(b) Reduce or stay any administrative fine imposed pursuant to subsection ~~[4]~~ *3* pending completion by the person of a program of training or an examination required by the Board; or

(c) Reduce or stay any administrative fine imposed pursuant to subsection ~~[4]~~ *3* if the person obtains a valid license issued pursuant to this chapter.

6. When imposing an administrative fine pursuant to this section, the Board shall impose the maximum administrative fine established pursuant to this chapter for the unlicensed activity if more than one of the following circumstances exist:

(a) The person has previously committed the same or a similar violation as the violation for which the administrative fine is imposed;

(b) The unlicensed activity involves more than one trade or craft;

(c) The unlicensed activity resulted in harm to any person or property;

(d) The unlicensed activity involved an elderly person or a person with a diagnosed physical or mental disability; or

(e) The unlicensed activity was for a project having a contract value in excess of $50,000.

7. Within 15 business days after receiving a cease and desist order, the person against whom the order was issued may petition the Board in writing to lift or alter the order. The petition may assert:

(a) As an absolute defense:

(1) Licensure of the person pursuant to this chapter;

(2) Any applicable exception to licensure set forth in NRS 624.031; or

(3) Misidentification of the person.

(b) As a partial defense:

(1) Overbreadth of any term of the cease and desist order;

(2) Vagueness or ambiguity of any term of the cease and desist order;

(3) Consideration of any necessary action taken by the person to protect the public, the project, any other contractors, laborers and any equipment on the job site and to limit any loss of perishable goods; or

(4) Any other ~~[defect]~~ *deficiency* in the terms of the cease and desist order.

8. After considering any assertion made in a petition pursuant to:

(a) Paragraph (a) of subsection 7, the Board shall, if facts are established to the satisfaction of the Board to support the absolute defense asserted in the petition, vacate the cease and desist order or any portion thereof.

(b) Paragraph (b) of subsection 7, the Board shall, if facts are established to the satisfaction of the Board to support the partial defense asserted in the petition, reasonably clarify any terms of the cease and desist order requested by the petitioner.

9. When considering an application for the issuance of a license pursuant to this chapter, the Board may consider:

(a) Any cease and desist order issued against the applicant;

(b) Compliance by the applicant with any cease and desist order issued against him or her;

(c) Any criminal conviction of the applicant for failure to comply with any cease and desist order; or

(d) The payment by the applicant of any criminal or administrative fine and any administrative fee or cost imposed against the applicant.

10. If the court finds that a person violated an order issued pursuant to subsection 1 without an established absolute defense set forth in paragraph (a) of subsection 7, it shall impose a fine of not less than $250 nor more than $1,000 for each violation of the order.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 706 to Assembly Bill No. 22 provides that the State Contractors Board may take one or all of the disciplinary actions provided in section 1 to address a second or subsequent violation or for any first violation involving theft or fraud after issuing a cease and desist order.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 565.

SUMMARY—Revises provisions related to unclaimed property. (BDR 10-360)

AN ACT relating to unclaimed property; revising provisions of the Uniform Unclaimed Property Act; authorizing the Administrator of Unclaimed Property to adopt regulations relating to certain agreements between an owner of

property and another person concerning property paid or delivered to the Administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law enacts the Uniform Unclaimed Property Act, which generally establishes the powers, duties and liabilities of the State and other persons concerning unclaimed property. (Chapter 120A of NRS) Existing law makes the State Treasurer the Administrator of Unclaimed Property and requires the State Treasurer, in his or her capacity as the Administrator, to carry out the provisions of the Act. (NRS 120A.025, 120A.140)

Existing law makes certain gift certificates subject to the provisions of the Act and provides that a gift certificate is presumed abandoned on the expiration date of the gift certificate. (NRS 120A.113, 120A.520) Section 2 of this bill defines the term "gift certificate" for purposes of the Act. Section 4 of this bill makes a conforming change indicating the proper placement of section 2 in the Nevada Revised Statutes.

For consistency with the Act, section 6 of this bill replaces the term "financial institution" with the term "financial organization."

Existing law governs when certain forms of property are presumed abandoned. (NRS 120A.500, 120A.520) Section 7 of this bill makes various changes relating to the dates on which certain property that is unclaimed by the apparent owner is presumed abandoned. Section 7 also provides that the signing of a return receipt constitutes an indication of an owner's interest in property for purposes of determining the date on which certain property is presumed abandoned. Section 8 of this bill provides that a gift certificate that is no longer honored by the issuer is presumed abandoned on the date on which the gift certificate ceases to be honored by the issuer.

Among other duties, existing law requires a holder of property presumed to be abandoned to: (1) make a report to the Administrator concerning the property; and (2) send written notice to the apparent owner of the property under certain circumstances. (NRS 120A.560) Section 9 of this bill revises provisions relating to the report filed with the Administrator. Section 9 also requires the holder of property to send the required written notice by certified mail in certain circumstances. Section 14 of this bill makes a conforming change updating references to section 9.

Existing law requires the Administrator to publish certain notice concerning unclaimed or abandoned property in a newspaper of general circulation. Among other requirements, existing law requires such notice to include the name of a person reported to the Administrator as an apparent owner. (NRS 120A.580) Section 10 of this bill ~~[instead]~~ requires the Administrator to create and maintain a statewide database that is searchable electronically and includes the name of a person reported to the Administrator as an apparent owner of unclaimed property. Section 10 also requires the Administrator to: (1) make the database publicly available on the website of the Administrator; (2) publish general information regarding the Act on the website of the

Administrator; and (3) annually publish certain information concerning unclaimed property . ~~[by press release.]~~

Existing law requires the Administrator to sell certain abandoned property at a public sale after providing certain notice of the sale to the public. (NRS 120A.610) Section 11 of this bill revises the manner in which the Administrator is required to provide such notice. Section 15 of this bill makes a conforming change updating references to section 11.

Existing law authorizes a holder of property, with the written consent of the Administrator, to report and deliver property to the Administrator before the property is presumed abandoned. (NRS 120A.660) Section 12 of this bill removes the requirement that the Administrator must provide written consent before the delivery of such property if the Administrator determines that receipt of the property is in the best interests of the State.

Existing law authorizes the Administrator to enter into an intrastate agreement with an agency from this State to protect certain confidential information shared for the purpose of facilitating the return of property pursuant to the Act. (NRS 120A.715) Section 13 of this bill instead: (1) authorizes the Administrator to request a state or local agency to provide him or her with certain confidential information for the purpose of facilitating the return of unclaimed or abandoned property; and (2) requires an agency to provide the information requested unless the provision of such information is prohibited by federal law.

Existing law prescribes requirements and restrictions relating to an agreement between an owner of property and another person, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property of the owner that is presumed abandoned. (NRS 120A.740) Section 14.5 of this bill authorizes the Administrator to adopt such regulations as are necessary to protect the interests of an owner who enters into such an agreement. Section 14.5 provides that such regulations may provide for the licensure or registration of a person with whom an owner enters into an agreement.

Section 16 of this bill eliminates a provision requiring that the Act must be applied and construed to effectuate its general purpose to make the law uniform among the states that enact the Act. (NRS 120A.750)

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

Section 1. Chapter 120A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Gift certificate" has the meaning ascribed to it in NRS 598.0921.*

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 120A.020 is hereby amended to read as follows:

120A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 120A.025 to 120A.122, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 120A.125 is hereby amended to read as follows:

120A.125 The provisions of this chapter do not apply to tangible property held in a safe-deposit box or other safekeeping depository which is not maintained by:

1. A bank or other financial ~~[institution;]~~ *organization;* or

2. A safe-deposit company.

Sec. 7. NRS 120A.500 is hereby amended to read as follows:

120A.500 1. Except as otherwise provided in subsections 6 , *7* and ~~[7,]~~ *8,* property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property:

(a) A traveler's check, 15 years after issuance;

(b) A money order, 7 years after issuance;

(c) Any stock or other equity interest in a business association or financial organization, including a security entitlement under NRS 104.8101 to 104.8511, inclusive, 3 years after the ~~[earlier of the]~~ date of the ~~[most recent dividend, stock split or other distribution unclaimed]~~ *last indication* by the ~~[apparent]~~ owner ~~[, or the date of the second mailing of a statement]~~ of ~~[account or other notification or communication that was returned as undeliverable or after]~~ *interest in* the ~~[holder discontinued mailings, notifications or communications to the apparent owner;]~~ *property;*

(d) Any debt of a business association or financial organization, other than a bearer bond or an original issue discount bond, 3 years after the date of the most recent interest payment unclaimed by the apparent owner;

(e) A demand ~~[,]~~ *or* savings ~~[or]~~ *deposit, 3 years after the date of the last indication by the owner of interest in the property;*

(f) Time deposits, 3 years after:

(1) The date of maturity for time ~~[deposit, including a deposit that is automatically renewable, 3 years after the earlier of maturity or the date of the last indication by the owner of interest in the property, but a deposit that is automatically renewable is deemed matured for purposes of this section upon its initial]~~ *deposits that are not automatically renewable; or*

(2) The date of maturity, *after the ~~[second]~~ first renewal of the time deposit, for time deposits that are automatically renewable,* unless the owner has consented to a *subsequent* renewal at or about the time of ~~[the]~~ *any such subsequent* renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder;

~~[(f)]~~ *(g)* Except as otherwise provided in NRS 120A.520, any money or credits owed to a customer as a result of a retail business transaction, 3 years after the obligation accrued;

~~[(g)]~~ *(h)* Any amount owed by an ~~[insurer]~~ *insurance company* on a life or endowment insurance policy or an annuity ~~[that has matured or terminated,]~~ *contract, including, without limitation, any amount in a retained asset account,* 3 years after the ~~[obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which payment is owed on proof of death has not matured by proof of death of the insured or annuitant.~~

~~(1) With respect to an amount owed for a life or endowment insurance policy, 3 years after the earlier]~~ *earliest* of ~~[the date:~~

~~(I)]~~ *:*

(1) The ~~[insurance company has knowledge of the]~~ *date of the* death of the insured ~~[,]~~ or *annuitant;*

~~[(II)]~~ *(2) The maturity date of the insurance policy or annuity contract; or*

(3) The *date that the* insured ~~[has attained, or]~~ would have attained , if living, the limiting age under the mortality table on which the reserve is based;

~~[and~~

~~(2) With respect to an amount owed on an annuity contract, 3 years after the date the insurance company has knowledge of the death of the annuitant;~~

~~(h)]~~ *(i) Any amount owed by an insurance company on a policy or contract not described in paragraph (h), 3 years after the obligation to pay arose under the terms of the policy or contract;*

(j) Any property distributable by a business association or financial organization in a course of dissolution, 1 year after the property becomes distributable;

~~[(i)]~~ *(k)* Any property received by a court as proceeds of a class action and not distributed pursuant to the judgment, 1 year after the distribution date;

~~[(j)]~~ *(l)* Except as otherwise provided in NRS 607.170 and 703.375, any property held by a court, government, governmental subdivision, agency or instrumentality, 1 year after the property becomes distributable;

~~[(k)]~~ *(m)* Any wages or other compensation for personal services, 1 year after the compensation becomes payable;

~~[(l)]~~ *(n)* A deposit or refund owed to a subscriber by a utility, 1 year after the deposit or refund becomes payable;

~~[(m)]~~ *(o)* Any property in an individual retirement account, defined benefit plan or other account or plan ~~[, that is qualified for tax-deferral under the income tax laws of the United States,]~~ *established for retirement purposes,* 3 years after *:*

(1) If the account or plan is tax-deferred or tax-exempt, the ~~[later of:~~

~~(1) The]~~ date ~~[determined as follows:~~

~~(I) Except as otherwise provided in sub-subparagraph (II), the date a second consecutive communication sent by the holder by first-class United States mail to the apparent]~~ *that the* owner ~~[is returned to the holder undelivered by the United States Postal Service; or~~

~~(II) If the second communication is sent later than 30 days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States Postal Service;]~~ *would have reached the age of required minimum distribution pursuant to the Internal Revenue Code;* or

(2) ~~[The earlier of the following dates:~~

~~(I) The~~ *If the account or plan is not tax-deferred or tax-exempt, the* date ~~[the apparent owner becomes 70.5 years of age, if determinable by the holder; or~~

~~(II) If the Internal Revenue Code requires distribution to avoid a tax penalty, 2 years after the date the holder receives, in the ordinary course of business, confirmation of the death of the apparent owner;~~

~~(n)~~ *that the property becomes distributable;*

(p) The trust liability of a trust fund established with respect to a prepaid contract for funeral services or burial services as required by chapter 689 of NRS, 3 years after the ~~[earlier]~~ *earliest* of:

(1) The date *the holder has knowledge* of *the* death of the beneficiary ~~[,]~~ *named in or otherwise ascertainable from the prepaid contract;* or

(2) ~~[If the holder does not know whether the beneficiary is deceased, the]~~ *The* date the beneficiary *named in or otherwise ascertainable from the prepaid contract* has attained, or would have attained if living, the age of 105 years; and

~~[(o)]~~ *(q)* All other property, 3 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs.

2. At the time that an interest is presumed abandoned under subsection 1, any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, is also presumed abandoned.

3. Property is unclaimed if, for the applicable period set forth in subsection 1 , *7* or ~~[7,]~~ *8,* as applicable, the apparent owner has not communicated, in writing or by other means reflected in a contemporaneous record prepared by ~~[or on behalf of]~~ the holder ~~[,]~~ *or an agent of the holder* with the holder concerning the property or the account in which the property is held and has not otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or ~~[its representative]~~ *an agent of the holder* who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.

4. An indication of an owner's interest in property *:* ~~[includes:]~~

(a) *Includes:*

(1) The presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or financial organization or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received;

~~[(b)]~~ *(2)* Activity directed by an apparent owner in the account in which the property is held, including accessing the account or information concerning the account or a direction by the apparent owner to increase, decrease or change the amount or type of property held in the account;

~~[(c) The]~~

(3) Except as otherwise provided in paragraph (b), the making of a deposit to or withdrawal from a bank account; ~~[and~~ ~~(d)]~~ *(4)* The payment of a premium with respect to a property interest in an insurance policy, but the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions ~~[.]~~ *;*

(5) The signing of a return receipt by the apparent owner for notice provided pursuant to NRS 120A.560; and

(6) The execution of a Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting, Form W-8BEN of the Internal Revenue Service, by the owner for purposes of a security where the last-known address of the owner is in a foreign country; and

(b) Does not include the making of an automatically renewable:

(1) Deposit, if the deposit is made by the holder or an agent of the holder; or

(2) Withdrawal, if the withdrawal is made by the holder or an agent of the holder.

➥ For the purposes of this subsection, an action by an agent or other representative of the apparent owner, other than the holder *or an agent of the holder* acting as the agent of the apparent owner, is presumed to be an action on behalf of the apparent owner.

5. Property is payable or distributable for purposes of this chapter notwithstanding the owner's failure to make demand or present an instrument or document otherwise required to obtain payment.

6. The following property clearly designated as such must not be presumed abandoned because of inactivity or failure to make a demand:

(a) An account or asset managed through a guardianship;

(b) An account blocked at the direction of a court;

(c) A trust account established to address a special need;

(d) A qualified income trust account;

(e) A trust account established for tuition purposes; and

(f) A trust account established on behalf of a client.

7. For property described in ~~[paragraphs (c) to (f), inclusive, and (o) of subsection 1, the 3-year period described in each of those paragraphs must be reduced to a 2-year period if the holder of the property reported more than $10 million in property presumed abandoned on the holder's most recent report of abandoned property made pursuant to NRS 120A.560.]~~ *paragraph (p) of subsection 1, if the holder does not have knowledge of the death of the beneficiary named in or otherwise ascertainable from the prepaid contract for funeral services or burial services and the holder does not know the date of birth of the beneficiary, the property described in that paragraph is presumed abandoned:*

(a) Forty years after the date the prepaid contract for funeral services or burial services was executed; or

(b) Three years after the last indication by the owner of interest in the property,

➥ *whichever is later.*

8. For property described in paragraphs (c) to (f), inclusive, (o) and (q) of subsection 1, the property is presumed abandoned 3 years after the date described in each of those paragraphs or the date on which the holder has knowledge of the death of the owner, whichever is earlier.

9. The provisions of paragraph (h) of subsection 1 apply to a life or endowment insurance policy or an annuity contract, regardless of whether the policy or contract is matured, unmatured, or terminated.

10. For purposes of this section, a person has knowledge of the death of a person when the person:

(a) Receives proof of death of the person;

(b) Reasonably determines the death of a person pursuant to NRS 688D.090; or

(c) Otherwise validates, in good faith, the death of the person.

11. As used in this section:

(a) "Proof of death" has the meaning ascribed to it in NRS 672.210.

(b) "Retained asset account" has the meaning ascribed to it in NRS 688D.060.

Sec. 8. NRS 120A.520 is hereby amended to read as follows:

120A.520 1. Sixty percent of the unredeemed or uncharged value remaining on a gift certificate which is issued or sold in this State ~~[and which has an expiration date]~~ is presumed abandoned and subject to the provisions of this chapter on the ~~[expiration]~~ *:*

(a) Expiration date ~~[.]~~ *; or*

(b) Date on which the certificate is no longer honored by the issuer or seller.

2. ~~[If a gift certificate is issued or sold in this State and the seller or issuer does not obtain and maintain in his or her records the name and address of the owner of the gift certificate, the address of the owner of the gift certificate shall be deemed to be the address of the Office of the State Treasurer in Carson City.~~

~~3.]~~ This section does not create a cause of action against a person who issues or sells a gift certificate.

~~[4. As used in this section, "gift certificate" has the meaning ascribed to it in NRS 598.0921.]~~

Sec. 9. NRS 120A.560 is hereby amended to read as follows:

120A.560 1. A holder of property presumed abandoned shall make a report to the Administrator concerning the property.

2. A holder may contract with a third party, including, without limitation, a transfer agent, to make the report required by subsection 1.

3. Whether or not a holder contracts with a third party pursuant to subsection 2, the holder is responsible:

(a) To the Administrator for the complete, accurate and timely reporting of property presumed abandoned;

(b) For paying or delivering to the Administrator the property described in the report; and

(c) For any penalties, interest and fees due pursuant to NRS 120A.730.

4. The report must contain:

(a) A description of the property;

(b) ~~[Except with respect to a traveler's check or money order,]~~ *If known or readily ascertainable by the holder,* the name *,* ~~[, if known, and]~~ last known address ~~[, if any,]~~ and the social security number or taxpayer identification number ~~[, if readily ascertainable,]~~ of the apparent owner of property;

(c) In the case of an amount held or owing under an annuity or a life or endowment insurance policy, the full name and last known address of the annuitant or insured and of the beneficiary;

(d) In the case of property held in a safe-deposit box or other safekeeping depository, an indication of the location of the property and where it may be inspected by the Administrator and any amounts owing to the holder;

(e) The date identified in subsection 1 *or 8* of NRS 120A.500 from which the length of time required in subsection 1 *, 7* or ~~[7]~~ *8* of NRS 120A.500 must be measured to determine whether the property is presumed abandoned pursuant to NRS 120A.500 or, if the property is a gift certificate, the date identified in subsection 1 of NRS 120A.520, as applicable; and

(f) Other information that the Administrator by regulation prescribes as necessary for the administration of this chapter.

5. If *the information described in paragraph (b) of subsection 4 is:*

(a) Partially recorded, the recorded portion must be contained in the report; or

(b) Not recorded in part or in full, the information contained in the report must be reported as unknown.

6. If a holder of property presumed abandoned is a successor to another person who previously held the property for the apparent owner or the holder has changed its name while holding the property, the holder shall file with the report its former names, if any, and the known names and addresses of all previous holders of the property.

~~[6.]~~ *7.* Except as otherwise provided in subsection ~~[7,]~~ *8,* the report must be filed before November 1 of each year and cover the 12 months next preceding July 1 of that year.

~~[7.]~~ *8.* A report with respect to an insurance company must be filed before May 1 of each year for the immediately preceding calendar year.

~~[8. The]~~

9. Except as otherwise provided in subsection 10, the holder of property presumed abandoned shall send written notice to the apparent owner, not more than 120 days or less than 60 days before filing the report, stating that the holder is in possession of property subject to this chapter if:

(a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be invalid and is sufficient to direct delivery of first-class United States mail to the apparent owner; and

(b) The value of the property is $50 or more.

[~]

10. If the property presumed abandoned is in the form of stocks, equity, retirement accounts or virtual currency and the property is valued at $1,000 or more, the holder of the property shall send the written notice required by subsection 9 in the form of certified mail.

11. If a holder is required to send written notice to the apparent owner pursuant to [this] subsection *9* and the apparent owner has consented to receive delivery from the holder by electronic mail, as defined in NRS 41.715, the holder shall send the notice by first-class United States mail *or certified mail, as applicable,* to the apparent owner's last known mailing address, as described in paragraph (a) [,] *of subsection 9* and by electronic mail, unless the holder believes the apparent owner's electronic mail address is invalid.

[9.] *12.* Before the date for filing the report, the holder of property presumed abandoned may request the Administrator to extend the time for filing the report. The Administrator may grant the extension for good cause. The holder, upon receipt of the extension, may make an interim payment on the amount the holder estimates will ultimately be due, which terminates the accrual of additional interest on the amount paid.

[10.] *13.* The holder of property presumed abandoned shall file with the report an affidavit stating that the holder has complied with subsection [8.] *9.*

[11.] *14.* Except as otherwise provided in subsection [12,] *15,* the holder of property presumed abandoned shall, through a business portal established by the Administrator, electronically file the report and make the payment of the total amount due.

[12.] *15.* The Administrator may waive the requirement to file the report and make the payment electronically for good cause shown by the holder. The holder must request the waiver on or before the deadline established by the Administrator.

Sec. 10. NRS 120A.580 is hereby amended to read as follows:

120A.580 1. The Administrator shall [publish a notice not later than November 30 of the year next following the year in which abandoned property has been paid or delivered to the Administrator. The notice must:

(a) In a county whose population is 700,000 or more:

(1) Be published not less than six times per year, or more frequently as necessary to comply with the provisions of subparagraph (3), in a newspaper of general circulation in the county with a circulation of more than 15,000;

(2) Include instructions] *create and maintain a statewide database concerning unclaimed property. The database must be searchable electronically and include, without limitation, the name of each person reported to the Administrator pursuant to NRS 120A.560 as an apparent owner of property presumed abandoned.*

2. The Administrator shall make the database publicly available on the website of the Administrator.

3. The Administrator shall publish general information concerning the provisions of this chapter on the website of the Administrator. The information must be updated quarterly and include, without limitation:

(a) Instructions on how to search and access information relating to unclaimed property; ~~[and~~

~~(3) Be not less than one full page in size. The Administrator may comply with the requirement in this subparagraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than six full pages.~~

~~(b) In a county whose population is less than 700,000:~~

~~(1) Be published not less than once each year in a newspaper of general circulation in the county; and~~

~~(2) Include the last known city of any person named in the notice.~~

~~2. The notice required by subsection 1 must be in a form that, in the judgment of the Administrator, is likely to attract the attention of persons who may have a legal or equitable interest in unclaimed property or of the legal representatives of such persons. The form must contain:~~

~~(a)]~~ *(b)* The name, physical address, telephone number and Internet address of the website of the Administrator;

~~[(b)]~~ *(c)* A statement explaining that unclaimed property is presumed to be abandoned and has been taken into the protective custody of the Administrator; ~~[and~~

~~(c)]~~ *(d)* A statement that information about property taken into protective custody and its return to the owner is available to the owner or a person having a legal or beneficial interest in the property, upon request to the Administrator, directed to the Deputy of Unclaimed Property ~~[.~~

~~3. In addition to publishing the notice required by subsection 1,]~~ *;*

(e) Information concerning the requirements prescribed by NRS 120A.560 and 120A.640; and

(f) Any other information deemed necessary by the Administrator.

4. At least once a year, the Administrator shall publish ~~[a notice not later than February 1 and August 1 of each year summarizing the requirements of this chapter as they apply to the holders of unclaimed property. The notice must:~~

~~(a) Be published in a newspaper of general circulation in this State; and~~

~~(b) Be not less than one full page in size. The Administrator may comply with the requirement of this paragraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than two full pages.~~

~~4. In addition to complying with the requirements of subsections 1, 2 and 3,~~ *the information made available on the website of the Administrator pursuant to subsection 3 by press release.*

5. In addition to complying with the requirements of subsections 1 to 4, inclusive, the Administrator shall, in each county whose population is less than 700,000, publish a notice not later than November 30 of the year next following the year in which abandoned property has been paid or delivered to the Administrator. The notice must:

(a) Be published not less than once each year in a newspaper of general circulation in the county; and

(b) Include the last known city of any person named in the notice.

6. The notice required by subsection 5 must:

(a) Be in a form that, in the judgment of the Administrator, is likely to attract the attention of persons who may have a legal or equitable interest in unclaimed property or of the legal representatives of such persons; and

(b) Include the information made available on the website of the Administrator pursuant to subsection 3.

7. Nothing in this section shall be construed to limit the ability of the Administrator ~~may~~ *to* advertise or otherwise provide information concerning unclaimed or abandoned property ~~, including, without limitation, the information set forth in subsections 2 and 3,~~ at any other time and in any other manner that the Administrator selects.

Sec. 11. NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections ~~4~~ *5* to ~~8,~~ *9,* inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. ~~Any sale held under this section must be preceded by a single publication of notice, not less than~~ *At least* 21 days before *a* sale, ~~in a newspaper of general circulation in the county in which the property is to be sold. The~~ *held under this section, the* Administrator ~~may~~ *shall provide notice to the public of the sale by posting notice of the sale:*

(a) At the principal office of the Administrator;

(b) At not less than three other prominent places within this State;

(c) On the website of the Administrator; and

(d) By press release.

3. The Administrator may provide additional notice of ~~any such~~ *a* sale *held under this section* at any time and in any manner that the Administrator selects.

~~3.~~ *4.* The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under

them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

~~[4.]~~ *5.* Except as otherwise provided in subsection ~~[5,]~~ *6,* the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

~~[5.]~~ *6.* The Administrator shall transfer property to the Department of Veterans Services, upon its written request, if the property has military value.

~~[6.]~~ *7.* Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

~~[7.]~~ *8.* The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

~~[8.]~~ *9.* All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant to NRS 120A.620, the balance in the subaccount created pursuant to this subsection, less any costs, service charges or claims chargeable to the subaccount, must be transferred to the State Education Fund.

Sec. 12. NRS 120A.660 is hereby amended to read as follows:

120A.660 ~~[1.]~~ The Administrator may ~~[decline]~~ *:*

1. Decline to receive property reported under this chapter which the Administrator considers to have a value less than the expenses of notice and sale ~~[.~~

~~2. A holder, with the written consent of the Administrator and upon conditions and terms prescribed by the Administrator, may report and deliver]~~ *; and*

2. Receive property *reported and delivered by a holder* before the property is presumed abandoned ~~[.]~~ *if the Administrator determines that receipt of such property is in the best interests of the State.*

Sec. 13. NRS 120A.715 is hereby amended to read as follows:

120A.715 ~~[In order to facilitate the return of property under this chapter, the]~~

1. The Administrator may ~~[enter into cooperative agreements with an]~~ *request that a state agency or local* agency ~~[from this State concerning the protection of shared]~~ *provide to the Administrator certain* confidential information ~~[, rules]~~ for ~~[data matching and other issues. Upon]~~ the ~~[execution]~~ *purpose* of ~~[such an agreement,]~~ *facilitating* the ~~[Administrator may provide to the agency with which the Administrator has entered the cooperative agreement information regarding the apparent owners]~~ *return* of unclaimed or abandoned property ~~[pursuant to]~~ *under* this chapter, including, without limitation, ~~[the name and social security number of the apparent owner. An agency that has entered into a cooperative agreement with the Administrator pursuant to this section shall notify the Administrator of]~~ the last known address of ~~[each]~~ *an* apparent owner ~~[for which information was provided to the agency pursuant to this section, except as]~~ *of unclaimed or abandoned property.*

2. A state agency or local agency shall provide to the Administrator any information requested pursuant to subsection 1 as soon as reasonably practicable unless the provision of such information is prohibited by federal law.

3. Nothing in this section shall be construed to limit the ability of the Administrator to request or receive from a state agency or local agency information which is not deemed confidential.

4. As used in this section:

(a) "Local agency" has the meaning ascribed to it in NRS 223.466.

(b) "State agency" has the meaning ascribed to it in NRS 223.470.

Sec. 14. NRS 120A.730 is hereby amended to read as follows:

120A.730 1. A holder who fails to report, pay or deliver property within the time prescribed by this chapter shall pay to the Administrator interest at the rate of 18 percent per annum on the property or value thereof from the date the property should have been reported, paid or delivered.

2. Except as otherwise provided in subsection 3, a holder who fails to report, pay or deliver property within the time prescribed by this chapter or fails to perform other duties imposed by this chapter shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil

penalty of $200 for each day the report, payment or delivery is withheld or the duty is not performed, up to a maximum of $5,000.

3. A holder who willfully fails to report, pay or deliver property within the time prescribed by this chapter or willfully fails to perform other duties imposed by this chapter shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $1,000 for each day the report, payment or delivery is withheld or the duty is not performed, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been but was not reported.

4. A holder who makes a fraudulent report shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $1,000 for each day from the date a report under this chapter was due, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been but was not reported.

5. The Administrator for good cause may waive, in whole or in part, interest under subsection 1 and penalties under subsections 2 and 3, and shall waive penalties if the holder acted in good faith and without negligence.

6. A holder who fails to make a payment as required by subsections ~~[11]~~ *14* and ~~[12]~~ *15* of NRS 120A.560 must be assessed by the Administrator a fee for each such payment in an amount equal to the greater of $50 or 2 percent of the amount of the payment.

Sec. 14.5. NRS 120A.740 is hereby amended to read as follows:

120A.740 1. An agreement by an owner, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property that is presumed abandoned, is void and unenforceable if it was entered into during the period commencing on the date the property was presumed abandoned and extending to a time that is 24 months after the date the property is paid or delivered to the Administrator. This subsection does not apply to an owner's agreement with an attorney to file a claim as to identified property or contest the Administrator's denial of a claim.

2. An agreement by an owner, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property, is enforceable only if the agreement:

(a) Is in writing;

(b) Clearly sets forth the nature of the property and the services to be rendered;

(c) Sets forth the date on which the property was paid or delivered to the Administrator;

(d) Sets forth a statement of the provisions of this section;

(e) Is signed by the apparent owner; and

(f) States the value of the property before and after the fee or other compensation has been deducted.

3. If an agreement covered by this section applies to mineral proceeds and the agreement contains a provision to pay compensation that includes a portion

of the underlying minerals or any mineral proceeds not then presumed abandoned, the provision is void and unenforceable.

4. An agreement covered by this section must not provide for compensation that is more than:

(a) If the property that is the subject of the agreement was paid or delivered to the Administrator less than 5 years before the signing of the agreement, 10 percent of the total value of the property.

(b) If the property that is the subject of the agreement was paid or delivered to the Administrator 5 years or more before the signing of the agreement, 20 percent of the total value of the property.

5. An agreement that provides for compensation that is more than the applicable percentage set forth in subsection 4 of the total value of the property that is the subject of the agreement is unenforceable except by the owner. An owner who has agreed to pay compensation that is more than the applicable percentage set forth in subsection 4 of the total value of the property that is the subject of the agreement, or the Administrator on behalf of the owner, may maintain an action to reduce the compensation to an amount that does not exceed the applicable percentage set forth in subsection 4 of the total value of the property. The court may award reasonable attorney's fees to an owner who prevails in the action.

6. This section does not preclude an owner from asserting that an agreement covered by this section is invalid on grounds other than noncompliance with the provisions of this section.

7. The Administrator may adopt such regulations as are necessary to protect the interests of an owner who enters into an agreement covered by this section. The regulations may, without limitation, provide for the licensure or registration of a person with whom an owner enters into an agreement.

Sec. 15. NRS 387.1212 is hereby amended to read as follows:

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, excluding the direct legislative appropriation from the State General Fund required by subsection 3, must, after deducting any applicable charges, be credited to the Fund.

2. Money which must be deposited for credit to the State Education Fund includes, without limitation:

(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;

(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;

(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;

(d) The money identified in subsection ~~[8]~~ *9* of NRS 120A.610;

(e) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;

(f) The money identified in paragraph (d) of subsection 6 of NRS 278C.250;

(g) The money identified in subsection 1 of NRS 328.450;

(h) The money identified in subsection 1 of NRS 328.460;

(i) The money identified in paragraph (a) of subsection 2 of NRS 360.850;

(j) The money identified in paragraph (a) of subsection 2 of NRS 360.855;

(k) The money required to be transferred to the State Education Fund pursuant to NRS 362.100;

(l) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;

(m) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;

(n) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;

(o) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;

(p) The money identified in subsection 5 of NRS 445B.640;

(q) The money identified in paragraph (b) of subsection 4 of NRS 678B.390;

(r) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;

(s) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;

(t) The portion of the proceeds of the fee imposed pursuant to NRS 488.075 identified in subsection 2 of NRS 488.075;

(u) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;

(v) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;

(w) The portion of the net profits of the grantee of a franchise identified in NRS 709.270;

(x) The money required to be distributed to the State Education Fund pursuant to NRS 363D.290; and

(y) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this

State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

Sec. 16. NRS 120A.750 is hereby repealed.

Sec. 17. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTION

120A.750 Uniformity of application and construction. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject matter of the Uniform Unclaimed Property Act among the states that enact it.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 565 to Assembly Bill No. 55 revises, from the second to the first renewal of a time deposit that is automatically renewable, the point at which certain time deposits may be presumed abandoned. It requires annual publication of a notice concerning abandoned property in any county with a population of less than 700,000 and sets forth guidelines for the contents of such a notice.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 74.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 558.

SUMMARY—Revises provisions relating to ~~[higher education.]~~ agreements entered into by public bodies. (BDR 34-377)

AN ACT relating to ~~[higher education;]~~ public bodies; authorizing the Board of Regents of the University of Nevada to enter into an agreement to affiliate with a public or private entity for certain purposes; authorizing a public body to enter into a public-private partnership in connection with certain facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Regents of the University of Nevada to establish policies governing the contracts that faculty members and employees of the Nevada System of Higher Education may enter into or benefit from. (NRS 396.255) Existing law also authorizes certain faculty members of the System to bid or enter into a contract with a governmental agency if the contract complies with the policies established by the Board of Regents. (NRS 281.221)

Existing law requires that mechanics and workers employed on certain public construction projects be paid at least the wage then prevailing for the type of work that the mechanic or worker performs in the region in which the

public work is located. (NRS 338.020) Under existing law, any contract for construction work of the System for which the estimated cost exceeds $100,000 is subject to the prevailing wage requirements. (NRS 338.075)

Section 1 of this bill authorizes the Board of Regents to enter into an agreement with a public or private entity, whether for profit or not for profit, to promote and enhance an educational program or student life at an institution within the System. Section 1 requires that such an agreement include certain provisions, including, without limitation, a provision stating that the prevailing wage requirements apply to any construction work performed under the agreement. Section 2 of this bill establishes that any such agreement is subject to the policies established by the Board of Regents governing contracts that faculty members and employees of the System may enter into or benefit from.

Existing law provides, in any county whose population is 700,000 or more (currently Clark County), for the use of a public-private partnership to plan, finance, design, construct, improve, maintain or operate a transportation facility. (NRS 338.158-338.1602) Section 2.8 of this bill authorizes a public body to enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire a facility other than a transportation facility. Sections 2.1-2.7 of this bill define terms related to such public-private partnerships. Section 2.9 of this bill makes a conforming change to reflect that a public body may enter into a public-private partnership in connection with certain facilities.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents may enter into an agreement to affiliate with a publicly or privately owned entity, whether for profit or not for profit, to further promote and enhance an educational program or student life at an institution within the System.

2. An agreement entered into pursuant to this section must include, without limitation:

(a) Standards that must be met by the entity;

(b) An allocation of any costs or profits that must be shared between the entity and the institution;

(c) Identification of shared goals and responsibilities;

(d) Provisions governing the joint employment and supervision of employees, if applicable;

(e) Provisions governing the shared review and allocation of the use of facilities, resources and employees, if applicable; and

(f) A provision stating that the requirements of NRS 338.020 to 338.090, inclusive, apply to any construction work performed under the agreement even if the construction work does not qualify as a public work, as defined in NRS 338.010.

Sec. 2. NRS 396.255 is hereby amended to read as follows:

396.255 The Board of Regents shall, to carry out the purposes of subsection 3 of NRS 281.221, subsection 3 of NRS 281.230, subsection 3 of NRS 281A.430 and NRS 396.1215, *and section 1 of this act,* establish policies governing the contracts that faculty members and employees of the System may enter into or benefit from.

Sec. 2.1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.2 to 2.8, inclusive, of this act.

Sec. 2.2. As used in sections 2.2 to 2.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.3 to 2.7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2.3. "Concession" means any lease, ground lease, franchise, easement, permit, right of entry, operating agreement or other binding agreement between a public body and a private partner for the use or control, in whole or in part, of a facility by a private partner.

Sec. 2.4. "Facility" means any existing, enhanced, upgraded or new facility used or useful for the use of persons, including, without limitation, any construction, alteration, repair, renovation, demolition or remodeling necessary to complete any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind and any other work or improvement appurtenant thereto. The term:

1. Includes:

(a) Related or ancillary facilities used or useful for any purpose of the facility, including, without limitation, administrative buildings, structures, maintenance yards and buildings, control systems, communication systems, information systems, energy systems, parking facilities and other related equipment or property that is needed or used to support the facility; and

(b) All improvements, including, without limitation, equipment, necessary to the full utilization of a facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting and other improvements incidental to the project.

2. Does not include a transportation facility as that term is defined in NRS 338.1583.

Sec. 2.5. "Private partner" means a person with whom a public body enters into a public-private partnership.

Sec. 2.6. "Public-private partnership" means a contract entered into by a public body and a private partner.

Sec. 2.7. "User fee" means a fee or other similar charge, including, without limitation, any incidental, account maintenance or administrative fee or charge imposed on a person for his or her use of a facility by a public body or private partner pursuant to a public-private partnership.

Sec. 2.8. *1. A public body may enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire, or any combination thereof, a facility.*

2. A public-private partnership may include, without limitation:

(a) A predevelopment agreement leading to another implementing agreement for a facility as described in this subsection;

(b) A design-build contract;

(c) A design-build contract that includes the financing, maintenance or operation, or any combination thereof, of the facility;

(d) A contract involving a construction manager at risk;

(e) A concession;

(f) A construction agreement that includes the financing, maintenance or operation, or any combination thereof, of the facility;

(g) An operation and maintenance agreement for a facility;

(h) Any other method or agreement for completion of the facility that the public body determines will serve the public interest; or

(i) Any combination of paragraphs (a) to (h), inclusive.

3. A public-private partnership shall include a provision stating that:

(a) The requirements of NRS 338.013 to 338.090, inclusive, apply to any construction work performed under the agreement even if the construction work does not qualify as a public work, as defined in NRS 338.010.

(b) The provisions of this chapter that require public bidding apply with respect to the awarding of contracts or procurement of goods in connection with the construction of a facility under the agreement if 25 percent or more of the cost of constructing the facility is financed with public money. Such public bidding is not required if the method of procurement selected does not require public bidding pursuant to this chapter.

Sec. 2.9. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.158 to 338.16995, inclusive, *and sections 2.1 to 2.8, inclusive, of this act,* a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds $5,000,000.

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

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 558 to Assembly Bill No. 74 defines and prescribes requirements for the development of facilities using a public-private partnership, including authorizing a public body to enter into such a partnership to plan, finance, design, construct, improve, maintain, operate or acquire a facility.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 415.

Bill read second time.

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

Amendment No. 554.

SUMMARY—Revises provisions relating to dispensing opticians. (BDR 54-846)

AN ACT relating to dispensing opticians; defining certain terms and revising certain definitions relating to ophthalmic dispensing; authorizing the Board of Dispensing Opticians to employ an Executive Director; providing immunity from civil liability to the Board and any of its members for certain acts; authorizing the Board to take certain actions against a person who commits certain violations; expanding the purposes for which the Board is authorized to accept ~~[gifts,]~~ grants, donations and contributions; revising provisions relating to the issuance, renewal, reinstatement, revocation and suspension of licenses; authorizing the Board to adopt certain regulations; requiring the Board to establish a schedule of fees relating to licensing; ~~[revising provisions relating to the confidentiality of certain information maintained by the Board;]~~ prescribing criteria for eligibility for a license as an apprentice dispensing optician; imposing certain requirements on an optical establishment; revising the criteria for eligibility for a license as a dispensing optician; revising certain provisions relating to a limited license as a dispensing optician; removing the authority of the Board to issue a special license as a dispensing optician; reorganizing various provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Board of Dispensing Opticians to regulate the practice of ophthalmic dispensing and requires the Governor to appoint the members to the Board. (NRS 637.030) Section 17 of this bill authorizes a member of the Board to continue in office until his or her successor is appointed. Sections 18, 20, 21 and 33 of this bill revise and reorganize certain provisions governing the powers, duties and operations of the Board. Section 18 prescribes requirements for determining whether a quorum is present at a meeting of the Board. Section 20 authorizes the Board to employ an Executive Director. Sections 21 and 30 of this bill expand the purposes for which the Board is authorized to accept ~~[gifts,]~~ grants, donations and contributions. Section 19 of this bill clarifies certain language relating to the compensation and travel expenses of members and employees of the Board. Section 6 of this bill provides that the Board and any of its members, staff and employees are immune from civil liability for any act performed in good faith and without malicious intent or gross negligence in the execution of any duty

of the Board. Section 2 of this bill sets forth certain legislative declarations concerning the regulation of the practice of ophthalmic dispensing.

Existing law authorizes the Board to issue a license as a dispensing optician, a limited license as a dispensing optician and a license as an apprentice dispensing optician. (NRS 637.120, 637.121, 637.123) Existing law establishes requirements concerning the expiration and renewal of such licenses and, for a license or limited license as a dispensing optician, the placement of such a license on inactive status and the reactivation of such a license. (NRS 637.121, 637.123, 637.140) Section 33 repeals various requirements relating to the expiration and renewal of a license, the placement of a license on inactive status and the reactivation of a license. Section 8 of this bill authorizes the Board to adopt regulations prescribing such requirements, as well as various other requirements relating to licensure.

Existing law: (1) authorizes the Board to adopt regulations necessary to carry out the provisions of existing law governing ophthalmic dispensing; and (2) requires the Board to adopt regulations setting forth minimum standards of optical and ophthalmic devices. (NRS 637.070, 637.073) Sections 22, 28 and 33 of this bill: (1) reorganize certain provisions authorizing the Board to adopt regulations; (2) authorize, rather than require, the Board to adopt standards for optical and ophthalmic devices; and (3) authorize the Board to adopt certain other regulations.

Existing law provides that, in order to be eligible to hold a limited license as a dispensing optician, a person must have held such a license on February 1, 2004. Existing law: (1) authorizes the holder of such a license to practice ophthalmic dispensing; and (2) prohibits the holder of such a license from selling, furnishing or fitting contact lenses. (NRS 637.121) Section 27 of this bill clarifies that, in order to be eligible for a limited license as a dispensing optician, a person must have held such a license since February 1, 2004. Section 27 also: (1) requires a limited license to be displayed at the holder's place of practice; and (2) prohibits a limited license from being placed on inactive status on or after January 31, 2023. Section 32.5 of this bill sets forth the procedure by which a limited license as a dispensing optician that has been transferred to an inactive list on or before January 31, 2023, may be reactivated.

Existing law authorizes the Board to take certain actions and impose certain penalties against an applicant for or the holder of a license or an unlicensed person who commits certain violations of the provisions of existing law governing ophthalmic dispensing. (NRS 637.150, 637.181, 637.183, 637.185) Section 10 of this bill authorizes a person to file a complaint with the Board if the person reasonably believes a violation is occurring or about to occur. Section 11 of this bill authorizes the Board to issue or authorize the issuance of an administrative citation against a person who the Board believes, based on a preponderance of the evidence, has committed a violation. Section 12 of the bill sets forth procedures by which a person may contest a citation. Sections 29 and 31 revise and reorganize provisions authorizing the Board to

take: (1) certain disciplinary actions against the holder of a license under certain circumstances; and (2) certain actions against a person who commits, or employs a person who commits, certain violations. Section 30 of this bill revises and reorganizes certain provisions relating to subpoenas issued by the Board and certain hearings and investigations conducted by the Board.

Existing law sets forth certain unlawful acts relating to ophthalmic dispensing, including filling a prescription for a contact lens in violation of the expiration date or the number of refills specified by the prescription. (NRS 637.200) Sections 32 and 33 of this bill: (1) set forth certain additional unlawful acts relating to ophthalmic dispensing; and (2) reorganize certain provisions defining when a prescription expires.

Existing law establishes qualifications for examination and licensing as a dispensing optician. (NRS 637.100) Section 25 of this bill revises the requirements for an applicant to be eligible for a license as a dispensing optician and authorizes the Board to waive certain requirements for a person who provides proof that he or she: (1) is a graduate of a foreign school and has acquired education and experience that is equivalent to or greater than those required for licensure in this State; (2) is an active member of, or the spouse of an active member of, the Armed Forces of the United States who is on active duty; (3) has at least 5 consecutive years of work experience in the practice of ophthalmic dispensing in the District of Columbia or any other state or territory of the United States that has requirements for licensure which are equal to or greater than the requirements in this State; or (4) holds a valid and unrestricted license to engage in ophthalmic dispensing in the District of Columbia or any other state or territory in the United States.

Existing law requires the Board to issue a special license as a dispensing optician to certain applicants who meet certain requirements and who: (1) have an active license as a dispensing optician issued by the District of Columbia or any state or territory of the United States; or (2) have not less than 5 years of experience as a dispensing optician. (NRS 637.127) Section 33 of this bill eliminates that type of license.

Existing law requires the Board to maintain records pertaining to applicants to whom licenses have been issued or denied. (NRS 637.115) Section 26 of this bill revises the type of information concerning applicants the Board is required to maintain. Section 26 also requires the Board to maintain certain information concerning holders of a license and disclose certain information concerning applicants for and holders of licenses upon request. ~~[Section 23 of this bill revises provisions relating to the confidentiality of certain information maintained by the Board.]~~

Existing law prohibits a person from managing a business engaged in ophthalmic dispensing without a valid license issued by the Board. (NRS 637.090) Section 24 of this bill revises that prohibition to instead prohibit a person from managing an optical establishment, as defined in section 5 of this bill, without a valid license issued by the Board. Section 24 also requires an optical establishment to post a sign notifying the public when

a licensed dispensing optician is not physically present in the optical establishment.

Existing law authorizes an apprentice dispensing optician to perform the services of a dispensing optician under the direct supervision of a dispensing optician, licensed ophthalmologist or licensed optometrist. (NRS 637.125) Section 7 of this bill prescribes criteria for eligibility for a license as an apprentice dispensing optician. Section 3 of this bill defines the term "direct supervision." Section 28 of this bill revises the circumstances under which an apprentice dispensing optician may engage in ophthalmic dispensing.

Existing law establishes maximum fees relating to licenses issued by the Board, which the Board sets by regulation. (NRS 637.110, 637.120, 637.121, 637.123, 637.140) Sections 27 and 33 of this bill remove provisions setting forth those maximum fees. Instead, section 9 of this bill requires the Board to establish a schedule of various fees relating to licensure and sets forth the maximum amount of those fees.

Section 4 of this bill defines "license" to mean a license issued by the Board. Section 13 of this bill makes a conforming change to make the definitions set forth in sections 3-5 applicable to the statutes governing ophthalmic dispensing. Section 14 of this bill revises the definition of "dispensing optician." Section 15 of this bill revises the definition of "ophthalmic dispensing" to: (1) include the issuing of a final authorization to deliver lenses, frames or other specially fabricated devices to the intended wearer and the making of certain recommendations relating to a prescription; and (2) exclude certain other activities. Section 16 of this bill makes a conforming change to account for the revised definition of ophthalmic dispensing.

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

Section 1. Chapter 637 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *The Legislature declares that the purpose of this chapter is to protect the public safety and welfare by ensuring that:*

1. Only competent and scrupulous people practice ophthalmic dispensing in this State; and

2. Persons who practice ophthalmic dispensing in this State maintain an appropriate standard of professional conduct.

Sec. 3. *"Direct supervision" means that a person is physically present in the optical establishment where ophthalmic dispensing is taking place to provide individual direction, control, inspection and evaluation of work to the person he or she is supervising.*

Sec. 4. *"License" means a license issued by the Board.*

Sec. 5. *"Optical establishment" means a single physical store, office or department of a business where ophthalmic dispensing takes place. The term includes such a store, office or department that is owned or operated by a business which owns or operates multiple stores, offices or departments where ophthalmic dispensing takes place.*

Sec. 6. *The Board and any of its members, staff and employees are immune from civil liability for any act performed in good faith and without malicious intent or gross negligence in the execution of any duties pursuant to this chapter.*

Sec. 7. *1. To be eligible for a license as an apprentice dispensing optician, an applicant must:*

(a) Be at least 18 years of age; and

(b) Be a graduate of an accredited high school or its equivalent.

2. A license as an apprentice dispensing optician:

(a) Authorizes the holder to practice ophthalmic dispensing in this State under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist; and

(b) Must at all times be conspicuously displayed at the holder's place of practice.

Sec. 8. *The Board may adopt regulations:*

1. Establishing requirements for the issuance of licenses and the program of apprenticeship for apprentice dispensing opticians.

2. Prescribing or adopting any examination or certificate required for the issuance of a license as a dispensing optician. Any examination prescribed or adopted by the Board must, without limitation, be designed to test an applicant's knowledge of the theory and practice of ophthalmic dispensing.

3. Prescribing the procedure for:

(a) Submitting an application for licensure and any required documentation to the Board; and

(b) Approving or denying applications and issuing licenses.

4. Prescribing the period for which a license or limited license as a dispensing optician is valid and the terms for the renewal and reinstatement of such a license, which may include, without limitation, requirements for continuing education. Unless otherwise prescribed by regulation pursuant to this subsection, a license or limited license as a dispensing optician:

(a) Expires on January 31 each year;

(b) Is valid until its expiration date;

(c) Becomes delinquent if not renewed by January 31; and

(d) May be reinstated not more than 1 year after the date on which it becomes delinquent.

5. Prescribing the period for which a license as an apprentice dispensing optician is valid and the terms for the renewal and reinstatement of such a license, which may limit the number of times the license may be renewed and restrict the issuance of a new license if the apprentice dispensing optician does not meet requirements adopted pursuant to subsection 1. Unless otherwise prescribed by regulation pursuant to this subsection, a license as an apprentice dispensing optician:

(a) Expires on January 31 each year;

(b) Is valid until its expiration date;

(c) Becomes delinquent if not renewed by January 31; and

(d) May be reinstated not more than 30 days after the date on which it becomes delinquent.

6. Prescribing requirements for the placement of a license as a dispensing optician on inactive status and the reactivation of such a license.

7. Prescribing requirements for the approval of a course of continuing education or a provider of a course of continuing education.

Sec. 9. *The Board shall establish a schedule of fees and charges for the following items, which must not exceed the following amounts:*

An examination established by the Board pursuant to this chapter $250
An application for a license as a dispensing optician $250
An application for a license as an apprentice dispensing optician $250
The renewal of a license as a dispensing optician $500
The renewal of a limited license as a dispensing optical $200
The renewal of a license as an apprentice dispensing optician $200
The delinquency fee for a license as a dispensing optician $500
The delinquency fee for a limited license as a dispensing optician $500
The delinquency fee for a license as an apprentice dispensing optician $100
The placement of a license as a dispensing optician on inactive status $300
The reactivation of a license that has been placed on inactive status $300

Sec. 10. *Any member of the public or a member or employee of the Board may file a complaint with the Board if the person reasonably believes that a provision of this chapter or any regulation adopted pursuant to this chapter has been or is about to be violated. The complaint must:*

1. Be submitted on a form and in the manner prescribed by the Board;

2. Set forth the alleged facts constituting the violation; and

3. Be signed and verified by the person filing the complaint.

Sec. 11. *1. If the Board or its designee has reason to believe, based upon a preponderance of evidence, that a person has violated any provision of this chapter or any regulation of the Board, the Board may issue, or authorize its designee to issue, a written administrative citation to the person. A citation issued pursuant to this section may include, without limitation, an order to:*

(a) Pay an administrative fine for each violation;

(b) Reimburse the Board for the amount of the expenses the Board incurred to investigate each violation, not to exceed $150; and

(c) Correct, at the cost of the person, a condition resulting from the violation. The order to correct the condition must:

(1) State the date by which the person must comply, which must be not less than 15 days after the date on which the person receives the citation. The Board may, for good cause, extend the date for compliance with the order.

(2) Describe in detail the actions that must be taken.

2. If a citation is issued to the holder of a license pursuant to this section and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine must not exceed the maximum amount authorized by subsection 2 of NRS 637.150 for each violation.

3. Except as otherwise provided in NRS 637.181, if a citation is issued pursuant to this section to a person who is not licensed by the Board and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine:

(a) For the first violation, must not be less than $100 or more than $1,000;

(b) For the second violation, must not be less than $250 or more than $5,000; and

(c) For the third violation and for each subsequent violation, must not be less than $500 and not more than $10,000.

4. Any sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

5. If a person does not pay an administrative fine imposed pursuant to this section or make satisfactory payment arrangements with the Board not later than 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

Sec. 12. *1. If a person is issued a written administrative citation pursuant to section 11 of this act, the person may request a hearing before the Board to contest the citation by filing a written request with the Board not later than 15 business days after the date on which the citation is received by the person, unless the Board authorizes a later date for good cause.*

2. If a person files a written request for a hearing within the time allowed by subsection 1, the Board shall provide notice of and conduct the hearing in the same manner as other disciplinary hearings.

3. If a person does not file a written request for a hearing to contest a citation within the time allowed by subsection 1, the citation shall be deemed a final order of the Board.

4. For the purposes of this section, a citation issued pursuant to section 11 of this act shall be deemed to be received by the person to whom it was issued:

(a) On the date on which the citation is personally delivered to the person; or

(b) If the citation is mailed, 3 business days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 13. NRS 637.020 is hereby amended to read as follows:

637.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637.021 to ~~[637.024,]~~ *637.0235,* inclusive,

and sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 14. NRS 637.0215 is hereby amended to read as follows:

637.0215 "Dispensing optician" means a person ~~[engaged in the practice of ophthalmic]~~ *who holds a* ~~*[:*~~

~~*1. License]*~~ *license or limited license as a* dispensing ~~[*. optician issued pursuant to NRS 637.120; or*~~

~~*2. Limited license as a dispensing]*~~ *optician issued pursuant to* ~~*[NRS 637.121.]*~~ *this chapter.*

Sec. 15. NRS 637.022 is hereby amended to read as follows:

637.022 1. "Ophthalmic dispensing" means ~~[the]~~ *:*

(a) The design ~~[, verification and delivery to the intended wearer]~~ of lenses, frames and other specially fabricated optical devices upon prescription ~~[.]~~ *;*

(b) The inspection and verification of such lenses, frames and devices; and

(c) The issuing of the final authorization to deliver to the intended wearer such lenses, frames and devices.

2. The term includes:

(a) The taking of measurements to determine the size, shape and specifications of the lenses, frames or contact lenses;

(b) *The making of recommendations to the intended wearer of the lenses regarding lens material and other design features necessary to fill the prescription;*

(c) The preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear ~~[;~~

~~(c)]~~ *, including, without limitation, the preparation and delivery of work orders by entering prescription information and related instructions for fabricating eyewear into a paper or electronic form or other system used for work orders.*

(d) The ~~[verification]~~ *final physical inspection and verification* of the quality of finished ophthalmic products;

~~[(d)]~~ *(e)* The adjustment of lenses or frames to the intended wearer's face or eyes;

~~[(e)]~~ *(f)* The adjustment, replacement, repair and reproduction of previously prepared ophthalmic lenses, frames or other specially fabricated ophthalmic devices; and

~~[(f)]~~ *(g)* The fitting of contact lenses and the dispensing of prepackaged contact lenses pursuant to a written prescription ~~[, when done]~~ by a ~~[dispensing optician or apprentice dispensing optician who is authorized]~~ *person licensed* to do so pursuant to the provisions of this chapter.

3. The term does not include ~~[any]~~ *:*

(a) The making of recommendations regarding frame designs or other design features that are not necessary to fill a prescription;

(b) The completion of sales transactions;

(c) The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses; or

(d) Any act for which a license is required pursuant to chapter 630 or 636 of NRS, and the provisions of this chapter do not authorize a dispensing optician or apprentice dispensing optician to perform any such act.

Sec. 16. NRS 637.025 is hereby amended to read as follows:

637.025 The provisions of this chapter do not apply to:

1. Ophthalmic dispensing personally by a licensed physician, surgeon or optometrist unless exclusively engaged in the business of filling prescriptions.

2. Ophthalmic dispensing by an employee of a licensed physician, surgeon or optometrist if the employee practices ophthalmic dispensing only under the direct supervision of the licensed physician, surgeon or optometrist and only as an assistant to the licensed physician, surgeon or optometrist.

3. ~~[A licensed pharmacist]~~ *The* dispensing *of* prepackaged contact lenses *by a licensed pharmacist* pursuant to the provisions of NRS 639.2825.

~~[4. The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses.]~~

Sec. 17. NRS 637.030 is hereby amended to read as follows:

637.030 1. The Board of Dispensing Opticians, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Four members who *are dispensing opticians and* have actively engaged in the practice of ophthalmic dispensing for not less than 3 years in the State of Nevada immediately preceding the appointment.

(b) One member who is a representative of the general public. This member must not be:

(1) A dispensing optician; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a dispensing optician.

3. *A member of the Board may continue in office until his or her successor is appointed.*

4. The Governor, after hearing, may remove any member for cause.

Sec. 18. NRS 637.040 is hereby amended to read as follows:

637.040 1. The Board shall ~~[elect]~~ *:*

(a) Elect a President, Vice President, Secretary and Treasurer from its membership ~~[.]~~ *; and*

(b) Meet at least once each year on a date determined by the Board.

2. ~~[Any member]~~ *A majority* of the *members of the* Board ~~[may:~~

~~(a) Issue subpoenas to compel]~~ *constitutes a quorum for* the ~~[attendance]~~ *transaction* of ~~[witnesses to testify before]~~ *business of* the Board . ~~[or the production of books, papers and documents. Subpoenas must issue under the seal of the]~~

3. The Board ~~[and must be served in]~~ *shall operate on* the ~~[same manner as subpoenas issued out of the district court.~~

~~(b) Administer oaths in taking testimony in any matter pertaining to the duties of the Board.]~~ *basis of a fiscal year commencing on July 1 and terminating on June 30.*

Sec. 19. NRS 637.045 is hereby amended to read as follows:

637.045 *While engaged in the business of the Board:*

1. Each member of the Board is entitled to receive ~~[:~~

~~(a) A]~~ *a* salary of not more than $150 per day, as fixed by the ~~[Board, while engaged in the business of the]~~ Board; and

~~[(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.]~~

2. ~~[While engaged in the business of the Board, each]~~ *Each member and* employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 20. NRS 637.050 is hereby amended to read as follows:

637.050 *The Board may:*

1. ~~[The principal office of the Board is the place of business or employment of the Secretary of the Board, but it may maintain]~~ *Maintain* offices in as many ~~[localities]~~ *locations* in the State as it finds necessary to carry out the provisions of this chapter *;* ~~[, and may meet or conduct any of its business at any place in the State.]~~

2. ~~[The Board shall meet at least once in]~~ *Employ and fix* the ~~[fall]~~ *compensation* of ~~[each year on a date determined by the Board, at which time candidates applying for licensing must be examined]~~ *an Executive Director* and ~~[their qualifications determined.]~~ *any other employees, including, without limitation, investigators, lobbyists, attorneys, other professional consultants and clerical personnel the Board deems necessary to carry out the provisions of this chapter;*

3. ~~[In addition to the meeting required by subsection 2, the Board may hold such other meetings as it may deem advisable. The time]~~ *Contract with professional consultants* and ~~[place of all such meetings must be determined by the Board.]~~ *service providers, including, without limitation, investigators, lobbyists and attorneys, as the Board deems necessary to carry out the provisions of this chapter; and*

4. Transact any other business necessary to carry out the provisions of this chapter.

Sec. 21. NRS 637.060 is hereby amended to read as follows:

637.060 1. Except as otherwise provided in subsection ~~[3,]~~ *4*, all money received by the Board under the provisions of this chapter must be deposited in banks, credit unions, savings and loan associations or savings banks in the State of Nevada. The money may be drawn on by the Board for payment of all expenses incurred in the administration of the provisions of this chapter.

2. *The Board may , for the use and benefit of the Board as a whole and not for any individual member of the Board, accept ~~[gifts,]~~ grants, donations and contributions of money from any source to assist the Board in carrying out the provisions of this chapter.*

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

~~[3.]~~ *4.* If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection ~~[2]~~ *3* and the Board deposits the money collected from the imposition of administrative fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 22. NRS 637.070 is hereby amended to read as follows:

637.070 ~~[1.]~~ The Board may adopt such rules and regulations as it may deem necessary to carry out the provisions of this chapter ~~[.~~

~~2. The Board shall have a common seal of which all courts of this State shall take judicial notice.~~

~~3. The Board may empower any member to conduct any proceeding, hearing or investigation necessary to its purposes.~~

~~4. The Board may employ and fix the compensation of attorneys, investigators and other professional consultants and such other employees and assistants as it may deem necessary to carry out the provisions of this chapter.]~~ *, including, without limitation, regulations:*

1. Establishing standards of practice for persons licensed pursuant to this chapter.

2. Setting forth minimum standards for lenses, frames, specially fabricated optical devices and other ophthalmic devices dispensed by a dispensing optician. Such standards must be consistent with the minimum standards of quality approved by the American National Standards Institute.

3. Prescribing the form of an administrative citation issued pursuant to section 11 of this act.

4. Prescribing a schedule of administrative fines that may be imposed in connection with issuance of an administrative citation.

Sec. 23. ~~[NRS 637.085 is hereby amended to read as follows:~~

~~637.085 [1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.~~

~~2.] Except as otherwise provided in [this section and] NRS 239.0115, the following may be kept confidential:~~

~~[(a)] 1. Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.~~

~~[(b)] 2. Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.~~

~~[(c)] 3. Any communication between:~~

~~[(1)] (a) The Board and any of its committees or panels; and~~

~~[(2)] (b) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.~~

~~[(d) Any other information or records in the possession of the Board.~~

~~3.] 4. [Except as otherwise provided in this section and NRS 239.0115, a] A complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person . [are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.~~

~~4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.]~~

~~5. [The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or] Any other information [to any other licensing board] or [any other agency] record in possession of the Board that is [investigating] not a [person, including, without limitation, a law enforcement agency.] public record subject to the provisions of chapter 239 of NRS.]~~ (Deleted by amendment.)

Sec. 24. NRS 637.090 is hereby amended to read as follows:

637.090 *1.* A person shall not engage in the practice of ophthalmic dispensing or manage ~~[a business engaged in ophthalmic dispensing]~~ *an optical establishment* without holding a valid, active license issued as provided by this chapter.

2. If an optical establishment is open to the public at any time during which no licensed dispensing optician is physically present at the optical establishment, the optical establishment must display a clear and conspicuous sign indicating that a licensed dispensing optician is not present and that no services requiring a licensed dispensing optician may be performed at the optical establishment without a licensed dispensing optician present.

Sec. 25. NRS 637.100 is hereby amended to read as follows:

637.100 1. To ~~[qualify]~~ *be eligible* for ~~[examination and licensing]~~ *a license* as a dispensing optician, an applicant must *:* ~~[furnish proof that the applicant:]~~

(a) ~~[Is]~~ *Be* at least 18 years of age.

(b) ~~[Is of good moral character.~~

~~(c) Is]~~ *Be* a graduate of an accredited high school or its equivalent.

~~[(d) Has passed the examination of the American Board of Opticianry.~~

~~(e) Has]~~

(c) Have done either of the following:

(1) ~~[Served]~~ *Successfully completed an educational program on ophthalmic dispensing approved by the Board and served* as an apprentice dispensing optician for not less than ~~[3]~~ *2* years in ~~[an optical establishment where prescriptions for spectacles or contact lenses from given formulae are fitted and filled under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist for the purpose of acquiring experience in ophthalmic dispensing and has passed an educational program on the theory of ophthalmic dispensing approved]~~ *accordance with regulations adopted* by the Board ~~[;]~~ *pursuant to NRS 637.070;* or

(2) ~~[Successfully completed a course of study in a school which offers a]~~ *Been awarded an associate's* degree ~~[of associate]~~ in applied science for studies in ophthalmic dispensing *from a school which is* approved by the Board and ~~[has had 1 year of ophthalmic experience]~~ *served* as an apprentice dispensing optician ~~[under]~~ *for not less than 1 year in accordance with regulations adopted by* the ~~[direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist.~~

~~(f) Has done all]~~ *Board pursuant to NRS 637.070.*

(d) Have passed any examination or obtained any certificate required by regulations adopted by the Board pursuant to NRS 637.070 for the issuance of ~~[the following:~~

~~(1) Successfully completed a course of instruction on the fitting of contact lenses approved by the Board;~~

~~(2) Completed at least 100 hours of training and experience in the fitting of and filling of prescriptions for contact lenses under the direct supervision of a licensed dispensing optician authorized to fit and fill prescriptions for contact lenses, a licensed ophthalmologist or a licensed optometrist;~~

~~(3) Passed the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners; and~~

~~(4) Passed the practical examination on the fitting of and filling of prescriptions for contact lenses adopted by the Board.]~~ *a license as a dispensing optician.*

2. The Board ~~[shall adopt regulations to carry out]~~ *may waive* the ~~[provisions of this section, including, without limitation, regulations that establish requirements for:~~

~~(a) The program of apprenticeship for apprentice dispensing opticians;~~

~~(b) The training and experience of apprentice dispensing opticians; and~~

~~(c) The issuance of licenses to apprentice dispensing opticians.]~~ *requirements of paragraph (c) of subsection 1 for an applicant who submits proof to the Board which shows to the satisfaction of the Board that the applicant:*

(a) Is a graduate of a foreign school and has acquired education and experience that the Board deems equivalent to or greater than the education and experience required for the issuance of a license as a dispensing optician in this State;

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States who is on active duty; or

(c) Has at least 5 consecutive years of work experience in the practice of ophthalmic dispensing in the District of Columbia or any state or territory of the United States that does not have requirements for licensure which the Board deems equal to or greater than the requirements for the issuance of a license as a dispensing optician in this State. Some portion of the 5 consecutive years of work experience must have been obtained within the 2 years immediately preceding the date of application for licensure.

3. The Board may waive the requirements of paragraphs (c) and (d) of subsection 1 for an applicant who submits proof to the Board which shows to the satisfaction of the Board that the applicant holds a valid and unrestricted license to engage in ophthalmic dispensing in the District of Columbia or any state or territory of the United States that has requirements for licensure which the Board deems to be equal to or greater than the requirements for the issuance of a license as a dispensing optician in this State.

4. A license as a dispensing optician:

(a) Authorizes the holder to practice ophthalmic dispensing in this State; and

(b) Must be conspicuously displayed at all times at the holder's place of practice.

Sec. 26. NRS 637.115 is hereby amended to read as follows:

637.115 *1.* The Board shall maintain records pertaining to applicants to whom licenses have been issued or denied. These records must ~~[be open to the public and must]~~ include:

~~[1.]~~ *(a)* The name of each applicant.

~~[2.]~~ *(b)* The name of ~~[the school granting the diploma to the applicant.~~

~~3. The date of the diploma.~~

~~4.]~~ *each person who is issued a license.*

(c) The business address of the applicant ~~[.]~~ *or holder of a license.*

~~[5.]~~ *(d)* The date of issuance or denial of the license.

~~[6.]~~ *(e)* The current status of the license.

(f) The name of each holder of a license who has been subject to disciplinary action by the Board.

2. Upon request, the Board shall disclose any information maintained pursuant to subsection 1 and may charge a fee for a copy of the information. The fee must not exceed the actual cost incurred by the Board in producing the copy.

Sec. 27. NRS 637.121 is hereby amended to read as follows:

637.121 1. ~~[Except as otherwise provided in this section, a limited license as a dispensing optician authorizes the licensee to engage in the practice of ophthalmic dispensing pursuant to this chapter.~~

~~2.]~~ Only a person who is deemed to ~~[hold]~~ *have held* an active ~~[,]~~ *or* inactive ~~[or delinquent]~~ limited license as a dispensing optician ~~[on]~~ *since*

February 1, 2004, may hold a limited license as a dispensing optician. A limited license as a dispensing optician may not be issued to any other person.

~~[3. A person practicing ophthalmic dispensing pursuant to a limited license:~~

~~(a) Except as otherwise provided in this section, is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal or reactivation of a license; and~~

~~(b) Shall]~~

2. A limited license as a dispensing optician:

(a) Authorizes the holder to engage in the practice of ophthalmic dispensing pursuant to this chapter, except that the holder shall not ~~[sell, furnish or fit]~~ *dispense* contact lenses ~~[.~~

~~4. A limited license as a dispensing optician:~~

~~(a) Expires on January 31 of each year.]~~ *or supervise the dispensing of contact lenses by a person licensed as an apprentice dispensing optician pursuant to this chapter.*

(b) Must at all times be conspicuously displayed at the holder's place of practice.

~~[(b)]~~ *(c)* May *not* be ~~[renewed before its expiration upon:~~

~~(1) Presentation of proof of completion of the continuing education required by this section; and~~

~~(2) Payment of a renewal fee set by the Board of not more than $200.~~

~~(c) Except as otherwise provided in subsection 5, is delinquent if it is not renewed before January 31 of each year. Not later than 2 years after the expiration of a limited license, a delinquent limited license may be reinstated, at the discretion of the Board, upon payment of each applicable annual renewal fee in addition to the annual delinquency fee set by the Board of not more than $500.~~

~~5. Upon written request to the Board, and payment of a fee not to exceed $300, a licensee in good standing may have his or her name and limited license as a dispensing optician transferred to an inactive list. Such a licensee shall not practice ophthalmic dispensing during the time the limited license is inactive. If an inactive licensee wishes to resume the practice of ophthalmic dispensing as limited by this section, the Board shall reactivate the limited license upon:~~

~~(a) If deemed necessary by the Board, the demonstration by the licensee that the licensee is then qualified and competent to practice;~~

~~(b) The completion of an application; and~~

~~(c) Payment of the renewal fee set by the Board pursuant to subsection 4.~~

~~6. To reactivate a limited license as a dispensing optician pursuant to subsection 5, an inactive licensee is not required to pay the delinquency fee and the renewal fee for any year while the license was inactive.~~

~~7. Except as otherwise provided in subsection 8, each person with a limited license as a dispensing optician must complete courses of continuing education in ophthalmic dispensing each year. Such continuing education must:~~

~~(a) Encompass such subjects as are established by regulations of the Board.~~

~~(b) Consist of a minimum of 12 hours for a period of 12 months.~~

~~8. A person with a limited license as a dispensing optician who is on active military service is exempt from the requirements of subsection 7.~~

~~9. The Board shall adopt any other regulations it determines are necessary to carry out the provisions of this section.]~~ *placed on inactive status on or after January 31, 2023.*

Sec. 28. NRS 637.125 is hereby amended to read as follows:

637.125 1. A person may not employ another person to perform the services of a dispensing optician unless the other person:

(a) Is licensed by the Board as a dispensing optician; or

(b) Is licensed by the Board as an apprentice dispensing optician and is directly supervised as required by the provisions of this chapter.

2. A licensed dispensing optician may not allow another person who is under his or her direct supervision to perform the services of a dispensing optician unless the other person is licensed by the Board as a dispensing optician or an apprentice dispensing optician.

3. ~~[If a person is]~~ *A* licensed ~~[by the Board as an]~~ apprentice dispensing optician ~~[, a]~~ *may engage in ophthalmic dispensing only when a* licensed dispensing optician, ~~[licensed]~~ ophthalmologist or ~~[licensed]~~ optometrist ~~[must:~~

~~(a) Directly supervise]~~ *is physically present in the optical establishment to provide direct supervision for* all ~~[work done by the apprentice]~~ dispensing ~~[optician.]~~ *activities performed by the apprentice and to verify the quality of the finished products to be dispensed.*

~~[(b) Be in attendance whenever the]~~

4. A licensed dispensing optician, ophthalmologist or optometrist who is providing direct supervision to an apprentice dispensing optician shall not supervise more than two apprentice dispensing ~~[optician is engaged in ophthalmic dispensing.]~~ *opticians at any one time.*

~~[(c) Post the license of the apprentice dispensing optician in a conspicuous place where the apprentice dispensing optician works.~~

~~4. A licensed dispensing optician may not have under his or her supervision more than two licensed apprentice dispensing opticians at any one time.~~

~~5. A licensed dispensing optician or a person who employs a licensed dispensing optician may employ other persons to assist in consulting on optical fashions, and a licensed dispensing optician may supervise such other persons. Such other persons:~~

~~(a) Are not required to be licensed pursuant to the provisions of this chapter.~~

~~(b) May not perform the services of a dispensing optician.~~

~~6. The Board may adopt regulations to carry out the provisions of this section.]~~

Sec. 29. NRS 637.150 is hereby amended to read as follows:

637.150 1. If the Board finds, ~~[by a preponderance of the evidence,]~~ *after notice and a hearing as required by law,* that an applicant or holder of a license ~~[:~~

~~(a) Has]~~ *has* been adjudicated insane ~~[;~~

~~(b) Habitually]~~ *, habitually* uses any controlled substance or intoxicant ~~[;~~

~~(c) Has]~~ *or has* been *diagnosed with a medical or mental health condition that is likely to impede the safe practice of ophthalmic dispensing, the Board may:*

(a) For an applicant, refuse to grant the applicant a license; or

(b) For a holder of a license:

(1) Place the holder on probation;

(2) Suspend or revoke the license;

(3) Refuse to renew or reinstate the license; or

(4) Take any combination of the disciplinary actions described in subparagraphs (1), (2) and (3).

2. If the Board finds, after notice and a hearing as required by law, that an applicant or holder of a license has committed unprofessional conduct which has endangered or is likely to endanger public health, safety or welfare, the Board may:

(a) For an applicant, refuse to grant the applicant a license; or

(b) For a holder of a license:

(1) Place the holder on probation;

(2) Suspend or revoke the license;

(3) Refuse to renew or reinstate the license;

(4) Reprimand the holder publicly;

(5) Require the holder to reimburse the Board for the cost of any investigation or hearing related to the disciplinary action;

(6) Require the holder to pay an administrative fine of not more than $10,000 for each act constituting unprofessional conduct; or

(7) Take any combination of the disciplinary actions described in subparagraphs (1) to (6), inclusive.

3. The Board shall not privately reprimand a holder of a license.

4. Pursuant to NRS 622A.410, the Board may reinstate a license that has been revoked if the person who was issued the license applies to the Board for its reinstatement.

5. Notwithstanding the provisions of chapter 622A of NRS, if the Board receives a report pursuant to subsection 5 of NRS 228.420, the Board must commence disciplinary proceedings regarding the report not later than 30 days after receiving the report.

6. ~~[The Board shall, to the extent feasible, communicate and cooperate with or provide any documents or information to any other licensing board or~~

~~*agency, including, without limitation, a law enforcement agency, that is investigating a person licensed pursuant to this chapter.*~~

~~*7. An order of the Board that imposes discipline and the findings of fact and conclusions of law supporting the order are public records.*~~

~~*8.]*~~ *As used in this section, "unprofessional conduct" includes:*

(a) Being convicted of ~~[a *any]*~~ *:*

(1) Any crime involving moral turpitude ;

~~[(d) Has been convicted of or violating]~~

(2) A violation of any federal or state law relating to a controlled substance; or

(3) Violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

~~[(e) Has advertised]~~

(b) Advertising in any manner which would tend to deceive, defraud or mislead the public;

~~[(f) Has presented to the Board any diploma, license or certificate that has been signed or issued unlawfully or under fraudulent representations, or obtains or has obtained]~~

(c) Obtaining a license to practice in this State through fraud *or the misrepresentation or concealment* of ~~[any kind;~~

~~(g) Has been convicted of a violation of any federalor state law relating to a controlled substance;~~

~~(h) Has,]~~ *a material fact;*

(d) Dispensing, without proper verification, ~~[dispensed]~~ a lens, frame, specially fabricated optical device or other ophthalmic device that does not satisfy the minimum standards established by the Board pursuant to NRS ~~[637.073;~~

~~(i) Has violated any regulation of the Board;~~

~~(j) Has violated *a material fact;*~~

~~*(d)]*~~ *637.070;*

(e) Committing fraud or deceit in the practice of ophthalmic dispensing;

~~*[(e)]*~~ *(f) Violating* any provision of this chapter ~~[;~~

~~(k) Is incompetent;~~

~~(l) Is guilty of unethical or unprofessional conduct as determined by]~~ *or any regulations of* the Board ~~[;~~

~~(m) Is guilty of repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;~~

~~(n) Is guilty of a fraudulent or deceptive practice as determined by the Board; or~~

~~(o) Has operated]~~ *adopted pursuant to this chapter; ~~[and~~*

~~*(f)]*~~ *(g) Operating* a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160 ~~*[.*~~ ~~,~~

~~➥ the Board may, in the case of an applicant, refuse to grant the applicant a license, or may, in the case of a holder of a license, place the holder on probation, reprimand the holder publicly, require the holder to pay an administrative fine of not more than $10,000, suspend or revoke the holder's license, or take any combination of these disciplinary actions.~~

~~2. The Board shall not privately reprimand a holder of a license.~~

~~3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~

~~4. The provisions of paragraph (o) of subsection 1 apply to an owner or other principal responsible for the operation of the medical facility.~~

~~5. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in NRS 233B.0375.]~~ *; and*

(h) Engaging in any other conduct which the Board has determined is unethical or unprofessional.

Sec. 30. NRS 637.154 is hereby amended to read as follows:

637.154 1. ~~[To the extent that money is available for that purpose, the]~~ *The* Board may, ~~[upon its own motion, investigate the actions of any person who holds a license issued pursuant to this chapter that may constitute grounds for refusal to issue such a license, or the suspension or revocation of the license.]~~ *in a manner that is consistent with the provisions of chapter 622A of NRS, conduct investigations, hold hearings and examine witnesses in carrying out its duties pursuant to this chapter.*

2. ~~[The]~~ *For the purposes of this chapter, any member of the* Board may ~~[accept gifts, grants]~~ *administer oaths* and ~~[donations of money from any source]~~ *issue subpoenas* to ~~[carry out]~~ *compel* the ~~[provisions]~~ *attendance* of ~~[this section.]~~ *witnesses and the production of books, papers, documents and any other articles related to the practice of ophthalmic dispensing.*

3. If any person fails to comply with a subpoena within 10 days after its issuance, the Board may petition the district court for an order compelling compliance with the subpoena.

4. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why the person has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

5. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order, the person must be dealt with as for contempt of court.

Sec. 31. NRS 637.181 is hereby amended to read as follows:

637.181 Notwithstanding the provisions of chapter 622A of NRS ~~[:~~

~~1. The Board shall conduct an investigation if it receives a complaint that sets forth reason to believe that a person, without the proper license, is engaging in an activity for which a license is required pursuant to this chapter. The complaint must be:~~

~~(a) Made in writing; and~~

~~(b) Signed and verified by the person filing the complaint.~~

~~2. If]~~ *, if* the Board determines that a person ~~[, without the proper license, is engaging]~~ *who is not licensed pursuant to this chapter has engaged* in an activity for which a license is required pursuant to this chapter, ~~[the Board:~~

~~(a) Shall issue]~~ *or has violated, or employed a person who, in the course of his or her employment, has violated any provision of NRS 637.125 or any regulation adopted by the Board to carry out the provisions of that section, the Board may:*

1. Issue and serve on the person an order to cease and desist from engaging in the activity until such time as the person obtains the proper license from the Board.

~~[(b) May, after notice and opportunity for a hearing, impose upon]~~

2. Issue a citation to the person *pursuant to section 11 of this act. Such a citation must describe with particularity the nature of the violation and inform the person of the provisions of this section.*

3. Order the person to reimburse the Board the costs of any investigation or hearing related to a violation.

4. Assess against the person an administrative fine of not more than $10,000 ~~[.]~~ *for each separate violation.* The imposition of an administrative fine is a final decision for the purposes of judicial review.

~~[3. An administrative fine imposed pursuant to this section is in addition to]~~

5. Impose any ~~[other penalty provided in this chapter.~~

~~4. The Board shall retain all complaints received by]~~ *combination of* the ~~[Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.]~~ *penalties set forth in subsections 1, 2 and 3.*

Sec. 32. NRS 637.200 is hereby amended to read as follows:

637.200 The following acts constitute misdemeanors, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840:

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.

5. Filling a prescription ~~[for a contact lens]~~ in violation of the expiration date or *, for a prescription for a contact lens, in violation of the* number of refills specified by the prescription. *A prescription shall be deemed to have an expiration date of 2 years after the date on which the prescription was issued,*

unless the practitioner who wrote the prescription includes on the prescription a different period.

6. *Holding oneself out to the public, either verbally or in writing, to be an optician, a dispensing optician or an apprentice dispensing optician without holding a valid and active license issued pursuant to this chapter.*

7. Failing to comply with a citation or order issued pursuant to this chapter after the citation or order is final.

8. Violating any provision of this chapter.

Sec. 32.5. Notwithstanding the amendatory provisions of this act, a person who, on January 31, 2023, holds a limited license as a dispensing optician which has been transferred to an inactive list pursuant to NRS 637.121, as that section existed before October 1, 2023, may reactivate the limited license as a dispensing optician in accordance with NRS 637.121, as that section existed before October 1, 2023.

Sec. 33. NRS 637.010, 637.024, 637.041, 637.073, 637.075, 637.110, 637.120, 637.123, 637.127, 637.135, 637.140, 637.155, 637.170, 637.175 and 637.183 are hereby repealed.

Sec. 34. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 33, inclusive, of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

LEADLINES OF REPEALED SECTIONS

637.010 Short title.

637.024 "Supervision" defined.

637.041 Enforcement of subpoenas issued by Board.

637.073 Regulations setting minimum standards for optical and ophthalmic devices.

637.075 Fiscal year.

637.110 Fees for application for license; requirements for, waiver of and passing score for examination of applicant for license as dispensing optician; prohibition on participation in preparing, conducting and grading examination.

637.120 Issuance of license as dispensing optician; display of license; nontransferability; issuance of duplicate license.

637.123 Apprentice dispensing optician: Expiration, renewal and reinstatement of license; fees; continuing education; limitations on renewal.

637.127 Special license as dispensing optician.

637.135 Dispensing optician: Continuing education.

637.140 Dispensing optician: Expiration, renewal and reinstatement of license; fees; inactive status; reactivation of inactive license.

637.155 Hearing required after receipt of report of certain violations of Industrial Insurance Act.

637.170 Reinstatement of revoked license; fee.

637.175 Expiration of prescriptions.

637.183 Administrative fine for violation of provisions governing employment and supervision of dispensing opticians, apprentice dispensing opticians and other assistants.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 554 to Assembly Bill No. 415 revises the definition of "ophthalmic dispensing" and "dispensing optician"; amends provisions permitting the Board [of Dispensing Opticians] to accept monetary grants, donations, and contributions from any source for collective board benefit to aid in implementing the dispensing opticians practice act; deletes section 23, which contained provisions about the confidentiality of specific board-held information; deletes provisions which mandated the Board to cooperate with other licensing boards or agencies, including law enforcement, in investigations concerning licensed individuals; deletes provisions which would have made disciplinary orders and certain supporting information from the Board public records; and amends provisions to redefine what actions count as "unprofessional conduct."

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 432.

Bill read second time.

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

Amendment No. 572.

SUMMARY—Revises provisions governing optometry. (BDR 54-929)

AN ACT relating to optometry; prohibiting certain persons from owning or controlling an optometry practice under certain circumstances; requiring a licensee to provide certain notifications to the Nevada State Board of Optometry; authorizing persons enrolled in certain educational or residency programs to practice optometry under certain circumstances; prohibiting a licensee from prescribing ophthalmic lenses under certain circumstances; establishing certain requirements relating to the use of optometric telemedicine; reducing the fee for a veteran to obtain an initial license to practice optometry; revising certain requirements to obtain a license; revising provisions relating to the ownership of an optometry practice under an assumed or fictitious name under certain circumstances; authorizing the Board to issue citations for certain violations; requiring certain regulations adopted by the State Board of Health to authorize a licensed optometrist to serve as the director of a medical laboratory under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Nevada State Board of Optometry to adopt policies and regulations necessary to regulate the practice of optometry in this State and issue licenses to engage in the practice of optometry. (NRS 636.125, 636.215) Sections 2-12 of this bill define certain terms relating to the practice of optometry. Section 20 of this bill makes a conforming change to indicate the proper placement of sections 2-12 in the Nevada Revised Statutes.

Section 28 of this bill authorizes the Board to issue a citation to a person who violates certain provisions of law governing the practice of optometry.

Existing law establishes a schedule of fees which the Board may not exceed when charging for the issuance of a license to practice optometry and for certain other purposes. (NRS 636.143) Section 21 of this bill revises the fees associated with the initial issuance of a license. Section 21 sets forth the maximum fee the Board is authorized to charge for the initial issuance of a license to an applicant who is a veteran, which is one-half of the maximum fee the Board is authorized to charge an applicant who is not a veteran.

Existing law authorizes the Board to issue a license by endorsement to certain persons who hold a corresponding valid and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States and who meet certain other requirements. (NRS 636.206) Section 24 of this bill requires the: (1) corresponding license to be active; and (2) applicant to not have been licensed by the Board to practice optometry in this State in the immediately preceding year.

Existing law requires a licensee to notify the Executive Director of the Board in advance of changing the location where the licensee practices optometry or establishing an additional location to practice optometry. (NRS 636.370) Section 15 of this bill requires a licensee to notify the Board not later than 30 days after a change of the personal mailing address or primary telephone number of the licensee or the electronic mail address that the licensee most recently provided to the Board. Section 16 of this bill requires a licensee to report to the Board within 30 days the revocation, suspension or surrender of, or any disciplinary action taken against, a license, certificate or registration to practice any occupation or profession issued by any other jurisdiction.

Section 13 of this bill prohibits, with certain exceptions, a person who is not licensed to practice optometry in this State from: (1) owning, being an officer or board member of or having control over the management or operations of an optometry practice located in this State; or (2) being an officer or board member of an entity that operates such an optometry practice or holding a position in such an entity that allows the person to have control over the management or operations of an optometry practice. Section 13 also prohibits a person who is employed by a management service provider which is providing certain business services to an optometry practice from performing certain roles for the optometry practice or the entity that operates the optometry practice using those services.

Existing law prohibits an optometrist from owning all or any part of an optometry practice under an assumed or fictitious name unless the optometrist has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name at a specified location. (NRS 636.350) Section 26 of this bill specifies that each person who owns any part of such a practice hold an active license to practice optometry in this State and have been issued such a certificate of registration.

Section 14 of this bill : (1) authorizes a surviving family member of a licensed optometrist who has died and who was the sole owner of an optometry practice to own the optometry practice without holding a license to practice optometry in this State for not more than 1 year after the death of the licensed optometrist ~~.~~ ; and (2) clarifies that such ownership does not exempt a person from the requirement to obtain a license to engage in the practice of optometry. Section 14 requires such a surviving family member, not later than 1 year after the death of the licensee, to transfer ownership of that optometry practice to another licensed optometrist or to dissolve the practice.

Existing law prohibits a person from engaging in the practice of optometry in this State unless the person is licensed by the Board. (NRS 636.145) Section 17 of this bill authorizes students who are participating in certain externship programs pursuant to a course of study in optometry or certain persons engaged in a residency program for optometry to perform certain procedures pursuant to those programs which constitute engaging in the practice of optometry. Section 22 of this bill makes a conforming change to indicate that the performance of such procedures does not constitute the unlawful practice of optometry.

Existing law authorizes a licensed optometrist to prescribe therapeutic or corrective lenses for the correction or relief of or remedy for an abnormal condition or inefficiency of the eye or visual process. (NRS 636.025, 636.215) Section 18 of this bill prohibits a licensed optometrist from issuing, offering to issue, duplicating or extending a prescription for certain lenses if the optometrist has not performed, or does not have access to records relating to, a comprehensive eye examination performed within the immediately preceding 2 years on the intended recipient of the lenses.

Existing law defines the term "telehealth" to mean the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including facsimile or electronic mail. (NRS 629.515) Section 8 of this bill defines the term "optometric telemedicine" to mean, in general, the use of telehealth by a licensed optometrist to deliver health care services within the scope of the practice of optometry to a patient at a different location. Section 19 of this bill authorizes and sets forth certain requirements for the use of optometric telemedicine by a licensed optometrist for certain purposes. Section 19 requires, with certain exceptions, a licensed optometrist to have performed a comprehensive examination on a patient within the immediately preceding 2 years to deliver health care services to the patient through optometric telemedicine. Section 19 additionally authorizes an licensed optometrist to remotely monitor certain health data of a patient.

Existing law authorizes the State Board of Health to prescribe regulations relating to the operation of medical laboratories and the qualifications of the directors of those laboratories. (NRS 652.130) Section 29 of this bill requires the regulations to include licensed optometrists among the licensed physicians

qualified to serve as the laboratory director of certain laboratories under certain circumstances.

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

Section 1. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. *"Asynchronous optometric telemedicine" means a form of optometric telemedicine in which data that is collected from an examination of a patient that is conducted in person is later transmitted to an optometrist for review.*

Sec. 3. *1. "Comprehensive examination" means an examination of a patient which is conducted in person and during which all of the following tests, procedures or actions are performed:*

(a) The documentation of the primary reason for which the examination is conducted;

(b) A review of the medical history and ocular history of both the patient and his or her immediate family;

(c) A review of any medications used by the patient;

(d) A review of any allergies of the patient;

(e) A review of documentation identifying the patient's primary care physician;

(f) General medical observations, including, without limitation, neurological and psychological orientation;

(g) Eye pressure;

(h) Gross, confrontation or formal visual fields;

(i) A basic sensorimotor examination;

(j) A complete pupillary assessment, including, without limitation, an examination of the presence of an afferent pupillary defect;

(k) Eye alignment;

(l) Visual acuities;

(m) Keratometry or autokeratometry;

(n) Anterior segment examination using a slit beam and magnification, as through a biomicroscope slit lamp, to include ocular adnexa, eyelid, eyelashes, conjunctiva, pupil, cornea, anterior chamber and lens;

(o) Posterior segment examination that includes the examination of the optic nerve, macula, retina and vessels; and

(p) A review and assessment of all data collected pursuant to paragraphs (a) to (o), inclusive, and the development of a plan to provide necessary treatment.

2. The term includes an examination in which a test, procedure or action specified in paragraphs (a) to (p), inclusive, of subsection 1 was not performed if the person conducting the examination was unable to perform the test, procedure or action and used an alternative method to obtain comparable data to that which would have been obtained by the proper performance of the test, procedure or action.

Sec. 4. *"Distant site" has the meaning ascribed to it in NRS 629.515.*

Sec. 5. *"Health care services" means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease that are within the scope of the practice of optometry.*

Sec. 6. *"Licensee" means a person who is licensed to practice optometry pursuant to this chapter.*

Sec. 7. *"Non-comprehensive examination" means an examination that includes some but not all of the elements of a comprehensive examination.*

Sec. 8. *"Optometric telemedicine" means the use of telehealth, as defined in NRS 629.515, by a licensee who is located at a distant site to deliver health care services to a patient who is located at an originating site. The term includes, without limitation, synchronous optometric telemedicine and asynchronous optometric telemedicine.*

Sec. 9. *"Optometry practice" or "optometric practice" means a business through which one or more optometrists practice optometry.*

Sec. 10. *"Originating site" has the meaning ascribed to it in NRS 629.515.*

Sec. 11. *"Remote patient monitoring" means the monitoring by a licensee of data:*

1. Collected from a patient of the licensee at one location and transmitted to the licensee at another location; and

2. That is necessary to make informed decisions about providing health care services to the patient.

Sec. 12. *"Synchronous optometric telemedicine" means a form of optometric telemedicine in which information is exchanged via electronic communication in real time and includes, without limitation, communication via telephone, video, a mobile application or an online platform on an Internet website.*

Sec. 13. *1. Except as otherwise provided in section 14 of this act, a person who is not licensed to practice optometry pursuant to this chapter shall not:*

(a) Hold an ownership interest in an optometry practice;

(b) Be an officer or board member of an optometry practice or occupy any other position of authority at an optometry practice that allows the person to exert control over the management or operation of the optometry practice; or

(c) Be an officer or board member of an entity that operates one or more optometry practices or occupy any other position of authority at such an entity that allows the person to exert control over the management or operations of an optometry practice that the entity operates.

2. A person shall not accept compensation to perform any services for a management service provider that is providing services to an optometry practice if the person is:

(a) An officer or board member of the optometry practice or occupies any other position of authority at an optometry practice that allows the person to

exert control over the management or operation of the optometry practice receiving those services; or

(b) An officer or board member of an entity that operates the optometry practice or occupies any other position of authority at such an entity that allows the person to exert control over the management or operations of the optometry practice receiving those services.

3. As used in this section:

(a) "Management service provider" means a person that contracts to provide management or administrative support services to an optometry practice. The term does not include a provider of insurance, a provider of health care as defined in NRS 41A.017 or a person that offers optometric care at an optometry practice or that offers comprehensive examinations.

(b) "Management or administrative support services" includes, without limitation, legal services and services relating to management, billing, credentialing, accounting, marketing, the storage of electronic medical records, the management of human resources, the provision of malpractice insurance, information technology, the financing of equipment, recruitment, transactions involving real estate and technical support for optometric telemedicine.

Sec. 14. *1. For not more than 1 year after the death of a licensee who is the sole owner of an optometry practice, a surviving member of the licensee's family may own the optometry practice without being licensed pursuant to this chapter. Not later than 1 year after the death of the licensee, the surviving member of the licensee's family shall transfer ownership of the optometry practice to a licensee or dissolve the optometry practice.*

2. The provisions of this section do not ~~[abrogate,]~~ :

(a) Exempt a person from the requirement to obtain a license pursuant to this chapter to engage in the practice of optometry; and

(b) Abrogate, alter or otherwise affect any obligation to comply with the requirements of chapters 629 and 636 of NRS relating to the custody of health care records.

3. As used in this section, "member of the licensee's family" means any person related to the licensee by blood, adoption or marriage within the third degree of consanguinity.

Sec. 15. *A licensee shall notify the Board of any change in the personal mailing address or primary telephone number of the licensee or any change of the electronic mail address most recently provided by the licensee to the Board not later than 30 calendar days after the change.*

Sec. 16. *A licensee shall report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license, certificate or registration to practice any occupation or profession issued to the licensee by another state or territory of the United States, the District of Columbia or a foreign country.*

Sec. 17. *1. A student who is enrolled in a graduate course of study in optometry at an accredited school or college of optometry and who is*

participating in an externship authorized by the school or college, as applicable, as part of that course of study may perform procedures within the scope of a license to practice optometry issued pursuant to this chapter if an optometrist or ophthalmologist licensed in this State:

(a) Is physically present at the clinic where the student is performing the procedures at all times while those procedures are being performed; and

(b) Examines the person on whom the student performed any procedure before the person is discharged.

2. Except as otherwise provided in subsection 3, a person who has received a degree of doctor of optometry and who is engaged in a residency program for optometry in this State may, without a license, engage in the practice of optometry within the scope of a license to practice optometry issued pursuant to this chapter and examine and manage patients without supervision if an optometrist or ophthalmologist licensed in this State is physically present at the clinic at all times when the person is practicing optometry.

3. A person described in subsection 2 may, in an emergency, provide care to a patient without an optometrist or ophthalmologist licensed in this State being physically present at the clinic if the person consults with an appropriate optometrist or ophthalmologist associated with the clinic to determine the proper care and management of the treatment of the patient.

4. As used in this section, "clinic" means a facility at which a licensed optometrist or ophthalmologist provides services to patients.

Sec. 18. *It is unlawful for a licensee to issue, offer to issue, duplicate or extend a prescription for an ophthalmic lens for a person if the licensee has not performed a comprehensive examination, or does not have access to the complete results of a comprehensive examination that was performed, on the person within the immediately preceding 2 years.*

Sec. 19. *1. Except as otherwise provided in subsection 5, a person shall not engage in optometric telemedicine to provide health care services to a patient located at an originating site in this State unless the person is licensed to practice optometry pursuant to this chapter.*

2. Except as otherwise provided in subsection 3, a licensee may engage in synchronous or asynchronous optometric telemedicine to provide health care services to a patient only if the licensee has completed a comprehensive examination on the patient within the immediately preceding 2 years.

3. A licensee may engage in synchronous optometric telemedicine to perform a non-comprehensive examination of a new patient if the licensee has access to all the information obtained from a comprehensive examination of the patient that was conducted by an optometrist or ophthalmologist within the immediately preceding 2 years.

4. A licensee may engage in asynchronous optometric telemedicine to conduct a consultation regarding a patient on whom the licensee has not completed a comprehensive examination within the immediately preceding 2 years if:

(a) An optometrist, ophthalmologist or primary care physician providing care to the patient requests that the licensee conduct the consultation and provides the licensee with all the information about the patient that is necessary to determine whether the patient requires a comprehensive examination; and

(b) The consultation performed by the licensee is limited to a determination of whether the patient requires a comprehensive examination and does not involve any diagnosis, recommendation for or treatment of the patient or a prescription for the patient.

5. A person who holds a valid, active and unrestricted license issued by the District of Columbia or any state or territory of the United States to practice optometry may conduct a consultation through asynchronous optometric telemedicine described in subsection 4 in the same manner as a licensee pursuant to that subsection without holding a license to practice optometry in this State.

6. A licensee may engage in remote patient monitoring of a patient on whom the licensee has completed a comprehensive examination within the immediately preceding 2 years for the purposes of:

(a) Acquiring data about the health of the patient;

(b) Assessing changes in previously diagnosed chronic health conditions;

(c) Confirming the stability of the health of the patient; or

(d) Confirming expected therapeutic results.

7. A licensee may engage in optometric telemedicine to provide health care services to a patient who is located at an originating site outside this State if the licensee has completed a comprehensive examination of the patient within the immediately preceding 2 years and such action is permitted by the laws of the state in which the patient is located.

8. A licensee shall not engage in optometric telemedicine to provide any health care service to the patient that the licensee has determined should be provided in person.

9. A licensee engaging in optometric telemedicine or remote patient monitoring shall not:

(a) Conduct himself or herself in a manner that violates the standard of care required of an optometrist who is treating a patient in person, including, without limitation, by issuing a prescription for ophthalmic lenses based solely upon one or more of the following:

(1) Answers provided by a patient in an online questionnaire;

(2) The application of lensometry; or

(3) The application of auto-refraction; or

(b) Condition the provision of optometric telemedicine or remote patient monitoring on the patient consenting to receiving a standard of care below that which is required by paragraph (a).

Sec. 20. NRS 636.015 is hereby amended to read as follows:

636.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 636.016 to 636.023, inclusive, *and sections 2*

to 12, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 21. NRS 636.143 is hereby amended to read as follows:

636.143 *1.* At least once every 2 years, the Board shall review and, if the Board deems it necessary, establish or revise, within the limits prescribed a schedule of fees for the following purposes:

	Not more than
~~[1.]~~ *(a)* Examinations	$250
~~[2.] *(b)* [Applications for the issuance of a 1 year license~~	~~$600~~
~~3. Renewal]~~ *Initial issuance or renewal* of a license	$1,200
~~[4.]~~ *(c)* Granting certification or issuing certificates	$1,000
~~[5.]~~ *(d)* Licensing of extended clinical facilities and other practice locations	$500
~~[6.]~~ *(e)* Individually verifying licensure or disciplinary status	$100
~~[7.]~~ *(f)* Late fee	$1,000
~~[8.]~~ *(g) Initial issuance of a license to an applicant who is a veteran*	*$600*
(h) Any other service provided by the Board pursuant to this chapter	$1,000

2. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 22. NRS 636.145 is hereby amended to read as follows:

636.145 1. ~~[A]~~ *Except as otherwise provided in section 17 of this act, a* person shall not engage in the practice of optometry in this State unless:

(a) The person has obtained a license pursuant to the provisions of this chapter; and

(b) Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. The Board shall conduct an investigation pursuant to subsection 3 if the Board receives a complaint which sets forth any reason to believe that a person has engaged in the practice of optometry in this State without a license issued pursuant to this chapter.

3. In addition to any other penalty prescribed by law, if the Board, after conducting an investigation and hearing in accordance with chapters 233B, 622 and 622A of NRS, determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist from the practice of optometry until the person obtains a license from the Board.

(b) Issue a citation to the person ~~[.]~~ *pursuant to NRS 636.420.*

(c) Impose any combination of the penalties set forth in paragraphs (a) and (b).

4. Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any

substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to this chapter.

5. Each instance of unlicensed activity constitutes a separate offense for which a separate citation may be issued.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 636.206 is hereby amended to read as follows:

636.206 1. The Board may issue a license by endorsement to engage in the practice of optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid , *active* and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of optometry for the past 5 years;

(4) *Has not held a license to practice optometry in this State in the immediately preceding year;*

(5) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in the practice of optometry; and

~~[(5)]~~ *(6)* Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of optometry to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to engage in the practice of optometry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 636.350 is hereby amended to read as follows:

636.350 1. ~~[An optometrist]~~ *A person* shall not own all or any portion of an optometry practice under an assumed or fictitious name unless the ~~[optometrist has]~~ *person:*

(a) Holds an active license to practice optometry in this State; and

(b) Has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name and at a specific location.

2. ~~[An optometrist]~~ *A person* who applies for a certificate of registration to own all or any portion of an optometry practice under an assumed or fictitious name must submit to the Board an application on a form provided by the Board. The application must be accompanied by proof satisfactory to the Board that the assumed or fictitious name has been registered or otherwise approved by any appropriate governmental entity, including, without limitation, any incorporated city or unincorporated town in which the optometrist practices, if the registration or other approval is required by the governmental entity.

3. Each ~~[optometrist]~~ *person* who is issued a certificate of registration pursuant to this section shall:

(a) Comply with the provisions of chapter 602 of NRS;

(b) Display or cause to be displayed near the entrance of his or her business the full name of the optometrist and the words or letters that designate him or her as an optometrist; and

(c) Display or cause to be displayed near the entrance of his or her business the full name of any optometrist who regularly provides optometric services at the business and the words or letters that designate him or her as an optometrist.

4. The Board shall adopt regulations that prescribe the requirements for the issuance of a certificate of registration to practice optometry under an assumed or fictitious name.

5. As used in this section, "assumed or fictitious name" means a name other than the name of the optometrist printed on his or her license to practice optometry.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 636.420 is hereby amended to read as follows:

636.420 *1.* After providing notice and a hearing pursuant to chapter 622A of NRS, the Board may impose an administrative fine of not more than $5,000 for each violation against a person licensed under this chapter who engages in any conduct constituting grounds for disciplinary action set forth in NRS 636.295.

2. ~~*[In addition to any other penalty prescribed by law, if]*~~ *If the Board determines that a person has violated any provision of this chapter, the Board may issue a citation to the person. The citation may contain an order to pay an administrative fine of not more than $1,000 for each violation or, for a violation described in subsection 1, $5,000 for each such violation. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions*

of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit to the Board a written request for a hearing not later than 30 days after the date of issuance of the citation. The Board shall provide notice of and conduct a hearing requested pursuant to this subsection in accordance with the provisions of chapter 622A of NRS.

Sec. 29. NRS 652.130 is hereby amended to read as follows:

652.130 1. Except as otherwise provided in NRS 652.127, the Board, with the advice of the Medical Laboratory Advisory Committee, may prescribe and publish rules and regulations relating to:

(a) The education, training and experience qualifications of laboratory directors and technical personnel.

(b) The location and construction of laboratories, including plumbing, heating, lighting, ventilation, electrical services and similar conditions, to ensure the conduct and operation of the laboratory in a manner which will protect the public health.

(c) Sanitary conditions within the laboratory and its surroundings, including the water supply, sewage, the handling of specimens and matters of general hygiene, to ensure the protection of the public health.

(d) The equipment essential to the proper conduct and operation of a laboratory.

(e) The determination of the accuracy of test results produced by a laboratory and the establishment of minimum qualifications therefor.

2. Any regulations adopted by the Board pursuant to this section must not require that the laboratory director of a laboratory in which the only test performed is a test for the detection of the human immunodeficiency virus that is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations:

(a) Be a licensed physician; or

(b) Perform duties other than those prescribed in NRS 652.180.

3. Any regulations adopted by the Board pursuant to this section that require the laboratory director of a laboratory in which the only tests performed are tests that are classified as waived tests pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations to be a licensed physician must include a licensed optometrist among the types of licensed physicians who are qualified to serve as a laboratory director of such a laboratory.

Sec. 30. (Deleted by amendment.)

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 572 to Assembly Bill No. 432 provides that certain provisions do not exempt a person form the requirements to obtain a license to practice optometry in this State before engaging in such practice and authorizes the [Nevada State] Board [of Optometry] to impose a maximum fine of $1,000 for violations of the Optometry Practice Act with citation appeals to be conducted as per Chapter 622A of the Nevada Revised Statutes.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 442.

Bill read second time.

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

Amendment No. 552.

SUMMARY—Revises provisions relating to persons licensed by ~~[the Board of Medical Examiners.]~~ certain health care licensing boards. (BDR 54-1055)

AN ACT relating to medical professions; requiring ~~[the Board of Medical Examiners]~~ each health care licensing board to take certain actions in response to a complaint alleging that a ~~[physician, perfusionist, physician assistant or practitioner of respiratory care]~~ licensee has committed any act constituting domestic violence or sexual assault; ~~[requiring a law enforcement agency to notify the Board of a report alleging that a physician, perfusionist, physician assistant or practitioner of respiratory care committed any act constituting domestic violence or sexual assault;]~~ requiring ~~[the Board]~~ each health care licensing board to adopt regulations setting forth circumstances under which ~~[the Board]~~ that board is required to summarily suspend, pending a formal hearing, the license of a ~~[physician, perfusionist, physician assistant or practitioner of respiratory care]~~ licensee in response to a complaint or a series of complaints; requiring the Joint Interim Standing Committee on Commerce and Labor to create a working group; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes any person to file with the Board of Medical Examiners a complaint against a physician, perfusionist, physician assistant or practitioner of respiratory care. (NRS 630.307)]~~ Section ~~[2]~~ 1 of this bill requires ~~[the Board]~~ a health care licensing board to ask a person who files a complaint alleging that a ~~[physician, perfusionist, physician assistant or practitioner of respiratory care]~~ person licensed by that board committed any act which, if proven, would constitute domestic violence or sexual assault whether the ~~[person]~~ complainant wishes to pursue a criminal investigation of the allegation. If so, section ~~[2]~~ 1 requires the ~~[Board]~~ health care licensing board to take certain actions to notify and direct the ~~[person]~~ complainant to an appropriate law enforcement agency. ~~[Section 2 also requires a law enforcement agency to notify the Board of any report received by the law enforcement agency alleging that a physician, perfusionist, physician assistant or practitioner of respiratory care has committed an act which, if proven, would constitute domestic violence or sexual assault. Section 3.5 of this bill provides that such a law enforcement agency and any of its employees are immune from any civil action for providing such a notification to the Board. Section 1 of this bill makes a conforming change to refer to provisions that have been renumbered by this bill.~~

~~If an investigation by the Board regarding a licensed physician, perfusionist, physician assistant or practitioner of respiratory care reasonably determines that the health, safety or welfare of the public or any patient served by the licensee is at risk of imminent or continued harm, existing law authorizes the Board to summarily suspend the license of the licensee pending the conclusion of a hearing to consider a formal complaint against the licensee. (NRS 630.326)~~ Section ~~[3 of this bill]~~ 1 requires ~~[the Board]~~ each health care licensing board to adopt regulations setting forth circumstances under which ~~[the Board,]~~ that board, in response to a complaint or series of complaints, is required to summarily suspend the license of a licensee pending the conclusion of a hearing to consider a formal complaint against the licensee.

Section 2 of this bill requires: (1) the Joint Interim Standing Committee on Commerce and Labor to create a working group to study issues relating to the sharing of information between law enforcement agencies and certain professional or occupational licensing boards during the 2023-2024 interim; and (2) the working group to study and make recommendations to the Committee regarding policies and procedures for such sharing of information concerning licensees who are under investigation for alleged acts which, if proven, would constitute domestic violence or sexual assault.

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

Delete existing sections 1 through 4 of this bill and replace with the following new sections 1, 2 and 3:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a health care licensing board receives a complaint which alleges that a person licensed by that health care licensing board has committed any act which, if proven, would constitute domestic violence pursuant to NRS 33.018 or sexual assault pursuant to NRS 200.366, the health care licensing board must ask the complainant, if the identity of the complainant is known, if the complainant wishes to pursue a criminal investigation of the allegation contained in the complaint. If so, the health care licensing board shall:

(a) Provide to an appropriate law enforcement agency the information contained in the complaint; and

(b) Direct the complainant to and, to the best of the ability of the health care licensing board, connect the complainant with, the law enforcement agency to which the health care licensing board provides the information in the complaint pursuant to paragraph (a).

2. Each health care licensing board shall adopt regulations setting forth circumstances under which that health care licensing board, in response to a complaint filed with the health care licensing board pursuant to subsection 1, is required to summarily suspend the license of a person licensed by that health care licensing board pending the conclusion of a hearing to consider a formal complaint against the licensee. Such regulations may, without limitation,

require the health care licensing board to summarily suspend the license of a licensee in response to:

(a) A complaint alleging that the licensee committed certain acts specified by the health care licensing board;

(b) A certain number of complaints filed against the licensee over a certain period of time specified by the health care licensing board; or

(c) Any combination of the circumstances described in paragraphs (a) and (b).

3. As used in this section, "health care licensing board" has the meaning ascribed to it in NRS 629.079.

Sec. 2. 1. The Joint Interim Standing Committee on Commerce and Labor shall, during the 2023-2024 legislative interim, create a working group to study issues relating to the sharing of information between law enforcement agencies and certain professional or occupational licensing boards during the 2023-2024 interim.

2. The Chair of the Joint Interim Standing Committee on Commerce and Labor shall determine the appropriate number of members of the working group created pursuant to subsection 1 and appoint the members of the working group. The members must consist of representatives of:

(a) Law enforcement;

(b) The Board of Medical Examiners;

(c) The State Board of Osteopathic Medicine;

(d) The State Board of Nursing; and

(e) Any other board that:

(1) The Chair of the Committee deems to be appropriate; and

(2) Is a health care licensing board or any other professional or occupational licensing board which regulates a profession that requires a licensee to, in the regular course of providing professional services, make physical contact with persons receiving the professional services.

3. The working group created pursuant to subsection 1 shall study and make recommendations to the Joint Interim Standing Committee on Commerce and Labor regarding policies and procedures for the sharing of information between law enforcement agencies and professional or occupational licensing boards concerning licensees who are under investigation for alleged acts which, if proven, would constitute domestic violence pursuant to NRS 33.018 or sexual assault pursuant to NRS 200.366.

4. As used in this section, "health care licensing board" has the meaning ascribed to it in NRS 629.079.

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 July 1, 2023, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 552 to Assembly Bill No. 442 deletes sections 1 through 3.5 of the bill, adds provisions amending Chapter 629 of Nevada Revised Statutes to require a health care licensing board to act in response to complaints alleging that a licensed individual has committed acts of domestic violence or sexual assault, adds new provisions to require each health care licensing board to establish regulations specifying situations where the board must summarily suspend a licensee's license in response to a complaint or series of complaints and requires the Joint Interim Standing Committee on Commerce and Labor during the 2023-2024 interim to form a working group tasked with studying issues related to information sharing between law enforcement and certain professional or occupational licensing boards about licensees under investigation for alleged acts of sexual assault or domestic violence.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Assembly Bill No. 442 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Judiciary, to which was referred Assembly Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

Senator Lange moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 1:53 p.m.

SENATE IN SESSION

At 5:41 p.m.

President Anthony presiding.

Quorum present.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 250, 439, 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 Assembly Bills Nos. 52, 143, 172, 213, 262, 305, 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*

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 231, 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

Mr. President:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 34, 70, 86, 191, 220, 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*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 23, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 85, 91, 115, 133, 147, 148, 153, 164, 177, 181, 182, 194, 223, 243, 257, 258, 259, 260, 261, 264, 286, 299, 316, 338, 340, 351, 354, 381, 397, 401, 410, 411, 442.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

SECOND READING AND AMENDMENT

Assembly Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 673.

SUMMARY—Revises provisions relating to custodial interrogations of children. (BDR ~~[14-229)]~~ 5-229)

AN ACT relating to criminal procedure; prohibiting a peace officer or other person authorized to conduct a custodial interrogation of a child from making certain statements during a custodial interrogation of a child; providing that a statement by a child obtained in violation of such a prohibition is presumed involuntary and inadmissible in any criminal or juvenile proceeding; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain requirements relating to custodial interrogations. (NRS 62C.013, 171.1239) This bill prohibits a peace officer or other person authorized to conduct a custodial interrogation of a child from: (1) knowingly making certain materially false statements about evidence to a child who is the subject of a custodial interrogation; or (2) making certain express or implied promises of leniency or advantage to a child who is the subject of a custodial interrogation. This bill additionally creates a presumption that any statement by a child obtained in violation of this bill is involuntary and inadmissible in any criminal or juvenile proceeding. To overcome this presumption, the State must prove, by a preponderance of the evidence, that the statement was voluntary, reliable and not induced by a violation of this bill. Finally, this bill creates an exception to the prohibition created by this bill for circumstances in which: (1) the peace officer or other person who conducted the custodial interrogation reasonably believed that the information sought was necessary to protect life or property from an imminent threat; and (2) the questions asked by such a person were limited to those reasonably necessary to obtain information related to the imminent threat.

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

Section 1. Chapter ~~[171]~~ 62C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a peace officer or other person authorized to conduct a custodial interrogation of a child taken into custody shall not during a custodial interrogation of a child:

(a) Knowingly make a materially false statement about evidence that is reasonably likely to elicit an incriminating response from the child; or

(b) Make any express or implied promise to the child of leniency or advantage for the child that the peace officer or other person conducting the investigation lacks the authority to make, including, without limitation, any promise about the filing of charges or prosecution of the child.

2. A statement by a child obtained in violation of this section is presumed to be involuntary and inadmissible in any criminal or juvenile proceeding. The State may overcome the presumption set forth in this subsection by proving by a preponderance of the evidence that the statement was voluntary, reliable and not induced by an act in violation of this section. In making a determination pursuant to this subsection of whether the presumption has been overcome, the finder of fact shall consider the totality of the circumstances of the interrogation.

3. Subsection 1 does not apply to a custodial interrogation of a child if:

(a) The peace officer or other person who conducted the custodial interrogation of the child reasonably believed the information sought was necessary to protect life or property from an imminent threat; and

(b) The questions asked by the peace officer or other person were limited to those reasonably necessary to obtain information related to the imminent threat.

4. As used in this section:

(a) "Child" means a person who is less than 18 years of age. The term includes:

(1) A person who is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400.

(2) A person who is excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330.

(b) "Custodial interrogation" means any interrogation of a person who is required to be advised of his or her rights pursuant to Miranda v. Arizona, 384 U.S. 436 (1966).

(c) "Peace officer" has the meaning ascribed to it in NRS 169.125.

Sec. 2. This act becomes effective on July 1, 2024.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 673 to Assembly Bill No. 193 adds Senator Krasner as a bill sponsor, moves the provisions of the bill into Chapter 62C of NRS and clarifies that the bill's provisions apply to a child who is certified for criminal proceedings as an adult or whose offense is otherwise deemed not to fall under the jurisdiction of the juvenile court.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 32.

The following Assembly amendment was read:

Amendment No. 537.

SUMMARY—Exempts persons engaged exclusively in transporting persons between certain states or within this State for certain purposes from provisions governing private investigators and related professions. (BDR 54-420)

AN ACT relating to the Private Investigator's Licensing Board; exempting persons engaged exclusively in transporting persons ~~[between certain states]~~ for the purposes of a temporary transfer of custody pursuant to the Agreement on Detainers , ~~[or]~~ extradition pursuant to the Uniform Criminal Extradition Act or a temporary or permanent transfer of the custody of a person from one state or local governmental agency to another from licensure and regulation by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of private investigators, private patrol officers, process servers, repossessors, dog handlers, security consultants and polygraphic examiners by the Private Investigator's Licensing Board. (Chapter 648 of NRS) Existing law further requires an employee of a person licensed by the Board to be registered with the Board to perform any work regulated by the Board. (NRS 648.060, 648.1493, 648.203)

Under existing law, Nevada has enacted the Agreement on Detainers, an interstate agreement setting forth certain procedures for the temporary transfer of custody of an incarcerated person from the state in which the person is incarcerated to another state where the person is subject to pending criminal charges. (NRS 178.620) Existing law also sets forth the Uniform Criminal Extradition Act, which establishes certain procedures governing the extradition to and from this State of a person who has been charged with a crime or who has been alleged to have escaped from confinement or broken the terms of the person's bail, probation or parole. (NRS 179.177-179.235) Because persons who transport persons from this State to another state , ~~[or]~~ from another state to this State or through this State are private patrol officers for the purposes of existing law governing the licensure of private patrol officers by the Private Investigator's Licensing Board, such persons are required to obtain a license from the Board and employees of such persons are required to be registered with the Board. (NRS 648.013, 648.060, 648.063, 648.1493, 648.203)

This bill exempts ~~[any person who is engaged exclusively in the business of transporting persons from this State to another state or from another state to~~

~~this State for the purposes of a temporary transfer of custody pursuant to the Agreement on Detainers or extradition pursuant to the Uniform Criminal Extradition Act, or any employee of such a person,~~ from the provisions of existing law governing the licensure and regulation of private investigators and related professions by the Private Investigator's Licensing Board ~~[.]~~ any person, or any employee thereof, who is engaged exclusively in the business of transporting persons: (1) from this State to another state, from another state to this State or through this State for the purpose of a temporary transfer of custody pursuant to the Agreement on Detainers or extradition pursuant to the Uniform Criminal Extradition Act; or (2) within this State for the purpose of a temporary or permanent transfer of the custody of a person from one state or local governmental agency to another.

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

Section 1. NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective or officer belonging to the law enforcement agencies of the State of Nevada or the United States, or of any county or city of the State of Nevada, while the detective or officer is engaged in the performance of his or her official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his or her official duties.

3. To insurance adjusters licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrol officer, process server, dog handler or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a repossessor employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his or her duties as such.

9. To a collection agency unless engaged in business as a repossessor, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his or her employment while making an

investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.

12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

13. To any commercial registered agent, as defined in NRS 77.040, who obtains copies of, examines or extracts information from public records maintained by any foreign, federal, state or local government, or any agency or political subdivision of any foreign, federal, state or local government.

14. To any holder of a certificate of certified public accountant issued by the Nevada State Board of Accountancy pursuant to chapter 628 of NRS while performing his or her duties pursuant to the certificate.

15. To a person performing the repair or maintenance of a computer who performs a review or analysis of data contained on a computer solely for the purposes of diagnosing a computer hardware or software problem and who is not otherwise engaged in the business of a private investigator.

16. To any person who for any consideration engages in business or accepts employment to provide information security.

17. To any person , or any employee thereof, who is engaged exclusively in the business of transporting persons ~~[from]~~ :

(a) From this State to another state , ~~[or]~~ from another state to this State or through this State for the purpose of a temporary transfer of custody pursuant to NRS 178.620 or extradition pursuant to NRS 179.177 to 179.235, inclusive ; ~~[,]~~ or ~~[any employee of such a person.]~~

(b) Within this State for the purpose of a temporary or permanent transfer of the custody of a person from one state or local governmental agency to another.

Senator Spearman moved that the Senate concur in Assembly Amendment No. 537 to Senate Bill No. 32.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 51, 272, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 34.

Bill read second time.

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

Amendment No. 620.

SUMMARY—Revises provisions relating to water. (BDR 48-235)

AN ACT relating to water; revising ~~[various]~~ the public notice requirements for certain applications relating to water; revising certain requirements for maps relating to water rights; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer is required to publish ~~[certain notices and court orders]~~ a notice for certain applications in a newspaper of general circulation consecutively for certain periods of time. (NRS ~~[533.087, 533.095, 533.165,]~~ 533.360) ~~[Sections 1, 2, 5 and]~~ Section 6 of this bill ~~[eliminate]~~ eliminates the requirement to publish the notice ~~[or order submitted by the State Engineer]~~ consecutively. ~~[Sections 2, 5 and]~~ Section 6 further ~~[require]~~ requires the ~~[Division of Water Resources of the State Department of Conservation and Natural Resources]~~ State Engineer to post the notice ~~[or court order]~~ on the Internet website of the Division ~~[.]~~ of Water Resources of the State Department of Conservation and Natural Resources.

~~[Existing law authorizes any interested person to file a written protest against the granting of an application for a permit within 30 days of the last publication of the notice of application. (NRS 533.365) Section 8 of this bill provides that a person may file a protest against the granting of an application for a permit within 60 days after the first date of publication or if the notice is not posted consecutively, within 30 days after the last date of publication of the notice for certain applications, whichever is later. Section 8 further provides that if the State Engineer does not receive any protests to an application within 60 days after the first date of publication, the State Engineer: (1) may presume that the notice was published consecutively and process the application conditionally; and (2) may not grant the application or issue a permit until the State Engineer files proof that the notice was published and posted.]~~

Sections 3, 10 and 11 of this bill remove requirements that certain maps relating to water rights be on mylar and tracing linen.

Section 4 of this bill clarifies that certain blank forms for a proof of appropriation must be included in the notice sent by the State Engineer to certain persons claiming rights in or to the waters of certain stream systems.

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

Section 1. ~~[NRS 533.087 is hereby amended to read as follows:~~

~~— 533.087 — 1. — A claimant of any vested water right must submit, on a form prescribed by the State Engineer, proof of the claim to the State Engineer on or before December 31, 2027. If a claimant fails to file such proof on or before December 31, 2027, the claim shall be deemed to be abandoned.~~

~~2. Until December 31, 2027, the State Engineer shall cause notice of the provisions of subsection 1 to be:~~

~~(a) Published annually for 4 [consecutive] weeks in at least one newspaper of general circulation within the boundaries of each groundwater basin throughout the State.~~

~~(b) Posted on the Internet website maintained by the State Engineer.]~~ (Deleted by amendment.)

Sec. 2. ~~[NRS 533.095 is hereby amended to read as follows:~~

~~533.095 1. As soon as practicable after the State Engineer enters an order granting the petition or selecting the streams upon which the determination of rights is to begin, the State Engineer shall prepare a notice setting forth the fact of the entry of the order and of the pendency of the proceedings.~~

~~2. The notice shall set forth:~~

~~(a) That all claimants to rights in the waters of the stream system are required, as provided in this chapter, to make proof of their claims, except claimants who submitted proof of their claims pursuant to NRS 533.087;~~

~~(b) The date on which the State Engineer will commence taking proofs of appropriation regarding the rights in and to the waters of the stream system;~~

~~(c) The date by which all proofs of appropriation must be filed; and~~

~~(d) That all proofs of appropriation must be accompanied by maps prepared in accordance with and depicting any information required pursuant to NRS 533.100 and 533.115.~~

~~3. The notice shall be [published] :~~

~~*(a) Published* for a period of 4 [consecutive] weeks in one or more newspapers of general circulation within the boundaries of the stream system.~~

~~*(b) Posted on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.*~~

~~4. At or near the time of the first publication of the notice, the State Engineer shall send by mail to each person, or deliver to each person, in person, hereinafter designated as claimant, claiming rights in or to the waters of the stream system, insofar as such claimants can be reasonably ascertained, a notice equivalent in terms to the published notice setting forth the date when the State Engineer will commence the taking of proofs, and the date prior to which proofs must be filed with the State Engineer. The notice must be mailed at least 30 days prior to the date fixed for the commencement of the taking of proofs. The date set prior to which the proofs must be filed shall not be less than 60 days from the date set for the commencement of taking proofs. The notice shall be deemed to be an order of the State Engineer as to its contents.]~~ (Deleted by amendment.)

Sec. 3. NRS 533.100 is hereby amended to read as follows:

533.100 1. The State Engineer shall begin an investigation of the flow of the stream and of the ditches diverting water, and of the lands irrigated therefrom, and shall gather such other data and information as may be essential to the proper determination of the water rights in the stream.

2. The State Engineer shall:

(a) Reduce his or her observations and measurements to writing.

(b) If necessary, execute surveys or cause them to be executed.

(c) If necessary, prepare, or cause to be prepared, maps from the observations of such surveys in accordance with such uniform rules and regulations as the State Engineer may adopt.

3. The surveys and maps shall show with substantial accuracy:

(a) The course of the stream.

(b) The location of each ditch or canal diverting water therefrom, together with the point of diversion thereof.

(c) The area and outline of each parcel of land upon which the water of the stream has been employed for the irrigation of crops or pasture.

(d) The kind of culture upon each of the parcels of land.

4. The map shall be prepared as the surveys and observations progress, and, when completed, shall be filed and made of record in the Office of the State Engineer. Such map for original filing in the Office of the State Engineer shall, in addition to complying with any other applicable rule or regulation of the State Engineer, be on ~~[mylar, on]~~ a scale of not less than 1,000 feet to the inch.

Sec. 4. NRS 533.115 is hereby amended to read as follows:

533.115 1. The State Engineer shall, in addition, enclose with the notice to be mailed as provided in *subsection 4 of* NRS 533.095, blank forms upon which a claimant who has not submitted proof pursuant to NRS 533.087 shall present in writing all particulars necessary for the determination of the claimant's right in or to the waters of the stream system. The form for a proof of appropriation must include the following:

(a) The name and mailing address of the claimant.

(b) The nature of the right or use on which the claim for appropriation is based.

(c) The time of the initiation of such right, the priority date claimed and a description of the place of diversion and works of diversion and distribution.

(d) The date of beginning of construction.

(e) The date when completed.

(f) The dates of beginning and completion of enlargements.

(g) The dimensions of the ditch as originally constructed and as enlarged.

(h) The date when water was first used for irrigation or other beneficial purposes.

(i) If the water was used for irrigation, the number of acres irrigated the first year, the number of acres irrigated in subsequent years, the dates of irrigation, the area and location of the lands which were irrigated, the character of the soil and the kind of crops cultivated, the rate of diversion and the number of acre-feet of water per annum required to irrigate the land.

(j) If the water was used for a beneficial purpose other than irrigation, the rate of diversion and the number of acre-feet of water used annually.

(k) If the water was used for watering livestock, the number and type of livestock.

(l) Any other facts as will show the extent and nature of the right and compliance with the law in acquiring the same, as may be required by the State Engineer.

2. A claimant must submit a separate proof of appropriation for each source of water of the stream system in which or to which the claimant claims a right.

3. The proof of appropriation submitted by the claimant must be accompanied by a map prepared, except as otherwise provided in subsection 4, in accordance with and depicting any information required pursuant to the requirements of subsections 3 and 4 of NRS 533.100.

4. If the map submitted with a proof of appropriation is prepared for water used for watering livestock, the map must be on a scale of not less than 1:24,000 or a map prepared by the United States Geological Survey covering a quadrangle of 7 1/2 minutes of latitude and longitude, and further identifying the location or extent of the livestock use by one-sixteenth sections within a numbered section, township and range.

Sec. 5. ~~[NRS 533.165 is hereby amended to read as follows:~~

~~533.165 1. As soon as practicable thereafter, a certified copy of the order of determination, together with the copies of the original evidence and transcript of testimony filed with, or taken before, the State Engineer, duly certified by the State Engineer, shall be filed with the clerk of the county, as ex officio clerk of the district court, in which the stream system is situated, or, if in more than one county but all within one judicial district, then with the clerk of the county wherein reside the largest number of parties in interest.~~

~~2. If such stream system shall be in two or more judicial districts, then the State Engineer shall notify the district judge of each of such judicial districts of his or her intent to file such order of determination, whereupon, within 10 days after receipt of such notice, such judges shall confer and agree where the court proceedings under this chapter shall be held and upon the judge who shall preside, and on notification thereof the State Engineer shall file the order of determination, evidence and transcripts with the clerk of the court so designated.~~

~~3. If such district judges fail to notify the State Engineer of their agreement, as provided in subsection 2, within 5 days after the expiration of such 10 days, then the State Engineer may file such order of determination, evidence and transcript with the clerk of any county the State Engineer may elect, and the district judge of such county shall have jurisdiction over the proceedings in relation thereto.~~

~~4. If the judge so selected and acting shall retire from office, or be removed from office or be disqualified, for any cause, then the judge of the district court having jurisdiction of the proceedings shall act as the judge on the matter or shall select the judge to preside in such matter.~~

~~5. In all instances a certified copy of the order of determination shall be filed with the county clerk of each county in which such stream system, or any part thereof, is situated.~~

~~6. Upon the filing of the certified copy of the order, evidence and transcript with the clerk of the court in which the proceedings are to be had, the State Engineer shall procure an order from the court setting the time for hearing. The clerk of such court shall immediately furnish the State Engineer with a certified copy thereof. The State Engineer immediately thereupon shall [mail] :~~

~~*(a) Mail* a copy of [such] *the* certified order of the court, by registered or certified mail, addressed to each party in interest at the party's last known place of residence . [, and shall cause the same]~~

~~*(b) Submit a copy of the certified order of the court* to be published at least once a week for 4 [consecutive] weeks in some newspaper of general circulation that is available in general circulation in each county in which such stream system or any part thereof is located.~~

~~*(c) Post a copy of the certified order of the court on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.*~~

~~7. The State Engineer shall file with the clerk of the court [proof] :~~

~~*(a) Proof* of [such] service by registered or certified mail [and by] *in accordance with the requirements of paragraph (a) of subsection 6;*~~

~~*(b) Proof that the certified order was submitted for* publication [.] *; and*~~

~~*(c) Proof that the certified order was posted on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources,*~~

~~→ Such service by registered or certified mail and by publication *and posting* shall be deemed full and sufficient notice to all parties in interest of the date and purpose of such hearing. *]*~~ (Deleted by amendment.)

Sec. 6. NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection 4, NRS 533.345 and subsection 2 of NRS 533.370, when an application is filed in compliance with this chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 ~~[consecutive]~~ weeks in a newspaper of general circulation in the county where the point of diversion is located, *and post on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources*, a notice of the application which sets forth:

(a) That the application has been filed.

(b) The date of the filing.

(c) The name and address of the applicant.

(d) The name of the source from which the appropriation is to be made.

(e) The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.

(f) The purpose for which the water is to be appropriated.

➥ The publisher shall add thereto the date of the first publication and the date of the last publication.

2. Except as otherwise provided in subsection 4, proof of publication ~~*[and posting]*~~ must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed 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 applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to the owner's address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before the State Engineer may consider the application.

4. The provisions of this section do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

Sec. 7. (Deleted by amendment.)

Sec. 8. ~~[NRS 533.365 is hereby amended to read as follows:~~

~~533.365 1. Any person interested may, within *60 days after the first date of publication or, if the notice is not published consecutively,* 30 days after the date of last publication of the notice of application [,] *that is set forth in the notice pursuant to subsection 1 of NRS 533.360, whichever is later,* file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which, except as otherwise provided in subsection 2, must be verified by the affidavit of the protestant, or an agent or attorney thereof.~~

~~2. If the application is for a permit to change the place of diversion, manner of use or place of use of water already appropriated within the same basin, a protest filed against the granting of such an application by a government, governmental agency or political subdivision of a government must be verified by the affidavit of:~~

~~(a) Except as otherwise provided in paragraph (b), the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or~~

~~(b) If the governmental agency or political subdivision is a division or other part of a department, the director or other person in charge of that department in this State, including, without limitation:~~

~~(1) The Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;~~

~~(2) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;~~

~~(3) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;~~

~~(4) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;~~

~~(5) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or~~

~~(6) The chair of the board of county commissioners, if the protest is filed by a county.~~

~~3. On receipt of a protest that complies with the requirements of subsection 1 or 2, the State Engineer shall advise the applicant whose application has been protested of the fact that the protest has been filed with the State Engineer, which advice must be sent by certified mail.~~

~~4. The State Engineer shall consider the protest, and may, in his or her discretion, hold hearings and require the filing of such evidence as the State Engineer may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing by certified mail to both the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least 15 days before the date set for the hearing.~~

~~5. Each applicant and each protestant shall, in accordance with a schedule established by the State Engineer, provide to the State Engineer and to each protestant and each applicant information required by the State Engineer relating to the application or protest.~~

~~6. If the State Engineer holds a hearing pursuant to subsection 4, the State Engineer shall render a decision on each application not later than 240 days after the later of:~~

~~(a) The date all transcripts of the hearing become available to the State Engineer; or~~

~~(b) The date specified by the State Engineer for the filing of any additional information, evidence, studies or compilations requested by the State Engineer. The State Engineer may, for good cause shown, extend any applicable period.~~

~~7. The State Engineer shall adopt rules of practice regarding the conduct of a hearing held pursuant to subsection 4. The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.~~

~~*8. If the State Engineer does not receive any written protest against the granting of an application within 60 days after the first date of publication pursuant to subsection 1 of NRS 533.360, the State Engineer may presume that the notice was published consecutively and process the application conditionally. The State Engineer may not grant the application or issue a permit until the State Engineer files proof that the notice was published and*~~

~~*posted pursuant to the requirements of NRS 533.360.*]~~ (Deleted by amendment.)

Sec. 9. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10, where there is no unappropriated water in the proposed source of supply, where the groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 or where its proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each

application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

(a) Upon written authorization to do so by the applicant.

(b) If an application is protested.

(c) If the purpose for which the application was made is municipal use.

(d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.

(e) Where court actions or adjudications are pending, which may affect the outcome of the application.

(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.

(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.

(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished *and reposted* pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication, *and reposting*, a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with

the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 10. NRS 533.405 is hereby amended to read as follows:

533.405 1. The State Engineer may, in his or her discretion, request that the statement required by NRS 533.400 be accompanied by a map on ~~[tracing linen on]~~ a scale of not less than 1,000 feet to the inch, which shall show with substantial accuracy the following:

(a) The point of diversion by legal subdivisions or by metes and bounds from some corner, when possible, from the source of supply.

(b) The traverse of the ditch or other conduit, together with cross sections of the same.

(c) The legal subdivisions of the land embraced in the application for the permit and the outline by metes and bounds of the irrigated area, with the amount thereof.

(d) The average grade and the difference in elevation of the termini of the conduit, and the carrying capacity of the same.

(e) The actual quantity of water flowing in the canal or conduit during the time the survey was being made.

2. The map must bear the affidavit of the surveyor or engineer making such survey and map. If the survey and map are made by different persons the affidavit of each must be on the map, showing that the map as compiled agrees with the survey.

3. The map shall conform with such rules and regulations as the State Engineer shall make, which rules shall not be in conflict herewith.

Sec. 11. NRS 533.435 is hereby amended to read as follows:

533.435 1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to appropriate water $360.00
This fee includes the cost of publication, which is $50.

For reviewing a corrected application or map, or both, in connection with an application for a water right permit..... 100.00

For examining and acting upon plans and specifications for construction of a dam 1,200.00

For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right 240.00
This fee includes the cost of publication, which is $50.

For examining and filing an application for a temporary permit to change the point of diversion, manner of use or place of use of an existing right..... $180.00

For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water, watering livestock or wildlife purposes..... 360.00
plus $3 per acre-foot approved or fraction thereof.

Except for generating hydroelectric power, watering livestock or wildlife purposes, for issuing and recording each permit to change an existing water right whether temporary or permanent for any purpose 300.00
plus $3 per acre-foot approved or fraction thereof.

For issuing and recording each permit for additional rate of diversion from a well where no additional volume of water is granted 1,000.00

For issuing and recording each permit to change the point of diversion or place of use of an existing right whether temporary or permanent for irrigation purposes, a maximum fee of 750.00

For issuing and recording each permit to appropriate or change the point of diversion or place of use of an existing right whether temporary or permanent for watering livestock or wildlife purposes 240.00

plus $50 for each cubic foot of water per second approved or fraction thereof.

For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power which results in nonconsumptive use of the water 480.00

plus $50 for each cubic foot per second of water approved or fraction thereof.

For filing and examining a request for a waiver in connection with an application to drill a well..... 120.00

For filing and examining a notice of intent to drill a well..... $25.00

For filing and examining an affidavit to relinquish water rights in favor of use of water for domestic wells..... 300.00

For filing a secondary application under a reservoir permit 300.00

For approving and recording a secondary permit under a reservoir permit 540.00

For reviewing each tentative subdivision map..... 180.00

plus $1 per lot.

For reviewing and approving each final subdivision map 120.00

For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet 480.00

plus $1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.

For flood control detention basins 480.00

plus $1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.

For filing proof of completion of work 60.00

For filing proof of beneficial use 60.00

For issuing and recording a certificate upon approval of the proof of beneficial use 350.00

For filing proof of resumption of a water right 360.00

For filing any protest 30.00

For filing any application for extension of time within which to file proofs, of completion or beneficial use, for each year for which the extension of time is sought 120.00

For filing any application for extension of time to prevent a forfeiture, for each year for which the extension of time is sought 120.00

For reviewing a cancellation of a water right pursuant to a petition for review 360.00

For examining and filing a report of conveyance filed pursuant to paragraph (a) of subsection 1 of NRS 533.384 ..... 120.00
plus $20 per conveyance document.
For filing any other instrument 10.00
For making a copy of any document recorded or filed in the Office of the State Engineer, for the first page $1.00
For each additional page ..... .20
For certifying to copies of documents, records or maps, for each certificate 6.00
For each copy of any full size drawing or map 6.00
For each color copy of any full size drawing or map (2′ x 3′) 12.00
For colored ~~[mylar]~~ plots 10.00

2. When fees are not specified in subsection 1 for work required of the Office of the State Engineer, the State Engineer shall collect the actual cost of the work.

3. Except as otherwise provided in this subsection, all fees collected by the State Engineer under the provisions of this section must be deposited in the State Treasury for credit to the State General Fund. All fees received for copies of any drawing or map must be kept by the State Engineer and used only to pay the costs of printing, replacement and maintenance of printing equipment. Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees. If, after exercising due diligence, the State Engineer is unable to make the refunds, the State Engineer shall deposit the fees in the State Treasury for credit to the State General Fund.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Senator Pazina moved the adoption of the amendment.

Remarks by Senator Pazina.

Amendment No. 620 to Assembly Bill No. 34 deletes several sections and revises section 6 to eliminate the requirement for the State Engineer to publish a notice for certain applications consecutively and to further require the State Engineer to post the notice on the website of the Division of Water Resources of the State Department of Conservation and Natural Resources.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 52.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 686.

SUMMARY—Makes various changes to the Open Meeting Law. (BDR 19-416)

AN ACT relating to governmental administration; revising provisions relating to the determination of a quorum of a public body and the number of votes necessary for a public body to take action; clarifying the applicability of the Open Meeting Law to certain gatherings of the members of a public body; revising the notice requirements for certain meetings of a public body; revising provisions related to abstaining from voting by a member of a public body for certain conflicts of interest; creating exceptions to the Open Meeting Law for certain committees that prepare arguments relating to ballot measures; ~~[clarifying]~~ revising provisions relating to the applicability of the Open Meeting Law to certain foundations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions set forth specifically in statute. (NRS 241.020) With certain exceptions, to constitute a "meeting" for purposes of the Open Meeting Law, the following two conditions must be met: (1) there must be a gathering of members of a public body at which a quorum is present; and (2) the members must be gathering to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power. In addition, a "meeting" occurs for purposes of the Open Meeting Law when a collective quorum of the members of a public body attend a series of gatherings of less than a quorum of a public body held with the specific intent to avoid the provisions of the Open Meeting Law. A "meeting" does not occur for purposes of the Open Meeting Law where a quorum of members of a public body receives information from its attorney regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and deliberate toward a decision, but not take action, on the matter. The Open Meeting Law further provides that a "meeting" does not occur if there is a gathering or series of gatherings of a quorum of members of a public body: (1) which occurs at a social function if the members do not deliberate toward a decision or take action on a matter over which the public body has supervision, control, jurisdiction or advisory power; or (2) to receive training regarding the legal obligations of the public body if the members do not deliberate toward a decision or take action on a matter over which the public body has supervision, control, jurisdiction or advisory power. Section 4 of this bill makes technical, nonsubstantive changes to reorganize the definition of "meeting" to make clear that a meeting does not occur for purposes of the Open Meeting Law if the members of a public body, regardless of the presence of an actual or collective quorum of those members, do not deliberate or take action on a matter over which the public body has supervision, control, jurisdiction or advisory power.

For purposes of the Open Meeting Law, a quorum is defined as a simple majority of the membership of a public body unless a different proportion is provided in law for that public body. (NRS 241.015) Under existing law, some public bodies include nonvoting members as well as voting members and, for

some such public bodies, existing law specifies whether nonvoting members are counted for purposes of determining a quorum. (See, e.g., NRS 360.010, 360.080) Section 4 specifies that, unless otherwise provided in law for a public body, nonvoting members are not counted for purposes of determining a quorum of that public body. Section 2 of this bill specifies that, unless otherwise provided by specific statute ~~[,]~~ or unless all members of the public body must be elected officials, if a vacancy occurs in the voting membership of a public body, the necessary quorum and number of votes necessary to take action on a matter is reduced as though the voting membership does not include the vacancy.

The Open Meeting Law authorizes a public body to conduct a meeting by means of a remote technology system under certain circumstances. (NRS 241.023) Sections 4, 5 and 8 of this bill make conforming changes to include remote technology systems as one of the means by which public bodies conduct meetings.

The Open Meeting Law prohibits, with certain exceptions, a public body from holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person, or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has given written notice to that person of the time and place of the meeting and received proof of service of the notice. With certain exceptions, the notice is required to be delivered personally to the person or sent by certified mail by certain deadlines. (NRS 241.033) Section 6 of this bill adds to the methods by which such notice may be given and revises the deadlines for providing such notice. ~~[Section 6 also removes the requirement for a public body to receive proof of service of the notice before the meeting if the notice was given by electronic mail.]~~

The Open Meeting Law prohibits, with certain exceptions, a public body from holding a meeting to consider whether to: (1) take administrative action against a person; or (2) acquire real property owned by a person by the exercise of the power of eminent domain unless the public body has given written notice to that person of the time and place of the meeting and received proof of service of such notice. With certain exceptions, the notice must be delivered personally to the person or sent by certified mail by certain deadlines. (NRS 241.034) Sections 3 and 7 of this bill: (1) reorganize these provisions; and (2) revise the deadlines for providing such notice. Section 3 ~~[: (1)]~~ adds to the manners by which notice of a meeting to consider whether to take administrative action against a person may be given . ~~[; and (2) removes the requirement for a public body to receive proof of service of such notice before considering the matter if the notice was provided by electronic mail.]~~ Section 4 defines the term "administrative action against a person." Sections 16-19 of this bill make conforming changes relating to the reorganization of these provisions.

Under existing law, with certain exceptions, if a public officer on a body or committee abstains from voting on a matter because of certain conflicts of

interest, as required by the Nevada Ethics in Government Law, the necessary quorum and the number of votes necessary to act upon the matter is reduced as though the member abstaining were not a member of the body or committee. (NRS 281A.420) The Open Meeting Law provides that in a county whose population is 45,000 or more (currently Carson City and Clark, Douglas, Elko, Lyon, Nye and Washoe Counties), the reduction in the necessary quorum and the number of votes necessary to act upon the matter does not apply to a public body that is required to be composed of elected officials only, unless before abstaining from the vote, the member of the public body receives and discloses the opinion of the legal counsel authorized by law to provide legal advice to the public body that the abstention is required. (NRS 241.0355) Sections 9 and 10 of this bill eliminate the requirement that the member of such a public body receives and discloses the opinion of the legal counsel in order to reduce the necessary quorum and the number of votes necessary to act upon the matter.

Existing law requires the appointment of committees to prepare arguments advocating or opposing approval of statewide ballot measures proposed by initiative or referendum, county ballot measures and city ballot measures. (NRS 293.252, 295.121, 295.217) Under existing law, the provisions of the Open Meeting Law do not apply to any consultations, deliberations, hearings or meetings that are conducted by committees that prepare arguments advocating or opposing approval of county ballot measures. (NRS 295.121) Sections 11 and 12 of this bill also exempt from the Open Meeting Law consultations, deliberations, hearings or meetings that are conducted by: (1) committees that prepare arguments advocating or opposing approval of statewide ballot measures proposed by initiative or referendum; and (2) committees that prepare arguments advocating or opposing approval of city ballot measures. Section 5 of this bill makes a conforming change to indicate these additional exemptions from the Open Meeting Law.

The Open Meeting Law defines a "public body" to include a library foundation, an educational foundation and a university foundation if the foundation is created in a specified manner. (NRS 241.015) Sections ~~[13-15]~~ 13 and 14 of this bill clarify that the Open Meeting Law only applies to ~~[such]~~ a library foundation or an educational foundation if the foundation meets the definition of a "public body." (NRS 379.1495, 388.750 ~~[, 396.405)]~~) Section 4 provides that the Open Meeting Law applies to a university foundation.

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

Section 1. Chapter 241 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. Except as otherwise provided in subsection 2 or by specific statute, if a vacancy occurs in the voting membership of a public body, the necessary quorum and number of votes necessary to take action on a matter is reduced as though the voting membership does not include the vacancy.*

2. The provisions of subsection 1 do not apply to a public body if all members of the public body must be elected officials.

Sec. 3. *1. Except as otherwise provided in subsection 5, a public body shall not consider at a meeting whether to take administrative action against a person unless the public body has given written notice to that person of the time and place of the meeting.*

2. The written notice required pursuant to subsection 1 must be given to the person in one of the following manners:

(a) Delivered personally to that person at least 7 calendar days before the meeting;

(b) Sent by certified mail to the last known address of that person at least 14 calendar days before the meeting;

(c) If the person is represented by an attorney in connection with the matter, delivered personally ~~[or by electronic mail]~~ to the attorney of the person at least 7 calendar days before the meeting; or

(d) If the public body makes decisions directly concerning the employment of the person, delivered personally to the person at his or her place of employment ~~[or to the electronic mail address assigned to the person by the public body]~~ during a time at which the person is required to be present at work that is at least 7 calendar days before the meeting.

3. Except as otherwise provided in this subsection, a public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider the matter relating to that person at a meeting. ~~[If the written notice was provided by electronic mail pursuant to subsection 2, the public body may consider the matter relating to that person at a meeting without receiving proof of service.]~~

4. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.

5. The written notice otherwise required pursuant to this section is not required:

(a) If the public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person, and the written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section; or

(b) In an emergency.

6. As used in this section, "emergency" means an unforeseen circumstance which requires the public body to take immediate action and includes, without limitation:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 4. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the *voting* members present, whether in person *, by use of a remote technology system* or by means of electronic communication, during a meeting of a public body;

(b) A commitment or promise made by a majority of the *voting* members present, whether in person *, by use of a remote technology system* or by means of electronic communication, during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the *voting* members present, whether in person *, by use of a remote technology system* or by means of electronic communication, during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. *"Administrative action against a person" means an action that is uniquely personal to the person and includes, without limitation, the potential for a negative change in circumstances to the person. The term does not include the denial of any application where the denial does not change the present circumstance or situation of the person.*

3. "Deliberate" means collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion or exchange of facts preliminary to the ultimate decision.

~~[3.]~~ *4.* "Meeting":

(a) Except as otherwise provided in ~~[paragraph]~~ *paragraphs* (b) ~~[,]~~ *and (c),* means:

(1) The gathering of members of a public body at which a quorum is present, whether in person, by use of a remote technology system or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present, whether in person *, by use of a remote technology system* or by means of electronic communication, at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) *Does not include any gathering or series of gatherings of members of a public body if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.*

(c) Does not include a gathering or series of gatherings of members of a public body ~~[, as described in paragraph (a),]~~ at which a quorum is actually or collectively present, whether in person *, by use of a remote technology system* or by means of electronic communication ~~[:~~

~~(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.~~

~~(2) To~~] , *to* receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

~~[(3) To receive training regarding the legal obligations of the public body, including, without limitation, training conducted by an attorney employed or retained by the public body, the Office of the Attorney General or the Commission on Ethics, if at the gathering the members do not deliberate toward a decision or action on any matter over which the public body has supervision, control, jurisdiction or advisory power.~~

~~4.~~] *5.* Except as otherwise provided in NRS 241.016, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes a library foundation as defined in NRS 379.0056 ~~[,]~~ *and* an educational foundation as defined in subsection 3 of NRS 388.750 , ~~[and a university foundation as defined in subsection 3 of NRS 396.405,]~~ if the administrative, advisory, executive or legislative body is created by:

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government, if the board,

commission or committee has at least two members who are not employed by the public officer or entity;

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201; ~~[and]~~

(d) A subcommittee or working group consisting of at least two persons who are appointed by a public body described in paragraph (a), (b) or (c) if:

(1) A majority of the membership of the subcommittee or working group are members or staff members of the public body that appointed the subcommittee; or

(2) The subcommittee or working group is authorized by the public body to make a recommendation to the public body for the public body to take any action ~~[.~~

~~5.]~~ *; and*

(e) A university foundation as defined in subsection 3 of NRS 396.405.

6. "Quorum" means a simple majority of the *voting* membership of a public body or another proportion established by law.

~~[6.]~~ *7.* "Remote technology system" means any system or other means of communication which uses any electronic, digital or other similar technology to enable a person from a remote location to attend, participate, vote or take any other action in a meeting, even though the person is not physically present at the meeting. The term includes, without limitation, teleconference and videoconference systems.

~~[7.]~~ *8.* "Supporting material" means material that is provided to at least a quorum of the members of a public body by a member of or staff to the public body and that the members of the public body would reasonably rely on to deliberate or take action on a matter contained in a published agenda. The term includes, without limitation, written records, audio recordings, video recordings, photographs and digital data.

~~[8.]~~ *9.* "Working day" means every day of the week except Saturday, Sunday and any day declared to be a legal holiday pursuant to NRS 236.015.

Sec. 5. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338,

288.220, 288.590, 289.387, *293.252,* 295.121, *295.217*, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and *a remote technology system or* electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 6. NRS 241.033 is hereby amended to read as follows:

241.033 1. Except as otherwise provided in ~~*[this subsection and]*~~ subsection 7, a public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has:

(a) Given written notice to that person of the time and place of the meeting; and

(b) Received proof of service of the notice. ~~*[If the written notice was given by electronic mail pursuant to subsection 2, the public body may hold the meeting described in this section without receiving proof of service.]*~~

2. The written notice required pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3, must be ~~[:]~~ *given to the person in one of the following manners:*

(1) Delivered personally to that person at least ~~[5 working]~~ *7 calendar* days before the meeting; ~~[or]~~

(2) Sent by certified mail to the last known address of that person at least ~~[21 working]~~ *14 calendar* days before the meeting ~~[.]~~ *;*

(3) If the person is represented by an attorney in connection with the matter, delivered personally ~~[or by electronic mail]~~ to the attorney of the person at least 7 calendar days before the meeting; or

(4) If the public body makes decisions directly concerning the employment of the person, delivered personally to the person at his or her place of employment ~~[or to the electronic mail address assigned to the person by the public body]~~ during a time at which the person is required to be present at work that is at least 7 calendar days before the meeting.

(b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may,

without further notice, take administrative action against the person if the public body determines that such administrative action is warranted after considering the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) Must include:

(1) A list of the general topics concerning the person that will be considered by the public body during the closed meeting; and

(2) A statement of the provisions of subsection 4, if applicable.

3. The Nevada Athletic Commission is exempt from the requirements of ~~[subparagraphs (1) and (2) of]~~ paragraph (a) of subsection 2, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.

4. If a public body holds a closed meeting or closes a portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, the public body must allow that person to:

(a) Attend the closed meeting or that portion of the closed meeting during which the character, alleged misconduct, professional competence, or physical or mental health of the person is considered;

(b) Have an attorney or other representative of the person's choosing present with the person during the closed meeting; and

(c) Present written evidence, provide testimony and present witnesses relating to the character, alleged misconduct, professional competence, or physical or mental health of the person to the public body during the closed meeting.

5. Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, physical or mental health or appeal of the results of an examination is considered, the chair of the public body may at any time before or during a closed meeting:

(a) Determine which additional persons, if any, are allowed to attend the closed meeting or portion thereof; or

(b) Allow the members of the public body to determine, by majority vote, which additional persons, if any, are allowed to attend the closed meeting or portion thereof.

6. A public body shall provide a copy of any record of a closed meeting prepared pursuant to NRS 241.035, upon the request of any person who received written notice of the closed meeting pursuant to subsection 1.

7. For the purposes of this section:

(a) A meeting held to consider an applicant for employment is not subject to the notice requirements otherwise imposed by this section.

(b) Casual or tangential references to a person or the name of a person during a meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) A meeting held to recognize or award positive achievements of a person, including, without limitation, honors, awards, tenure and commendations, is not subject to the notice requirements otherwise imposed by this section.

Sec. 7. NRS 241.034 is hereby amended to read as follows:

241.034 1. ~~[Except as otherwise provided in subsection 3:~~

~~(a)]~~ A public body shall not consider at a meeting whether to ~~[:~~

~~(1) Take administrative action against a person; or~~

~~(2) Acquire]~~ *acquire* real property owned by a person by the exercise of the power of eminent domain ~~[,~~

~~➥]~~ unless the public body has given written notice to that person of the time and place of the meeting.

~~[(b)]~~ *2.* The written notice required pursuant to ~~[paragraph (a)]~~ *subsection 1* must be:

~~[(1)]~~ *(a)* Delivered personally to that person at least ~~[5 working]~~ *7 calendar* days before the meeting; or

~~[(2)]~~ *(b)* Sent by certified mail to the last known address of that person at least ~~[21 working]~~ *14 calendar* days before the meeting.

➥ A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider ~~[a]~~ *the* matter ~~[set forth in paragraph (a) relating to that person]~~ at a meeting.

~~[2.]~~ *3.* The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.

~~[3. The written notice otherwise required pursuant to this section is not required if:~~

~~(a) The public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person; and~~

~~(b) The written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section.]~~

4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.

Sec. 8. NRS 241.035 is hereby amended to read as follows:

241.035 1. Each public body shall keep written minutes of each of its meetings, including:

(a) The date, time and place of the meeting.

(b) Those members of the public body who were present, whether in person *, by use of a remote technology system* or by means of electronic communication, and those who were absent.

(c) The substance of all matters proposed, discussed or decided and, at the request of any member, a record of each member's vote on any matter decided by vote.

(d) The substance of remarks made by any member of the general public who addresses the public body if the member of the general public requests that the minutes reflect those remarks or, if the member of the general public has prepared written remarks, a copy of the prepared remarks if the member of the general public submits a copy for inclusion.

(e) Any other information which any member of the public body requests to be included or reflected in the minutes.

➥ Unless good cause is shown, a public body shall approve the minutes of a meeting within 45 days after the meeting or at the next meeting of the public body, whichever occurs later.

2. Minutes of public meetings are public records. Minutes or an audio recording of a meeting made in accordance with subsection 4 must be made available for inspection by the public within 30 working days after adjournment of the meeting. A copy of the minutes or audio recording must be made available to a member of the public upon request at no charge. The minutes shall be deemed to have permanent value and must be retained by the public body for at least 5 years. Thereafter, the minutes may be transferred for archival preservation in accordance with NRS 239.080 to 239.125, inclusive. Minutes of meetings closed pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality and the person whose character, conduct, competence or health was considered has consented to their disclosure. That person is entitled to a copy of the minutes upon request whether or not they become public records.

(b) Paragraph (b) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality.

(c) Paragraph (c) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters considered no longer require confidentiality and the person who appealed the results of the examination has consented to their disclosure, except that the public body shall remove from the minutes any references to the real name of the person who appealed the results of the examination. That person is entitled to a copy of the minutes upon request whether or not they become public records.

3. All or part of any meeting of a public body may be recorded on audiotape or any other means of sound or video reproduction by a member of the general public if it is a public meeting so long as this in no way interferes with the conduct of the meeting.

4. Except as otherwise provided in subsection 8, a public body shall, for each of its meetings, whether public or closed, record the meeting on audiotape or another means of sound reproduction or cause the meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS. If a public body makes an audio recording of a meeting or causes a meeting to be transcribed pursuant to this subsection, the audio recording or transcript:

(a) Must be retained by the public body for at least 3 years after the adjournment of the meeting at which it was recorded or transcribed;

(b) Except as otherwise provided in this section, is a public record and must be made available for inspection by the public during the time the recording or transcript is retained; and

(c) Must be made available to the Attorney General upon request.

5. The requirement set forth in subsection 2 that a public body make available a copy of the minutes or audio recording of a meeting to a member of the public upon request at no charge does not prohibit a court reporter who is certified pursuant to chapter 656 of NRS from charging a fee to the public body for any services relating to the transcription of a meeting.

6. A court reporter who transcribes a meeting is not required to provide a copy of any transcript, minutes or audio recording of the meeting prepared by the court reporter directly to a member of the public at no charge.

7. Except as otherwise provided in subsection 8, any portion of a public meeting which is closed must also be recorded or transcribed and the recording or transcript must be retained and made available for inspection pursuant to the provisions of subsection 2 relating to records of closed meetings. Any recording or transcript made pursuant to this subsection must be made available to the Attorney General upon request.

8. If a public body makes a good faith effort to comply with the provisions of subsections 4 and 7 but is prevented from doing so because of factors beyond the public body's reasonable control, including, without limitation, a power outage, a mechanical failure or other unforeseen event, such failure does not constitute a violation of the provisions of this chapter.

Sec. 9. NRS 241.0355 is hereby amended to read as follows:

241.0355 ~~[1. A]~~ *Except as otherwise provided in subsection 5 of NRS 281A.420* , ~~*[and section 2 of this act,]*~~ *a* public body that is required to be composed of elected officials only may not take action by vote unless at least a majority of all the members of the public body vote in favor of the action. For purposes of this ~~[subsection,]~~ *section*, a public body may not count an abstention as a vote in favor of an action.

~~[2. In a county whose population is 45,000 or more, the provisions of subsection 5 of NRS 281A.420 do not apply to a public body that is required to be composed of elected officials only, unless before abstaining from the vote, the member of the public body receives and discloses the opinion of the legal counsel authorized by law to provide legal advice to the public body that the abstention is required pursuant to NRS 281A.420. The opinion of counsel must be in writing and set forth with specificity the factual circumstances and analysis leading to that conclusion.]~~

Sec. 10. NRS 281A.420 is hereby amended to read as follows:

281A.420 1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

(a) Regarding which the public officer or employee has accepted a gift or loan;

(b) In which the public officer or employee has a significant pecuniary interest;

(c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person; or

(d) Which would reasonably be related to the nature of any representation or counseling that the public officer or employee provided to a private person for compensation before another agency within the immediately preceding year, provided such representation or counseling is permitted by NRS 281A.410,

➥ without disclosing information concerning the gift or loan, the significant pecuniary interest, the commitment in a private capacity to the interests of the other person or the nature of the representation or counseling of the private person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, upon the person to whom the public officer or employee has a commitment in a private capacity or upon the private person who was represented or counseled by the public officer or employee. Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

2. The provisions of subsection 1 do not require a public officer to disclose:

(a) Any campaign contributions that the public officer reported in a timely manner pursuant to NRS 294A.120 or 294A.125; or

(b) Any contributions to a legal defense fund that the public officer reported in a timely manner pursuant to NRS 294A.286.

3. Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's situation would be materially affected by:

(a) The public officer's acceptance of a gift or loan;

(b) The public officer's significant pecuniary interest; or

(c) The public officer's commitment in a private capacity to the interests of another person.

4. In interpreting and applying the provisions of subsection 3:

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private capacity to the interests of another person, accruing to the other person, is not greater than that accruing to any other member of any general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the duty of the public officer to make a proper disclosure at the time the matter is considered and in the manner required by subsection 1.

(b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer makes a proper disclosure at the time the matter is considered and in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.

5. ~~[Except as otherwise provided in NRS 241.0355, if]~~ *If* a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or

(b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure.

7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning gifts, loans, interests or commitments and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of State Government which are adopted, administered and enforced exclusively by the appropriate bodies of the Legislative

Department of State Government pursuant to Section 6 of Article 4 of the Nevada Constitution.

8. As used in this section, "public officer" and "public employee" do not include a State Legislator.

Sec. 11. NRS 293.252 is hereby amended to read as follows:

293.252 1. For each constitutional amendment or statewide measure proposed by initiative or referendum to be placed on the ballot by the Secretary of State, the Secretary of State shall, pursuant to subsection 4, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative or referendum and the other committee must be composed of three persons who oppose approval by the voters of the initiative or referendum.

2. If the Secretary of State is unable to appoint three persons who are willing to serve on a committee, the Secretary of State may appoint fewer than three persons to that committee, but the Secretary of State must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative or referendum and the committee that opposes approval by the voters of that initiative or referendum.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative or referendum.

4. The Secretary of State shall consider appointing to a committee pursuant to this section:

(a) Any person who has expressed an interest in serving on the committee; and

(b) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

5. A committee appointed pursuant to this section:

(a) Shall elect a chair for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative or referendum, prepare an argument either advocating or opposing approval by the voters of the initiative or referendum;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the initiative or referendum;

(2) The environmental impact of the initiative or referendum; and

(3) The impact of the initiative or referendum on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the Secretary of State not later than the date prescribed by the Secretary of State pursuant to subsection 6.

6. The Secretary of State shall provide, by rule or regulation:

(a) The maximum permissible length of an argument and rebuttal prepared pursuant to this section; and

(b) The date by which an argument and rebuttal prepared pursuant to this section must be submitted by a committee to the Secretary of State.

7. Upon receipt of an argument or rebuttal prepared pursuant to this section, the Secretary of State:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative or referendum pertains; and

(b) Shall reject each statement in the argument or rebuttal that the Secretary of State believes is libelous or factually inaccurate.

➥ The decision of the Secretary of State to reject a statement pursuant to this subsection is a final decision for the purposes of judicial review. Not later than 5 days after the Secretary of State rejects a statement pursuant to this subsection, the committee that prepared the statement may appeal that rejection by filing a complaint in the First Judicial District Court. The Court shall set the matter for hearing not later than 3 working days after the complaint is filed and shall give priority to such a complaint over all other matters pending before the court, except for criminal proceedings.

8. The Secretary of State may revise the language submitted by a committee pursuant to this section so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect of the language without the consent of the committee.

9. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.

Sec. 12. NRS 295.217 is hereby amended to read as follows:

295.217 1. For each initiative, referendum, advisory question or other question to be placed on the ballot by the:

(a) Council, including, without limitation, pursuant to NRS 295.215 or 295.230; or

(b) Governing body of a public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the city,

➥ the council shall, in consultation pursuant to subsection 5 with the city clerk or other city officer authorized to perform the duties of the city clerk, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be

composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the city clerk pursuant to subsection 5, the council is unable to appoint three persons willing to serve on a committee, the council may appoint fewer than three persons to that committee, but the council must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The city clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The city clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 1.

5. Before the council appoints a committee pursuant to this section, the city clerk shall:

(a) Recommend to the council persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the council fails to appoint a committee as required pursuant to this section, the city clerk shall, in consultation with the city attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the city clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the city clerk pursuant to subsection 8. The city clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.

7. A committee appointed pursuant to this section:

(a) Shall elect a chair for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The anticipated financial effect of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the city clerk not later than the date prescribed by the city clerk pursuant to subsection 8.

8. The city clerk shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the city clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the city clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that the city clerk believes is libelous or factually inaccurate.

➥ The decision of the city clerk to reject a statement pursuant to this subsection is a final decision for purposes of judicial review. Not later than 5 days after the city clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection by filing a complaint in district court. The court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

10. The city clerk shall place in the sample ballot provided to the registered voters of the city each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The city clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. If a question is to be placed on the ballot by an entity described in paragraph (b) of subsection 1, the entity must provide a copy and explanation of the question to the city clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the city clerk is governed by subsection 3 of NRS 293.481.

12. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.

Sec. 13. NRS 379.1495 is hereby amended to read as follows:

379.1495 1. A library foundation:

(a) Shall comply with the provisions of chapter 241 of NRS ~~[.]~~ *if the library foundation is a public body, as defined in NRS 241.015.*

(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010;

(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 pursuant to subsection 14 of NRS 375.090; and

(d) May allow a trustee or the executive director or other head administrator, or a designee thereof, of the library which it supports to serve as a member of its governing body.

2. A library foundation is not required to disclose the name of any contributor or potential contributor to the library foundation, the amount of his or her contribution or any information which may reveal or lead to the discovery of his or her identity. The library foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the library foundation relating to that contributor.

Sec. 14. NRS 388.750 is hereby amended to read as follows:

388.750 1. An educational foundation:

(a) Shall comply with the provisions of chapter 241 of NRS ~~[.]~~ *if the educational foundation is a public body, as defined in NRS 241.015;*

(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010; and

(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 pursuant to subsection 12 of NRS 375.090.

2. An educational foundation is not required to disclose the names of the contributors to the foundation or the amount of their contributions. The educational foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.

3. As used in this section, "educational foundation" means a nonprofit corporation, association or institution or a charitable organization that is:

(a) Organized and operated exclusively for the purpose of supporting one or more kindergartens, elementary schools, junior high or middle schools or high schools, or any combination thereof;

(b) Formed pursuant to the laws of this State; and

(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 15. ~~[NRS 396.405 is hereby amended to read as follows:~~

~~396.405 1. A university foundation:~~

~~(a) Shall comply with the provisions of chapter 241 of NRS [;] *if the university foundation is a public body, as defined in NRS 241.015*.~~

~~(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010;~~

~~(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 pursuant to subsection 13 of NRS 375.090; and~~

~~(d) May allow a president or an administrator of the university, state college or community college which it supports to serve as a member of its governing body.~~

~~2. A university foundation is not required to disclose the name of any contributor or potential contributor to the university foundation, the amount of his or her contribution or any information which may reveal or lead to the discovery of his or her identity. The university foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.~~

~~3. As used in this section, "university foundation" means a nonprofit corporation, association or institution or a charitable organization that is:~~

~~(a) Organized and operated primarily for the purpose of fundraising in support of a university, state college or a community college;~~

~~(b) Formed pursuant to the laws of this State; and~~

~~(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).]~~ (Deleted by amendment.)

Sec. 16. NRS 622A.300 is hereby amended to read as follows:

622A.300 1. To initiate the prosecution of a contested case, the prosecutor shall file a charging document with the regulatory body and serve the licensee with the charging document.

2. The regulatory body shall determine whether the case will be heard by the regulatory body or a hearing panel or officer.

3. The regulatory body or hearing panel or officer shall provide the licensee with written notice of the case pursuant to NRS 233B.121 and ~~[241.034.]~~ *section 3 of this act.*

4. If the case is heard by a hearing panel or officer, the hearing panel or officer shall follow the procedures established by this chapter and any other applicable statutory and regulatory provisions governing the case. The hearing panel or officer shall prepare written findings and recommendations and serve the findings and recommendations on the parties and the regulatory body for its review.

5. The findings and recommendations of the hearing panel or officer do not become final unless they are approved by the regulatory body after review. In reviewing the findings and recommendations of the hearing panel or officer, the regulatory body may:

(a) Approve the findings and recommendations, with or without modification;

(b) Reject the findings and recommendations and remand the case to the hearing panel or officer;

(c) Reject the findings and recommendations and order a hearing de novo before the regulatory body; or

(d) Take any other action that the regulatory body deems appropriate to resolve the case.

6. If the case is heard by the regulatory body, the regulatory body shall follow the procedures established by this chapter and any other applicable statutory and regulatory provisions governing the case.

7. The regulatory body or the hearing panel or officer, with the approval of the regulatory body, may consolidate two or more cases if it appears that the cases involve common issues of law or fact and the interests of the parties will not be prejudiced by the consolidation.

Sec. 17. NRS 642.518 is hereby amended to read as follows:

642.518 Notwithstanding the provisions of chapter 622A of NRS:

1. If the Board finds that probable cause exists for the revocation of a license, permit or certificate issued by the Board pursuant to the provisions of this chapter or chapter 451 or 452 of NRS, and that enforcement of the provisions of this chapter or chapter 451 or 452 of NRS requires immediate suspension of the license, permit or certificate pending an investigation, the Board may, upon 5 days' written notice and a preliminary hearing, enter an order suspending the license, permit or certificate for a period of not more than 60 days, pending a hearing upon the revocation of the license, permit or certificate.

2. For the purposes of this section, notice shall be deemed to be sufficient if the notice is personally served on the holder of the license, permit or certificate or posted at the address of the holder, as indicated in the records of the Board, at least 5 days before the preliminary hearing.

3. The provisions of ~~[NRS 241.034]~~ *section 3 of this act* do not apply to any action that is taken by the Board pursuant to this section.

Sec. 18. NRS 642.557 is hereby amended to read as follows:

642.557 Notwithstanding the provisions of chapter 622A of NRS:

1. If the Board has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter or chapter 440, 451 or 452 of NRS, any regulation adopted by the Board pursuant thereto or any order of the Board, the Board may enter an order requiring the person to desist or refrain from engaging in the violation.

2. The provisions of ~~[NRS 241.034]~~ *section 3 of this act* do not apply to any action that is taken by the Board pursuant to this section.

Sec. 19. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and ~~[241.034.]~~ *section 3 of this act.* A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 20. This act becomes effective on July 1, 2023.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 686 to Assembly Bill No. 52 clarifies that section 2 does not apply to a public body if all the members of the public body must be elected officials. It eliminates provisions authorizing written notice by electronic mail of a meeting of a public body where administrative action may be taken against a person or to consider the character, alleged misconduct, professional competence or physical or mental health of a person.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 70.

Bill read second time.

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

Amendment No. 619.

SUMMARY—Revises provisions relating to the uses of certain fees for a game tag. (BDR 45-342)

AN ACT relating to wildlife; revising provisions relating to the authorized uses of certain fees for processing each application for a game tag; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in addition to any fee charged and collected for a game tag, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund and used by the Department of Wildlife for costs related to certain programs and activities, including, without limitation, wildlife management activities relating to the protection of nonpredatory game animals and sensitive wildlife species and conducting research relating to managing and controlling predatory wildlife. (NRS 502.253) This bill revises the wildlife management activities for which the Department may use the proceeds of such fees to provide that the Department, at the direction of the applicant, may instead use the proceeds of such fees only for: (1) developing and implementing an annual program for the lethal removal of predatory wildlife; or (2) ~~[wildlife management activities relating to the protection of nonpredatory game species and the habitat of such]~~ developing and implementing an annual program for the improvement of wildlife habitat and research or management activities beneficial to nonpredatory game species.

Existing law also requires that the Department expend on any program developed for the management and control of predatory wildlife not less than 80 percent of the total money collected from the $3 application processing fee in the most recent fiscal year for which the Department has information. (NRS 502.253) This bill removes the minimum 80 percent expenditure requirement for programs developed for the management and control of predatory wildlife.

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

Section 1. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Account in the

State General Fund and used by the Department , *at the direction of the applicant*, for costs related to:

(a) Developing and implementing an annual program for the ~~[management and control]~~ *lethal removal* of predatory wildlife; *or*

(b) ~~[Wildlife management activities relating to the protection of nonpredatory game~~ animals and sensitive wildlife ~~species ; *and the habitat of such nonpredatory game* and *species.*~~

~~(c) Conducting research necessary to determine successful techniques for managing and controlling predatory wildlife.]~~ *Developing and implementing an annual program for the improvement of wildlife habitat and research or management activities beneficial to nonpredatory game species.*

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of the Commission in accordance with the provisions of subsection 4 and the policies adopted by the Commission pursuant to NRS 501.181.

4. The Department ~~[:~~

~~(a) In]~~ , *in* adopting any program for the ~~[management and control]~~ *lethal removal* of predatory wildlife developed pursuant to this section, shall first consider the recommendations of the Commission and the State Predatory Animal and Rodent Committee created by NRS 567.020.

~~[(b) Shall not adopt any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the most recent fiscal year for which the Department has complete information for the purposes of lethal management and control of predatory wildlife.]~~

5. The money in the Wildlife Account credited pursuant to this section remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 2. This act becomes effective on July 1, 2023.

Senator Pazina moved the adoption of the amendment.

Remarks by Senator Pazina.

Amendment No. 619 to Assembly Bill No. 70 clarifies language to provide that the second choice that an applicant for a game tag may choose regarding the use of revenue from the three-dollar processing fee is for developing and implementing an annual program for the improvement of wildlife habitat and research or management activities beneficial to nonpredatory game species.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 86.

Bill read second time.

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

Amendment No. 618.

SUMMARY—Revises provisions relating to animal welfare. (BDR 50-203)

AN ACT relating to animals; revising provisions relating to animal cruelty; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from: (1) torturing or unjustifiably injuring, maiming, mutilating or killing an animal kept for companionship or pleasure or any cat or dog; or (2) overdriving, torturing, cruelly beating or unjustifiably injuring, maiming, mutilating or killing any animal or causing, procuring or allowing any such act against an animal. (NRS 574.100) Section 1 of this bill also prohibits: (1) committing these acts against an animal kept for working purposes or a domesticated animal that is not owned by any person; and (2) ~~[with certain exceptions,]~~ depriving an animal of proper ventilation, necessary veterinary care or grooming and shearing under certain circumstances. Section 1 provides that a person may claim, as an affirmative defense to a charge of depriving an animal of necessary veterinary care or grooming or shearing, that he or she was unable to afford such veterinary care, grooming or shearing.

Existing law prohibits the abandonment of maimed, diseased, disabled or infirm animals. (NRS 574.110) Section 1 prohibits the abandonment of any animal and sets forth what constitutes abandonment of an animal.

Existing law prescribes minimum standards for the housing, keeping and restraining of dogs and sets forth certain exceptions to these provisions. (NRS 574.100) Section 1 prohibits a person from restraining a dog using: (1) a collar, harness or other device that is not properly fitted; or (2) a tether, chain, tie, trolley or pulley system or other device that has a weight attached. Section 1 also prohibits leaving a dog outside and unattended unless the dog is provided with: (1) adequate shelter; (2) an area that allows the dog to avoid standing water and exposure to excessive animal waste; (3) shade from direct sunlight; and (4) potable water. Section 1 provides an exception from these prohibitions for a dog that is actively engaged in or training for: (1) police, military, patrol or detection work; (2) search and rescue; (3) herding, livestock guarding or other work; (4) guide dogs, hearing dogs or service dogs; and (5) trials, sporting or other lawful competitions or competitive functions.

Section 1.5 of this bill repeals a provision of existing law relating to the abandonment of disabled animals.

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 *injure,* maim, mutilate or kill:

(1) An animal kept for companionship , ~~[or]~~ pleasure ~~[,]~~ *or for working purposes,* whether belonging to the person or to another; ~~[or]~~

(2) Any cat or dog; *or*

(3) A domesticated animal that is not owned by any person.

(b) ~~[Except as otherwise provided in paragraph (a), overdrive, overload, torture,]~~ *Cause, procure or allow an animal to be overdriven, overloaded, tortured,* cruelly ~~[beat]~~ *beaten* or unjustifiably ~~[injure, maim, mutilate]~~ *injured, maimed, mutilated* or ~~[kill an animal, whether belonging]~~ *killed, regardless of whether the animal belongs* to the person , ~~[or to]~~ another ~~[;]~~ *person or is not owned by any person;*

(c) Deprive an animal of *or cause an animal to be deprived 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)]~~ *If an animal is confined inside of an enclosed space, including, without limitation, a shed, barn or garage, deprive an animal of proper ventilation or neglect or refuse to furnish the animal with proper ventilation;*

(e) ~~*[Except as otherwise provided in subsection 5, deprive]*~~ *Deprive an ill, infirm or injured animal of necessary veterinary care, or neglect or refuse to furnish the animal with necessary veterinary care, resulting in the animal experiencing unnecessary or unjustifiable pain, suffering or death;*

(f) ~~*[Except as otherwise provided in subsection 5, deprive]*~~ *Deprive an animal of grooming or shearing or refuse to furnish the animal such grooming or shearing, to the extent that such grooming or shearing is reasonably necessary to prevent adverse health effects, pain, injury or the impediment of the natural movement of the animal;*

(g) 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)]~~ *(h)* Abandon an animal ~~[in circumstances other than those prohibited in NRS 574.110. The provisions of this paragraph do not apply to:]~~ *, regardless of whether the animal is healthy, maimed, diseased, disabled or infirm. For the purposes of this paragraph:*

(1) Except as otherwise provided in this paragraph, an animal is considered abandoned if a person who owns or has custody of the animal relinquishes his or her duty to care for that animal by leaving the animal without providing minimal care, which may include, without limitation, leaving an animal on the property of the owner or another person, in a public place or on open land, except that an animal that has been left on the property of the animal's owner or person having custody of the animal is not considered abandoned unless the animal is left for more than 72 hours.

(2) An animal is not considered abandoned if:

(I) A person delivers the animal to another person who will accept ownership or custody of the animal ~~*[or]*~~ *;*

(II) A person delivers the animal directly to a representative of an animal rescue organization or animal shelter; or

~~[(II)]~~ *(III) The animal is* 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) Restrain a dog:

~~[(a)]~~ *(1) Using a collar, harness or other device that is not properly fitted;*

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

~~[(1)]~~ *(I)* Is less than 12 feet in length;

~~[(2)]~~ *(II)* 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)]~~ *(III)* 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; *or*

(IV) Has a weight attached;

~~[(b)]~~ *(3)* Using a prong, pinch or choke collar or similar restraint; or

~~[(c)]~~ *(4)* For more than 14 hours during a 24-hour period ~~[.]~~ *; or*

(b) Leave a dog, who does not have immediate access to the indoors, outside and unattended unless the person provides the dog with access to:

(1) Adequate shelter, which must include, without limitation, a sturdy structure that:

(I) Is waterproof, ventilated and constructed of sound and substantial material that is adequate to protect the dog from inclement weather and which allows the dog to maintain a normal body temperature;

(II) Provides a solid surface, resting platform, pad, floor mat or similar device large enough for the dog to lie on in a normal manner and that can be maintained in a sanitary manner;

(III) Is appropriate for the size and breed of the dog with sufficient dimensions that allow the dog to stand erect, sit, turn around and lie down in an unimpeded position while inside the structure; and

(IV) Prevents pain, injury or a significant risk to the health of the dog;

(2) An area that allows the dog to avoid standing water and exposure to excessive animal waste;

(3) Shade from direct sunlight; and

(4) Potable water.

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.]~~ *paragraph (b) of subsection 2*.

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;

(e) Being kept in ~~[a]~~ *an animal* shelter or 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) 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; ~~[or]~~

(h) *Actively engaged in or training for:*

(1) Police, military, patrol or detection work;

(2) Search and rescue;

(3) Herding, livestock guarding or otherwise working;

(4) A role as a guide dog, hearing dog or service dog; or

(5) Trials, sporting or other lawful competitions or competitive functions; or

(i) 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.

5. ~~*[The]*~~ *In a prosecution for a violation of the provisions of paragraphs (e) and (f) of subsection 1* ~~*[do not apply to an indigent person. A person may be determined to be indigent if the person:]*~~ *, the defendant may claim as an affirmative defense that he or she was unable to afford the necessary veterinary care, grooming or shearing of the animal. In addition to the written notice required by NRS 174.234, a defendant who intends to offer the affirmative defense described in this subsection shall, not less than 20 days before trial or at such other time as the court directs, file and serve upon the prosecuting attorney a written notice of his or her intent to claim the affirmative defense. The written notice must include:*

(a) ~~*[Receives public assistance, as that term is defined in NRS 422A.065;]*~~ *The specific affirmative defense that the defendant is asserting; and*

(b) ~~*[Resides in public housing, as that term is defined in NRS 315.021;*~~

~~*(c) Has a household income that is less than 200 percent of the federally designated level signifying poverty; or*~~

~~(d) Any other relevant factor, as determined by a court.]~~ *The name and last known address of each witness by whom the defendant proposes to establish the affirmative defense.*

6. 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.]~~ *7.* 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.]~~ *8.* Except as otherwise provided in subsection ~~[6,]~~ *7,* a person who violates subsection 1, 2, 3 or ~~[5:]~~ *6:*

(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.]~~ *9.* In addition to any other fine or penalty provided in subsection ~~[6 or]~~ 7 ~~[,]~~ *or 8,* a court shall order a person convicted of violating subsection 1, 2, 3 or ~~[5]~~ *6* to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, 3 or ~~[5]~~ *6,*

including, without limitation, money expended for veterinary treatment, feed and housing.

~~[9.]~~ *10.* The court may order the person convicted of violating subsection 1, 2, 3 or ~~[5]~~ *6* to surrender ownership or possession of the mistreated animal ~~[.]~~ *if ownership has not already been divested in accordance with NRS 574.055, 574.203 and 574.2035.*

~~[10.]~~ *11.* 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.]~~ *12. For the purposes of subsection 5, a defendant may not claim as an affirmative defense that he or she was unable to afford the necessary veterinary care, grooming or shearing of the animal if, during the period that the defendant owned or had custody of the animal, the defendant:*

(a) Declined financial assistance, non-financial assistance or other services offered to facilitate the necessary veterinary care, grooming or shearing of the animal; or

(b) Was unable to afford the necessary veterinary care, grooming or shearing of the animal because of excessive spending, indebtedness or other legal obligation, unless the spending, indebtedness or other legal obligation was not within the control of the defendant.

13. As used in this section ~~[, "horse tripping"]~~ *:*

(a) "Animal rescue organization" has the meaning ascribed to it in NRS 574.202.

(b) "Animal shelter" has the meaning ascribed to it in NRS 574.240.

(c) "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.

(d) "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)]~~ *(1)* Tripping such an animal to provide medical or other health care for the animal; or

~~[(b)]~~ *(2)* 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.

(e) "Minimal care" means proper sustenance or food reasonably sufficient to meet the nutritional needs of an animal, sufficient potable water and accessible shelter.

(f) "Properly fitted" means a collar, harness or other device that:

(1) Is appropriate for the size of a dog based on the measurements and body weight of the dog;

(2) Does not choke the dog or impede the normal breathing or swallowing of the dog; and

(3) Does not cause pain or injury to the dog.

Sec. 1.5. NRS 574.110 is hereby repealed.

Sec. 2. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTION

574.110 Abandonment of disabled animal unlawful; penalty.

1. A person being the owner or possessor, or having charge or custody, of a maimed, diseased, disabled or infirm animal, who abandons such animal or leaves it to die in a public street, road or public place, or who allows it to lie in a public street, road or public place more than 3 hours after the person receives notice that it is left disabled, is guilty of a misdemeanor.

2. Any agent or officer of any society for the prevention of cruelty to animals, or of any society duly incorporated for that purpose, or any police officer, may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for, appearing, in the judgment of two reputable citizens called by the agent or officer to view the same in his or her presence, to be glandered, injured or diseased past recovery for any useful purpose, or after such agent or officer has obtained in writing from the owner of such animal the owner's consent to such destruction.

3. When any person arrested is, at the time of such arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any agent or officer of such society or societies or any police officer may take charge of such animal and of such vehicle and its contents and deposit the same in a safe place of custody, or deliver the same into the possession of the police or sheriff of the county or place wherein such arrest was made, who shall thereupon assume the custody thereof. All necessary expenses incurred in taking charge of such property shall be a charge thereon.

Senator Pazina moved the adoption of the amendment.

Remarks by Senator Pazina.

Amendment No. 618 to Assembly Bill No. 86 provides that a person may claim as an affirmative defense to a charge of depriving an animal of necessary veterinary care or grooming or shearing that he or she was unable to afford such veterinary care, grooming or shearing.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 688.

SUMMARY—Revises provisions governing counties. (BDR 20-460)

AN ACT relating to counties; authorizing, under certain circumstances, a board of county commissioners <u>of certain counties</u> to convey without consideration real property acquired directly from the Federal Government for

purposes of clearing title to certain persons; exempting such transfers from the real property transfer tax; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain procedures for a board of county commissioners to transfer or sell real property. (NRS 244.2795-244.296) Section 1 of this bill authorizes ~~[a]~~ the board of county commissioners of a county whose population is less than 4,500 (currently Esmeralda, Eureka and Storey Counties) to convey, without consideration and without complying with certain requirements in existing law, real property that the county acquired directly from the Federal Government for the purpose of clearing title to the property. (NRS 244.281) The real property must be conveyed to the person or persons, as applicable, who have an interest in the property. To convey such real property, section 1 requires the board of county commissioners to execute and record a deed, which is effective upon recordation. Section 1 further requires the board of county commissioners, upon recordation of the deed, to send actual notice by certified mail to the person or persons to whom the property was conveyed. The notice must include, without limitation, a copy of the recorded deed and information on how the person may disclaim the interest in the property.

Section 5.5 of this bill provides that if ~~[a]~~ the board of county commissioners of a county whose population is less than 4,500 (currently Esmeralda, Eureka and Storey Counties) conveys any real property pursuant to section 1 between October 1, 2023, and June 30, 2024, the county recorder of the county shall report to the Joint Interim Standing Committee on Government Affairs the number of such conveyances initiated or completed.

Sections 2 and 3 of this bill make conforming changes to exempt such conveyances from the provisions that generally apply to the sale or lease of property by a board of county commissioners.

Section 5 of this bill exempts conveyances executed pursuant to section 1 from the real property transfer tax.

Section 4 of this bill indicates 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 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ The board of county commissioners of a county whose population is less than 4,500 may convey real property, without consideration or without complying with the provisions of NRS 244.281, if:

(a) The real property was acquired by the county directly from the Federal Government for the purpose of clearing title to the real property; and

(b) The board of county commissioners conveys the real property to the person or persons, as applicable, who have an interest in the real property.

2. If the board of county commissioners *of a county whose population is less than 4,500* *conveys real property pursuant to subsection 1, the board must execute and record a deed, which shall be effective upon recordation. Upon recordation, the board of county commissioners must send actual notice by certified mail to the person or persons, as applicable, to whom the property was conveyed that includes, without limitation, a copy of the recorded deed and information on how the person may disclaim the interest in property.*

Sec. 2. NRS 244.2795 is hereby amended to read as follows:

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, *and section 1 of this act,* and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph and paragraph (h) of subsection 1 of NRS 244.281, obtain two independent appraisals of the real property before selling or leasing it. If the board of county commissioners holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may

constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if:

(a) The appraiser has an interest in the real property or an adjoining property;

(b) The real property is located in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or

(c) The real property is located in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 3. NRS 244.281 is hereby amended to read as follows:

244.281 1. Except as otherwise provided in this subsection and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, *and section 1 of this act,* and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

(a) When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(1) Sell the real property in the manner prescribed for the sale of real property in NRS 244.282.

(2) Lease the real property in the manner prescribed for the lease of real property in NRS 244.283.

(b) Before the board of county commissioners may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the county; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) Except as otherwise provided in this paragraph and paragraph (h), if the board of county commissioners by its resolution further finds that the real property to be sold or leased is worth more than $1,000, the board shall select two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the real property. If the board of county commissioners holds a public hearing on the matter of the fair market value of the property, one disinterested, competent appraisal of the real property is sufficient before selling or leasing it. Except for real property acquired pursuant to NRS 371.047, the board of county commissioners shall not sell or lease it for less than:

(1) If two independent appraisals were obtained, the average of the appraisals of the real property.

(2) If only one independent appraisal was obtained, the appraised value of the real property.

(d) If the real property is appraised at $1,000 or more, the board of county commissioners may:

(1) Lease the real property; or

(2) Sell the real property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

(e) A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that the sale will be in the best interest of the county and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

(f) A board of county commissioners that disposes of real property pursuant to paragraph (d) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. The board of county commissioners must obtain a new appraisal or appraisals, as applicable, of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time if:

(1) There is a material change relating to the title, the zoning or an ordinance governing the use of the real property; or

(2) The appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is offered for sale or lease the second time.

(h) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value or average of the appraised value if two or more appraisals were obtained, as applicable, with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property. If the appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is listed with a licensed real estate broker, the board of county commissioners must obtain one new appraisal of the real property pursuant to the provisions of NRS 244.2795 before listing the real property for sale or lease at the new appraised value.

2. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

3. As used in this section, "flood control facility" has the meaning ascribed to it in NRS 244.276.

Sec. 4. NRS 371.047 is hereby amended to read as follows:

371.047 1. A county may use the proceeds of the tax imposed pursuant to NRS 371.043 or 371.045, or of bonds, notes or other obligations incurred to which the proceeds of those taxes are pledged to finance a project related to the construction of a highway with limited access, to:

(a) Purchase residential real property which shares a boundary with a highway with limited access or a project related to the construction of a highway with limited access, and which is adversely affected by the highway. Not more than 1 percent of the proceeds of the tax or of any bonds to which the proceeds of the tax are pledged may be used for this purpose.

(b) Pay for the cost of moving persons whose primary residences are condemned for a right-of-way for a highway with limited access and who qualify for such payments. The board of county commissioners shall, by ordinance, establish the qualifications for receiving payments for the cost of moving pursuant to this paragraph.

2. A county may, in accordance with NRS 244.265 to 244.296, inclusive, *and section 1 of this act,* dispose of any residential real property purchased pursuant to this section, and may reserve and except easements, rights or interests related thereto, including, but not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

3. Proceeds from the sale or lease of residential real property acquired pursuant to this section must be used for the purposes set forth in this section and in NRS 371.043 or 371.045, as applicable.

4. For the purposes of this section, residential real property is adversely affected by a highway with limited access if the construction or proposed use of the highway:

(a) Constitutes a taking of all or any part of the property, or interest therein;

(b) Lowers the value of the property; or

(c) Constitutes a nuisance.

5. As used in this section:

(a) "Highway with limited access" means a divided highway for through traffic with full control of access and with grade separations at intersections.

(b) "Primary residence" means a dwelling, whether owned or rented by the occupant, which is the sole principal place of residence of that occupant.

(c) "Residential real property" means a lot or parcel of not more than 1.5 acres upon which a single-family or multifamily dwelling is located.

Sec. 5. NRS 375.090 is hereby amended to read as follows:

375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 do not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a business entity and its parent, its subsidiary or an affiliated business entity if the affiliated business entity has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property, including, without limitation, a transfer by an instrument in writing pursuant to the terms of a land sale installment contract previously recorded and upon which the taxes imposed by this chapter have been paid.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.

6. A transfer of title between former spouses in compliance with a decree of divorce.

7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

8. Transfers, assignments or conveyances of unpatented mines or mining claims.

9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.655 to 111.699, inclusive, and a Death of Grantor Affidavit recorded in the office of the county recorder pursuant to NRS 111.699.

11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,

➥ if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

12. A transfer to an educational foundation. As used in this subsection, "educational foundation" has the meaning ascribed to it in subsection 3 of NRS 388.750.

13. A transfer to a university foundation. As used in this subsection, "university foundation" has the meaning ascribed to it in subsection 3 of NRS 396.405.

14. A transfer to a library foundation. As used in this subsection, "library foundation" has the meaning ascribed to it in NRS 379.0056.

15. A conveyance of real property to a person or persons from ~~[a]~~ the board of county commissioners of a county whose population is less than 4,500 pursuant to section 1 of this act.

Sec. 5.5. If ~~[a]~~ the board of county commissioners of a county whose population is less than 4,500 conveys any real property pursuant to section 1 of this act between October 1, 2023, and June 30, 2024, the county recorder of the county shall, on or before July 1, 2024, report to the Joint Interim Standing Committee on Government Affairs the number of such conveyances initiated or completed.

Sec. 6. This act becomes effective on October 1, 2023, and expires by limitation on June 30, 2025.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 688 to Assembly Bill No. 143 makes it applicable to counties with a population of less than 4,500.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 172.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 689.

SUMMARY—Revises provisions governing collective bargaining for ~~[local government]~~ certain public employees. (BDR 23-700)

AN ACT relating to collective bargaining; requiring , with certain exceptions, each ~~[local government employer]~~ school district to semiannually provide each employee organization recognized by the ~~[local government employer]~~ school district certain information relating to each employee of the bargaining unit represented by the employee organization; requiring collective bargaining between the Executive Department of State Government and classified employees to include matters relating to parking and transportation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each employee organization recognized by a local government employer , including, without limitation, a school district, in this State to file a report with the Government Employee-Management Relations

Board each year containing certain information, including, without limitation, the total number of persons in each bargaining unit represented by the employee organization. (NRS 288.165) Section 1 of this bill requires, with certain exception, that each ~~[local government employer]~~ school district provide each employee organization recognized by the ~~[local government employer]~~ school district the name, address, ~~[email]~~ electronic mail address, telephone number, work contact information and work location of each employee in the bargaining unit represented by the employee organization at least on a semiannual basis ~~[.]~~ , unless the school district and an employee organization recognized by the school district agree otherwise. Section 1 further provides that if a ~~[local government]~~ school district employee notifies his or her employer in writing that he or she does not want the employer to provide his or her information to the employee organization, the ~~[local government employer: (1)]~~ school district must ~~[still]~~ not provide the information to the employee organization ~~[twice per year,]~~ but ~~[must not provide the information to the employee organization more often; and (2)]~~ must still provide the information to the Government Employee-Management Relations Board when requested by order of the Board. Section 1 also provides that information about any ~~[local government]~~ school district employee provided to an employee organization or the Board is confidential and is not a public record. Section 3 of this bill makes a conforming change relating to making such information confidential and not a public record.

Existing law sets forth the requirements for collective bargaining between the Executive Department of State Government and employee organizations that represent classified employees, including the subjects of mandatory bargaining. (NRS 288.500) Section 2.5 of this bill additionally requires such collective bargaining to include matters relating to parking and transportation.

Section 2 of this bill 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 288 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection and subsection 3, at least twice each year, on or before January 1 and July 1, each ~~[local government employer]~~ school district shall provide each employee organization recognized by the ~~[local government employer]~~ school district the name, address, ~~[email]~~ electronic mail address, telephone number, work contact information and work location of each ~~[local government]~~ school district employee of the bargaining unit represented by the employee organization. A school district and an employee organization may agree to provide such information about school district employees at other times that are in addition to or in place of January 1 and July 1 of each year.

2. ~~[A local government employer]~~ Except as otherwise provided in subsection 3, a school district is required to provide an employee organization

with the information about a ~~[local government]~~ school district employee pursuant to subsection 1 regardless of whether the employee has joined the employee organization.

3. If a ~~[local government]~~ school district employee notifies ~~[his or her employer]~~ the school district in writing that he or she does not want the ~~[employer]~~ school district to provide any of his or her information to the employee organization recognized by the ~~[local government employer,]~~ school district, the ~~[local government employer:]~~ school district:

(a) Must ~~[still]~~ not provide the information set forth in subsection 1 to the employee organization ; ~~[on or before January 1 and July 1 of year but must not provide the information set forth in subsection 1 to the employee organization more often;]~~ and

(b) Must still provide the information set forth in subsection 1 to the Government Employee-Management Relations Board when requested by the order of the Board.

4. Information about any ~~[local government]~~ school district employee that is provided pursuant to this section to an employee organization or the Government Employee-Management Relations Board is confidential and is not a public record.

Sec. 2. NRS 288.131 is hereby amended to read as follows:

288.131 As used in NRS 288.131 to 288.280, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 288.132 to 288.138, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.5. NRS 288.500 is hereby amended to read as follows:

288.500 1. For the purposes of collective bargaining, supplemental bargaining and other mutual aid or protection, employees have the right to:

(a) Organize, form, join and assist labor organizations, engage in collective bargaining and supplemental bargaining through exclusive representatives and engage in other concerted activities; and

(b) Refrain from engaging in such activity.

2. Collective bargaining and supplemental bargaining entail a mutual obligation of the Executive Department and an exclusive representative to meet at reasonable times and to bargain in good faith with respect to:

(a) The subjects of mandatory bargaining set forth in subsection 2 of NRS 288.150, except paragraph (f) of that subsection;

(b) *Matters relating to parking and transportation;*

(c) The negotiation of an agreement;

~~[(c)]~~ *(d)* The resolution of any question arising under an agreement; and

~~[(d)]~~ *(e)* The execution of a written contract incorporating the provisions of an agreement, if requested by either party.

3. The subject matters set forth in subsection 3 of NRS 288.150 are not within the scope of mandatory bargaining and are reserved to the Executive Department without negotiation.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to the provisions of NRS 288.400 to 288.630, inclusive, the Executive Department is entitled to take the actions set forth in paragraph (b) of subsection 6 of NRS 288.150. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. This section does not preclude, but the provisions of NRS 288.400 to 288.630, inclusive, do not require, the Executive Department to negotiate subject matters set forth in subsection 3 which are outside the scope of mandatory bargaining. The Executive Department shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

6. The Executive Department shall furnish to an exclusive representative data that is maintained in the ordinary course of business and which is relevant and necessary to the discussion of the subjects of mandatory bargaining described in subsection 2. This subsection shall not be construed to require the Executive Department to furnish to the exclusive representative any advice or training received by representatives of the Executive Department concerning collective bargaining.

7. To the greatest extent practicable, any decision issued by the Board before October 1, 2019, relating to the interpretation of, or the performance under, the provisions of NRS 288.150 shall be deemed to apply to any complaint arising out of the interpretation of, or performance under, the provisions of this section.

Sec. 3. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540,

247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,

645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *section 1 of this act,* sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 689 to Assembly Bill No. 172 makes the bill applicable to school districts and allows school district employees to opt out of having their contact information disclosed to a recognized employee organization and makes parking and transportation mandatory subjects of collective bargaining under NRS 288.500.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 191.

Bill read second time.

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

Amendment No. 616.

SUMMARY—Revises provisions relating to water conservation. (BDR 48-697)

AN ACT relating to water; revising provisions relating to a plan of water conservation and plan for incentives relating to water conservation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each supplier of water to: (1) adopt a plan of water conservation and update the plan every 5 years; (2) include with the plan of water conservation a water loss audit or certain water loss calculations; and (3) adopt a plan to provide certain incentives relating to water conservation. Existing law defines a "supplier of water" to include any public or private entity that supplies water for municipal, industrial or domestic purposes. (NRS 540.121-540.151) This bill revises the definition of "supplier of water" to exclude a public or private entity that [~~: (1)~~] has less than 15 service connections [~~; (2) serves year-round residents; and (3) supplies water for municipal or quasi-municipal purposes.~~] As a result of the change to the definition of "supplier of water," this bill removes the requirement for such an entity to adopt and update a plan of water conservation, conduct a water loss audit or calculate water losses or adopt a plan to provide certain incentives relating to water conservation.

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

Section 1. NRS 540.121 is hereby amended to read as follows:

540.121 *1.* As used in NRS 540.121 to 540.151, inclusive, "supplier of water" includes, but is not limited to:

~~[1.]~~ *(a)* Any county, city, town, local improvement district, general improvement district and water conservancy district;

~~[2.]~~ *(b)* Any water district, water system, water project or water planning and advisory board created by a special act of the Legislature; and

~~[3.]~~ *(c)* Any other public or private entity,

➥ that supplies water for municipal, industrial or domestic purposes.

2. The term does not include ~~[a]~~ *:*

(a) A public utility required to adopt a plan of water conservation pursuant to NRS 704.662 ~~[.]~~ *; or*

(b) A public or private entity that ~~[:~~

~~*(1) Has]*~~ *has less than 15 service connections, as defined in NRS 445A.843* ~~*. [;*~~

~~*(2) Serves year-round residents; and*~~

~~*(3) Supplies water for municipal or quasi-municipal purposes.]*~~

Senator Pazina moved the adoption of the amendment.

Remarks by Senator Pazina.

Amendment No. 616 to Assembly Bill No. 191 revises the definition of "supplier of water" to exclude a public or private entity that has less than 15 service connections.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 213.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 690.

SUMMARY—Revises provisions governing residential zoning. (BDR 22-250)

AN ACT relating to land use planning; requiring the governing body of a city or county to publish certain information on its Internet website relating to certain applications relating to land use planning; requiring the governing body of certain counties and cities to annually report certain information to the Housing Division of the Department of Business and Industry and the Advisory Committee on Housing; revising provisions relating to the procedures for review of certain applications for land use planning; revising provisions relating to the adoption of measures in certain counties relating to affordable housing; providing that certain deadlines relating to land use planning that apply to counties also apply to cities; requiring counties and cities to enact certain ordinances relating to projects for affordable housing on or before July 1, 2024; making certain legislative declarations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the governing body of certain cities or counties to

include in its master plan a housing element, which includes certain information relating to housing. (NRS 278.150, 278.160) Section 1.6 of this bill requires the governing body of such a city or county to annually report this information to the Housing Division of the Department of Business and Industry and the Advisory Committee on Housing. The Housing Division is required to compile and post such reports on its Internet website. Section 12.5 of this bill requires the governing body of such a city or county to submit the first report required pursuant to section 1.6 on or before July 15, 2024.

Existing law: (1) provides that any application submitted to a governing body or its designee that concerns any matter relating to land use planning may not be accepted if the application is incomplete; and (2) sets forth a timeline and process for the governing body or its designee to review an application for completeness. (NRS 278.02327) Section 3 of this bill provides that if the governing body or its designee fails to comply with the timeline and process, the application shall be deemed to be complete. Section 3 also requires the governing body or designee to review and respond to a corrected application within ~~[3]~~ 5 working days and prohibits a governing body or designee from using any preliminary application to circumvent the timeline or process in section 3.

Section 1.3 of this bill requires a governing body to publish on its Internet website a list of applications relating to land use planning in areas zoned for residential housing.

Existing law provides that if the governing body of a city or county is required to include the housing element in its master plan, the governing body is required to adopt certain measures for maintaining and developing affordable housing. (NRS 278.235) Section 5 of this bill authorizes the governing body to also offer increased residential density for multi-family or multi-story residential development as one such measure. Section 5 also revises contents of the annual report that the governing body is required to submit to the Housing Division of the Department of Business and Industry relating to affordable housing.

Existing law requires a subdivider to file copies of a tentative map with the planning commission or its designated representative, or with the clerk of the governing body if there is no planning commission. The tentative map is then distributed to all state and local agencies and persons charged with reviewing the proposed subdivision. If there is no planning commission, the clerk of the governing body is required to submit the tentative map to the governing body at its next meeting. If there is a planning commission, the planning commission shall, after accepting as a complete application a tentative map: (1) in a county whose population is 700,000 or more (currently only Clark County), within 45 days, approve, conditionally approve or disapprove the tentative map; or (2) in a county whose population is less than 700,000 (currently all counties other than Clark County), approve, conditionally approve or disapprove the tentative map. (NRS 278.330) Section 7 of this bill provides that a city within

such a county is subject to the same deadlines to approve, conditionally approve or disapprove the tentative map.

Existing law provides that the planning commission or governing body, as applicable, shall recommend approval, conditional approval or disapproval of a parcel map: (1) within 45 days after accepting the parcel map as a complete application in a county whose population is 700,000 or more (currently only Clark County); or (2) within 60 days after accepting the parcel map as a complete application in a county whose population is less than 700,000 (currently all counties other than Clark County). (NRS 278.464) Section 9 of this bill provides that a city within such a county is subject to the same deadlines to recommend approval, conditional approval or disapproval of a parcel map.

Existing law provides that, under certain circumstances, a governing body or planning commission may waive the requirement for a parcel map and that a request for such a waiver must be acted upon: (1) in a county whose population is 700,000 or more (currently only Clark County) within 45 days; or (2) in a county whose population is less than 700,000 (currently all counties other than Clark County) within 60 days. (NRS 278.464) Section 9 provides that a city within such a county is subject to the same deadlines.

Existing law provides that a planning commission or governing body must take final action on a final map: (1) in a county whose population is 700,000 or more (currently only Clark County) within 45 days after accepting the final map as a complete application; or (2) in a county whose population is less than 700,000 (currently all counties other than Clark County) within 60 days after accepting the final map as a complete application. (NRS 278.4725) Section 10 of this bill provides that a city within such a county is subject to the same deadlines.

Section 12 of this bill requires, on or before July 1, 2024, the governing body of each county and city to enact: (1) an expedited process for the consideration and approval of projects for affordable housing in the county or city; and (2) incentives for the development of projects for affordable housing in the county or city.

Sections 13 and 14 of this bill make certain legislative declarations regarding this bill.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. *1. A governing body shall publish on its Internet website a list of all applications relating to land use planning for residential housing pursuant to NRS 278.010 to 278.630, inclusive.*

2. The list must be updated at least monthly and include, without limitation:

(a) The date an application was initially filed;

(b) The number of days an application has been pending;

(c) The number of times an application was issued a notice for incompleteness;

(d) The number of applications rejected for being incomplete; and

(e) Any other information that is relevant to determine whether applications relating to land use planning for residential housing are processed efficiently and expeditiously.

3. As used in this section, "application" means any established ~~[preliminary]~~ application, including, without limitation, the preliminary application established pursuant to subsection 5 of NRS 278.02327. The term does not include an application for a building permit.

Sec. 1.6. *1. If the governing body of each city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body shall, on or before July 15 of each year, report the following information relating to the county or city, as applicable, to the Housing Division of the Department of Business and Industry and the Advisory Committee on Housing created by NRS 319.174:*

(a) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(b) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(c) An analysis of projected growth and the demographic characteristics of the community.

(d) A determination of the present and prospective need for affordable housing in the community.

(e) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(f) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(1) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(2) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land use planning restrictions that affect such parcels.

(g) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(h) A plan for maintaining and developing affordable housing and market rate housing to meet the housing needs of the community for a period of at least 5 years.

2. On or before September 15 of each year, the Housing Division of the Department of Business and Industry shall compile the reports submitted pursuant to subsection 1 and post the compilation on its Internet website.

3. As used in this section, "market rate housing" means housing for a household which has a total monthly gross income that is more than the total monthly gross income that would allow the household to qualify for affordable housing.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 1.3 and 1.6 of this act,* unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 278.02327 is hereby amended to read as follows:

278.02327 1. Any application submitted to a governing body or its designee that concerns any matter relating to land use planning pursuant to NRS 278.010 to 278.630, inclusive, *and sections 1.3 and 1.6 of this act,* or any ordinance, resolution or regulation adopted pursuant thereto, may not be accepted by the governing body or its designee if the application is incomplete.

2. The governing body or its designee shall, within ~~[3]~~ *10* working days after receiving an application of the type described in subsection 1:

(a) Review the application for completeness;

(b) Accept the application if the governing body or its designee finds that the application is complete or return the application if the governing body or its designee finds that the application is incomplete; and

(c) If the governing body or its designee returns the application:

(1) Provide to the applicant a *specific* description of the additional information required; and

(2) ~~[If requested by the applicant, provide]~~ *Provide* to the applicant a copy of the relevant provision of the ordinance, resolution or regulation which specifically requires the additional information or an explanation of why the additional information is necessary.

3. If a governing body or its designee fails to comply with the provisions of subsection 2, the application shall be deemed to be complete.

4. Once an applicant submits a corrected application in response to a notice of incompleteness provided pursuant to subsection 2, the governing body or its designee shall review and respond to the corrected application within ~~[3]~~ 5 working days.

5. A governing body or its designee may establish a preliminary application process to help an applicant submit a complete application but shall not use any preliminary application process to circumvent the provisions of this section. Any preliminary application process established pursuant to this subsection must require a substantive meeting between an applicant and a governing body or its designee within 15 business days after the applicant's request.

6. As used in this section ~~[, "designee"]~~ :

(a) "Application" does not include an application for a building permit.

(b) "Designee" means any division, department or agency of a governing body with jurisdiction over land use planning, improvement planning, permitting, inspection, zoning, roadways, utilities, public health, water, sewer, drainage, traffic control and public works.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing affordable housing to meet the housing needs of the community, which is required to be included in the housing element pursuant to subparagraph (8) of paragraph (c) of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) Reducing or subsidizing in whole or in part impact fees, fees for the issuance of building permits collected pursuant to NRS 278.580 and fees imposed for the purpose for which an enterprise fund was created.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for affordable housing.

(d) Leasing land by the city or county to be used for affordable housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of affordable housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for affordable housing that must be used for the acquisition, construction or rehabilitation of affordable housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.

(h) Providing money, support or density bonuses for affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented *or multi-story* housing developments that would include an affordable housing component.

(j) Offering density bonuses or other incentives to encourage the development of affordable housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of affordable housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in affordable housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. A governing body may reduce or subsidize impact fees, fees for the issuance of building permits or fees imposed for the purpose for which an enterprise fund was created to assist in maintaining or developing a project for affordable housing, pursuant to paragraph (a) of subsection 1, only if:

(a) When the incomes of all the residents of the project for affordable housing are averaged, the housing would be affordable on average for a family with a total gross income that does not exceed 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.

(b) The governing body has adopted an ordinance that establishes the criteria that a project for affordable housing must satisfy to receive assistance in maintaining or developing the project for affordable housing. Such criteria must be designed to put into effect all relevant elements of the master plan adopted by the governing body pursuant to NRS 278.150.

(c) The project for affordable housing satisfies the criteria set forth in the ordinance adopted pursuant to paragraph (b).

(d) The governing body makes a determination that reducing or subsidizing such fees will not impair adversely the ability of the governing body to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from such fees was pledged.

(e) The governing body holds a public hearing concerning the effect of the reduction or subsidization of such fees on the economic viability of the general fund of the city or county, as applicable, and, if applicable, the economic viability of any affected enterprise fund.

3. On or before ~~[January]~~ *July* 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Housing Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing affordable housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for affordable housing within the city or county that exists at the end of the reporting period . The governing body shall cooperate with the Housing Division to ensure that the information contained in the report is appropriate for inclusion in, and can be effectively incorporated into, the statewide low-income housing database created pursuant to NRS 319.143.

4. On or before ~~[February]~~ *August* 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 3 and post the compilation on the Internet website of the Housing Division.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 278.330 is hereby amended to read as follows:

278.330 1. The initial action in connection with the making of any subdivision is the preparation of a tentative map.

2. The subdivider shall file copies of the map with the planning commission or its designated representative, or with the clerk of the governing body if there is no planning commission, together with a filing fee in an amount determined by the governing body.

3. The commission, its designated representative, the clerk or other designated representative of the governing body or, when authorized by the governing body, the subdivider or any other appropriate agency shall distribute copies of the map and any accompanying data to all state and local agencies and persons charged with reviewing the proposed subdivision.

4. If there is no planning commission, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting.

5. Except as otherwise provided by subsection 6, if there is a planning commission, it shall:

(a) In a county whose population is 700,000 or more, *or in any city within such county,* within 45 days; or

(b) In a county whose population is less than 700,000, *or in any city within such county,* within 60 days,

➥ after accepting as a complete application a tentative map, recommend approval, conditional approval or disapproval of the map in a written report filed with the governing body.

6. If the governing body has authorized the planning commission to take final action on a tentative map, the planning commission shall:

(a) In a county whose population is 700,000 or more, *or in any city within such county,* within 45 days; or

(b) In a county whose population is less than 700,000, *or in any city within such county,* within 60 days,

➥ after accepting as a complete application a tentative map, approve, conditionally approve or disapprove the tentative map in the manner provided for in NRS 278.349. The planning commission shall file its written decision with the governing body.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 278.464 is hereby amended to read as follows:

278.464 1. Except as otherwise provided in subsection 2, if there is a planning commission, it shall:

(a) In a county whose population is 700,000 or more, *or in any city within such county,* within 45 days; or

(b) In a county whose population is less than 700,000, *or in any city within such county,* within 60 days,

➥ after accepting as a complete application a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.

2. If the governing body has authorized the planning commission to take final action on a parcel map, the planning commission shall:

(a) In a county whose population is 700,000 or more, *or in any city within such county,* within 45 days; or

(b) In a county whose population is less than 700,000, *or in any city within such county,* within 60 days,

➥ after accepting as a complete application the parcel map, approve, conditionally approve or disapprove the map. The planning commission shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

3. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall:

(a) In a county whose population is 700,000 or more, *or in any city within such county,* within 45 days; or

(b) In a county whose population is less than 700,000, *or in any city within such county,* within 60 days,

➥ after acceptance of the parcel map as a complete application by the governing body pursuant to subsection 1 or pursuant to subsection 3 of NRS 278.461, review and approve, conditionally approve or disapprove the parcel map. Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or agency fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

4. The planning commission and the governing body or director of planning or other authorized person or agency shall not approve the parcel map unless the person proposing to divide the land has submitted an affidavit stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the person proposing to divide the land or any successor in interest.

5. Except as otherwise provided in NRS 278.463, if unusual circumstances exist, a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map. Before waiving the requirement for a parcel map, a determination must be made by the county surveyor, city surveyor or professional land surveyor appointed by the governing body that a survey is not required. Unless the time is extended by mutual agreement, a request for a waiver must be acted upon:

(a) In a county whose population is 700,000 or more, *or in any city within such county,* within 45 days; or

(b) In a county whose population is less than 700,000, *or in any city within such county,* within 60 days,

➥ after the date of the request for the waiver or, in the absence of action, the waiver shall be deemed approved.

6. A governing body may consider or may, by ordinance, authorize the consideration of the criteria set forth in subsection 3 of NRS 278.349 in determining whether to approve, conditionally approve or disapprove a second or subsequent parcel map for land that has been divided by a parcel map which was recorded within the 5 years immediately preceding the acceptance of the second or subsequent parcel map as a complete application.

7. An applicant or other person aggrieved by a decision of the governing body's authorized representative or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

8. If a parcel map and the associated division of land are approved or deemed approved pursuant to this section, the approval must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chair of the planning commission. A certificate attached to a parcel map pursuant to this subsection must indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925 has been vacated or abandoned in accordance with NRS 278.480.

Sec. 10. NRS 278.4725 is hereby amended to read as follows:

278.4725 1. Except as otherwise provided in this section, if the governing body has authorized the planning commission to take final action on a final map, the planning commission shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is 700,000 or more, *or in any city within such county,* within 45 days; or

(b) In a county whose population is less than 700,000, *or in any city within such county,* within 60 days,

➥ after accepting the final map as a complete application. The planning commission shall file its written decision with the governing body. Except as otherwise provided in subsection 5, or unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

2. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or its authorized representative shall approve, conditionally approve or

disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is 700,000 or more, *or in any city within such county,* within 45 days; or

(b) In a county whose population is less than 700,000, *or in any city within such county,* within 60 days,

➥ after the final map is accepted as a complete application. Except as otherwise provided in subsection 5 or unless the time is extended by mutual agreement, if the governing body or its authorized representative fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

3. An applicant or other person aggrieved by a decision of the authorized representative of the governing body or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

4. If the map is disapproved, the governing body or its authorized representative or the planning commission shall return the map to the person who proposes to divide the land, with the reason for its action and a statement of the changes necessary to render the map acceptable.

5. If the final map divides the land into 16 lots or more, the governing body or its authorized representative or the planning commission shall not approve a map, and a map shall not be deemed approved, unless:

(a) Each lot contains an access road that is suitable for use by emergency vehicles; and

(b) The corners of each lot are set by a professional land surveyor.

6. If the final map divides the land into 15 lots or less, the governing body or its authorized representative or the planning commission may, if reasonably necessary, require the map to comply with the provisions of subsection 5.

7. Upon approval, the map must be filed with the county recorder. Filing with the county recorder operates as a continuing:

(a) Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.

(b) Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

8. The map filed with the county recorder must include:

(a) A certificate signed and acknowledged by each owner of land to be divided consenting to the preparation of the map, the dedication of the roads and the granting of the easements.

(b) A certificate signed by the clerk of the governing body or authorized representative of the governing body or the secretary to the planning commission that the map was approved, or the affidavit of the person presenting the map for filing that the time limited by subsection 1 or 2 for action by the governing body or its authorized representative or the planning

commission has expired and that the requirements of subsection 5 have been met. A certificate signed pursuant to this paragraph must also indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925, has been vacated or abandoned in accordance with NRS 278.480.

(c) A written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

9. A governing body may by local ordinance require a final map to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

(b) The signature of each owner of record of the land to be divided.

(c) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his or her consent to the division of land.

10. After a map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description.

11. The county recorder shall charge and collect for recording the map a fee set by the board of county commissioners of not more than $50 for the first sheet of the map plus $10 for each additional sheet.

12. A county recorder who records a final map pursuant to this section shall, within 7 working days after he or she records the final map, provide to the county assessor at no charge:

(a) A duplicate copy of the final map and any supporting documents; or

(b) Access to the digital final map and any digital supporting documents. The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

Sec. 11. (Deleted by amendment.)

Sec. 12. 1. On or before July 1, 2024, the governing body of each county and city shall enact by ordinance:

(a) An expedited process for the consideration and approval of projects for affordable housing in the county or city, as applicable. Such expedited process must prioritize, to the extent practicable, the processing of projects for affordable housing in the county or city, as applicable, over all other projects and allow deviation from the current process for the consideration and approval of projects for affordable housing. Any such deviation includes, without limitation, authorizing the administrative approval for any

applications relating to affordable housing projects by a person authorized by the governing body.

(b) Incentives for the development of projects for affordable housing in the county or city, as applicable, that encourage the use of the expedited process required pursuant to paragraph (a).

2. As used in this section, "affordable housing" has the meaning ascribed to it NRS 278.0105.

Sec. 12.5. The governing body of each city or county that is required to submit a report pursuant to section 1.6 of this act shall submit the first report on or before July 15, 2024.

Sec. 13. 1. The Legislature hereby finds and declares that the efficient and expeditious processing of land use applications and improvement plans by a governing body is important to the economic health and housing supply of this State.

2. By considering and adopting the amendments to the provisions of NRS 278.02327 pursuant to section 3 of this act, the Legislature recognizes the importance of an efficient and expeditious process for the review of land use applications and improvement plans.

Sec. 14. 1. The Legislature hereby finds and declares that a consistent and robust supply of housing is an important factor in the overall affordability of housing.

2. By considering and adopting the amendments to the provisions of NRS 278.235 pursuant to section 5 of this act, the Legislature recognizes the need for more affordable housing in this State.

Sec. 15. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16. 1. This section and sections 1 and 1.6 to 15, inclusive, of this act become effective on July 1, 2023.

2. Section 1.3 of this act becomes effective on January 1, 2024.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 690 to Assembly Bill No. 213 extends from three to ten working days the time allotted to a local governing body to review and respond to an application and extends from three to five working days the time allotted to a local governing body to review and respond to a corrected application.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 220.

Bill read second time.

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

Amendment No. 712.

SUMMARY—Revises provisions relating to water conservation. (BDR 40-337)

AN ACT relating to water; ~~[requiring certain]~~ authorizing a district board of health to establish a program to pay the costs for property owners with a septic system to connect to a community sewerage disposal system ~~[by January 1, 2054;]~~ under certain circumstances; revising provisions relating to a permit to operate a water system; revising provisions relating to water ~~[and sewer facilities;]~~ systems; revising provisions relating to tentative maps and final maps for a subdivision of land; establishing minimum standards for certain landscaping irrigation fixtures in new construction and expansions and renovations in certain structures; revising provisions relating to grants of money for water conservation; exempting the use of water by certain entities to extinguish fires in an emergency from provisions governing the appropriation of water; revising provisions relating to groundwater in certain designated areas; revising conditions under which the State Engineer may require the plugging of certain wells used for domestic purposes; defining certain terms relating to the Conservation of Colorado River Water Act; authorizing the Board of Directors of the Southern Nevada Water Authority to enact certain restrictions on water use for single-family residences under certain circumstances; prohibiting, with certain exceptions, the use of the waters of the Colorado River for certain purposes; establishing requirements relating to an irrigation water efficiency monitoring program; revising certain provisions relating to the use of the waters of the Colorado River to irrigate nonfunctional turf; authorizing the Authority to operate a program to convert properties using a septic system to a municipal sewer system and to impose a fee for such a program; authorizing the Board of Directors to authorize the General Manager of the Authority to restrict the use of water under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a district board of health may adopt regulations to control the use of a residential individual system for disposal of sewage in the district. (NRS 444.650) Existing law also authorizes a district board of health, upon approval of the State Board of Health, to adopt regulations to regulate sanitation and the sanitary protection of water and food supplies. (NRS 439.366, 439.410) Section 1 of this bill ~~[requires]~~ authorizes a district board of health ~~[in a county whose population is 700,000 or more (currently only Clark County)]~~ to ~~[: (1) require all]~~ create a voluntary financial assistance program to pay 100 percent of the costs for property owners with an existing septic system whose property is served by a municipal water system to connect to the community sewerage disposal system . ~~[not later than January 1, 2054; and (2) enter into an agreement with a water authority to establish a program to pay not less than 85 percent of the cost for property owners to abandon an existing individual septic system and connect to the community sewerage disposal system.]~~ Section 1 also : (1) authorizes such a district board of health to, upon an affirmative vote of two-thirds of the members of the board, impose a voluntary fee on owners of such septic systems to carry out such requirements ~~[.]~~ ; and (2) if such a voluntary fee is imposed, prohibits the

district board of health from paying the costs of connecting to the community sewerage disposal system for any property owner who does not pay the voluntary fee. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes. Section 34.5 of this bill requires a district board of health that creates such a voluntary financial assistance program to, on or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau a report setting forth the number of participants in the program and recommendations for legislation.

Under existing law, a permit to operate a water system may not be issued by the Division of Environmental Protection of the State Department of Conservation and Natural Resources or certain district boards of health unless certain conditions are met, including, without limitation, that: (1) the local governing body assumes responsibility in case of default and assumes the duty of assessing the lands served; (2) the applicant furnishes the local governing body sufficient surety; (3) the owners of the lands to be served by the water system agree to be assessed by the local governing body for the cost of the water system if there is a default; and (4) the owners agree that if the Division determines that water provided by a public utility or a municipality or other public entity is reasonably available, all users may be required to connect to the water system provided by the public utility, municipality or other public entity and be assessed the costs for the connection. (NRS 445A.895) Section 4 of this bill revises these conditions to: (1) provide that, with certain exceptions, the sole and exclusive obligation of the local governing body is to use the surety in the event of a default to contract and pay the operator responsible for the continued operation and maintenance of the water system; (2) require the owners of property served by the water system to also provide a surety to the local governing body; and ~~[(2)]~~ (3) provide that if the Division determines that water provided by a public utility or a municipality or other public entity is reasonably available, all users of the water system in certain counties are required to connect. Section ~~[4]~~ 4.5 of this bill makes conforming changes to revise certain provisions relating to the ~~[responsibility of]~~ disposition of the proceeds of assessments and sureties imposed by a local governing body for a public water system in the event of a default. Section 3 of this bill revises a reference to certain findings. Section 2.3 of this bill defines "local governing body" for the purposes of the provisions of sections 4 and 4.5. Section 2.6 of this bill makes a conforming change to indicate the proper placement of section 2.3 in the Nevada Revised Statutes.

~~[Under existing law, a board of county commissioners of a county whose population is 700,000 or more (currently only Clark County) is authorized to prohibit certain persons, associations and corporations from using, constructing, acquiring or cause or permit the use, construction or acquisition of any type of private sewage system and to provide for the disconnection of any plumbing facilities from a private sewage system. (NRS 244.366) Section 8 of this bill also authorizes such a board of county commissioners to require any building or other structure that uses or is served by any type of~~

~~private sewage system to connect to a public sewage system if the building or other structure is served by a municipal water system and is within 400 feet of the service lines and appurtenances of a public sewage system.]~~

Under existing law, if the State Environmental Commission determines that, in relevant part, water provided by a public utility or a municipality or other public entity is reasonably available to users of a water system, the board of county commissioners of that county may require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity. (NRS 244.3655) Section 7 of this bill provides instead that if the Commission determines that water provided by a public utility or a municipality or other public entity may be accessed within 1,250 feet of any lot or parcel served by the water system, the board of county commissioners shall, in a county whose population is 700,000 or more (currently only Clark County), and may, in all other counties, require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity.

Under existing law, if the State Environmental Commission or the governing body of certain cities determines certain water systems ~~[or package plants for sewage treatment]~~ within the city limits are not serving the needs of its users and water ~~[or sewerage]~~ provided by a public utility, the city or another municipality or public entity is reasonably available to those users, the governing body may require all users of the system ~~[or plant]~~ to connect into the available water system ~~[or sewers]~~ and assess each lot or parcel for its share of the cost. (NRS 268.4102) ~~[, 268.4105)]~~ Section 10 of this bill provides instead that if the water system ~~[or sewerage]~~ may be accessed within 1,250 feet of the property of such users, the governing body of a county whose population is 700,000 or more (currently only Clark County) shall require all users to connect. ~~[Section 11 of this bill provides that if the property served by a package plant for sewage treatment receives water from a municipal water system, the governing body of a county whose population is 700,000 or more shall require all users of the plant to connect. Sections]~~ Section 10 ~~[and 11]~~ also ~~[provide]~~ provides that all other governing bodies of a county may require all users to connect in such circumstances.

~~[Section 9 of this bill provides that if the governing body of a city in a county whose population is 700,000 or more determines that a private septic system or any package plant for sewage treatment is located within the city and a user of the private septic system or package plant for sewage treatment receives water from a municipal water system, the governing body must require all users of the septic system or package plant for sewage treatment to connect to the public sewers and may assess each lot or parcel for its share of the cost for the connection.]~~

Existing law sets forth an approval process for the subdivision of land that requires: (1) a subdivider of land to submit a tentative map to the planning commission or the governing body of a county or city, as applicable; and (2) the planning commission or governing body to forward a copy of the tentative

map to certain other state and local agencies for review and comment. (NRS 278.330-278.460) Sections 13 and 16 of this bill require that if a proposed subdivision will be served by a public water system: (1) in a county whose population is 700,000 or more, the planning commission or the governing body, as applicable, must file the tentative map with the supplier of water for review and comment; and (2) if the subdivision is located in a general improvement district, the planning commission or the governing body must file the tentative map with the supplier of water in the district. Section 17 of this bill provides that such a governing body of a county or city may not approve a tentative map, unless the supplier of water determines that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

Under existing law, a final map presented for filing must include certificates and acknowledgements from certain entities. (NRS 278.374-278.378) Section 14 of this bill requires that if a subdivision in a county whose population is 700,000 or more or in a general improvement district will be served by a public water system, the final map presented for filing must include a certificate of approval from the supplier of water.

Section 15 of this bill makes conforming changes to indicate the proper placement of sections 13 and 14 in the Nevada Revised Statutes. Section 18 of this bill makes a conforming change to require the certificate of approval required by section 14 to appear on the final map. Sections 19 and 21 of this bill make conforming changes to also require a map of reversion and a final map for a planned development to have such a certificate of approval, if applicable.

Existing law establishes certain minimum standards for plumbing fixtures in new construction, expansions and renovations in residential, commercial, industrial or manufactured structures, public buildings, manufactured homes and mobile homes and requires the use of certain plumbing fixtures that have been certified under the WaterSense program established by the United States Environmental Protection Agency if a final product specification has been developed by the WaterSense program. (NRS 278.582, 338.193, 461.175, 489.706) Sections 6, 20, 22 and 24 of this bill require that, with certain exceptions, if the WaterSense program has established a final product specification for an irrigation controller or spray sprinkler body, any new construction, expansions and renovations on such structures, buildings and homes must install irrigation controllers and spray sprinkler bodies that have been certified under the WaterSense program.

Existing law establishes a program to provide grants of money for water conservation and capital improvements to certain water systems, including grants to an eligible recipient to pay certain costs associated with connecting a well to a municipal water system under certain circumstances. (NRS 349.981) Section 23 of this bill provides instead for grants of money to pay certain costs associated with plugging and abandoning a well and connecting the property

formerly served by the well to a municipal water system under certain circumstances.

Existing law exempts, under certain circumstances, the de minimus collection of precipitation from the requirements of the Nevada Revised Statutes relating to the appropriation of water. (NRS 533.027) Section 24.5 of this bill also exempts the use of water by public agencies or volunteer fire departments to extinguish fires in an emergency.

Under existing law, the State Engineer may issue temporary permits to appropriate groundwater in certain designated areas which may be revoked if the property served by the permit is within 180 feet of water furnished by an entity such as a water district or a municipality and the well needs to be redrilled or have certain repairs made. (NRS 534.120) Section 26 of this bill instead provides that the State Engineer: (1) may only issue a temporary permit if water cannot be furnished by a public entity that furnishes water; and (2) authorizes the State Engineer to revoke such a temporary permit if the property served by the temporary permit is within 1,250 feet of water furnished by a public entity such as a water district or a municipality. Section 26 also requires the State Engineer to, in an area in which such temporary permits have been issued: (1) deny applications to appropriate groundwater if a public entity that furnishes water serves the area; (2) limit the depth of domestic wells; and (3) prohibit the drilling of wells for domestic use.

Under existing law, the State Engineer may require the plugging of certain domestic wells drilled in a basin in which such wells must be registered if water can be furnished by certain entities, but only if the charge for connecting to the furnished water is less than $200. (NRS 534.180) Section 27 of this bill: (1) removes the requirement that the charge for connecting be less than $200; and (2) requires plugging of a well if the well is within 1,250 feet of a municipal water system.

Existing law requires that applications for the appropriation of water or to change the place of diversion, manner of use or place of use of certain waters must be made to the Colorado River Commission. (NRS 538.171) Section 27.5 of this bill also requires that applications to change the holder of the entitlement to appropriate certain waters be submitted to the Colorado River Commission.

The Conservation of Colorado River Water Act prohibits, with certain exceptions, the waters of the Colorado River that are distributed by the Southern Nevada Water Authority or one of the member agencies of the Authority from being used to irrigate nonfunctional turf on any property that is not zoned exclusively for a single-family residence on and after January 1, 2027. (Section 39 of chapter 364, Statutes of Nevada 2021, at page 2180) Section 31 of this bill prohibits the use of such waters of the Colorado River for irrigating nonfunctional turf on any parcel of property that is not used exclusively as a single-family residence.

Section 28 of this bill defines "General Manager" for the purposes of the Conservation of Colorado River Water Act. Section 29 of this bill : (1)

authorizes the Board of Directors of the Authority to restrict the use of water by a single-family residence to not more than 0.5 acre-feet of water during any year in which a shortage on the Colorado River has been declared by the Federal Government ~~[.]~~ ; and (2) requires the Board of Directors to establish a process to approve a waiver of such restrictions on the use of water. Section 29 also prohibits, with certain exceptions, the installation of new turf on any parcel of property that uses such waters of the Colorado River for irrigation beginning on the effective date of this bill and ending on December 31, 2023. Any new turf installed on and after January 1, 2024, must meet the requirements established by the Board of Directors, unless the General Manager approves a waiver.

Section 29 further ~~[: (1)]~~ prohibits the installation of a new septic system on any parcel of property that uses such waters of the Colorado River . ~~[; and (2) requires any parcel of property which uses such waters of the Colorado River to discontinue the use of the septic system and connect to a public sewer system if the property served by the existing septic system is connected to a municipal water system.]~~

Section 30 of this bill requires certain parcels of property which use such waters of the Colorado River to participate in an irrigation water efficiency monitoring program if the property: (1) is not used exclusively as a single-family residence; and (2) consists of 20,000 square feet or more of turf. Section 30 also: (1) requires the Board of Directors to develop and establish policies, guidelines and deadlines for participation in such an irrigation water efficiency monitoring program; and (2) authorizes the General Manager to approve an extension or waiver from the irrigation water efficiency monitoring program.

The Southern Nevada Water Authority Act authorizes the Authority, in consultation with the Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin, to operate a project for the recharge and recovery or underground storage and recovery of groundwater for the benefit of owners of wells in the Las Vegas Valley Groundwater Basin. (Section 14.5 of chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387) The Act also authorizes the Authority to assess certain fees on users of groundwater and owners of domestic wells, including a fee if the Authority operates such a project. (Section 13 of chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387) Section 33 of this bill also authorizes the Authority, in consultation with the Advisory Committee, to operate a program to convert any property served by a septic system to a municipal sewer system. Section 32 of this bill authorizes the Authority to assess a fee on users of groundwater and owners of domestic wells for the program to convert septic systems.

The Southern Nevada Water System Act of 1995 establishes certain powers and duties of the Authority. (Section 2 of chapter 393, Statutes of Nevada 1995, at page 963) Section 34 of this bill authorizes the Board of Directors of

the Authority, by resolution, to authorize the General Manager of the Authority to restrict water usage during certain water emergencies and shortages and provides that the Board of Directors must ratify any such restrictions imposed by the General Manager.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The district board of health ~~[shall require]~~ may create a voluntary financial assistance program to pay 100 percent of the cost for a property owner with an existing septic system whose property is served by a municipal water system to abandon the septic system and connect to the community sewerage disposal system. ~~[not later than January 1, 2054.]~~

2. ~~[To carry out the requirement of subsection 1, the district board of health shall enter into an agreement with a water authority created by cooperative agreement pursuant to chapter 277 of NRS to establish a program to pay not less than 85 percent of the cost for property owners to abandon a septic system and connect to a community sewerage disposal system. Such a program must pay such costs for up to 200 property owners each calendar year.~~

~~3.]~~ Upon an affirmative vote of two-thirds of all the members of the district board of health, the district board of health may impose a voluntary annual fee on property owners with existing septic systems whose property is served by a municipal water system to carry out the provisions of this section.

~~[4. The]~~

3. If the district board of health ~~[shall adopt regulations to carry the provisions of this section, which:~~

~~(a) Must prioritize properties with a septic system where the community sewerage disposal system is adjacent to the property; and~~

~~(b) May, upon an affirmative vote of two-thirds of all the members of the district board of health, provide for administrative penalties for noncompliance with the provisions of this section.~~

~~5. In carrying out the program created pursuant to subsection 2, the district board of health may:~~

~~(a) Grant a one-time extension of not more than 5 years to a property owner that is required to abandon a septic system and connect to a community sewerage disposal system if there is insufficient money for the program to pay 85 percent of the cost pursuant to subsection 2;~~

~~(b) Enter into agreements with the governing body of a county or city to establish special improvement districts and landscape improvement districts;~~

~~(c) Revoke a septic permit held by any property owner who fails to pay the fee authorized pursuant to subsection 3, if imposed, and require such property owner to immediately connect to a community sewerage disposal system without financial assistance; and~~

~~*(d) Enter into cooperative agreements pursuant to chapter 277 of NRS to secure money for the program created pursuant to subsection 2.*~~

~~*6.*~~ *imposes a voluntary annual fee pursuant to subsection 2:*

(a) The fee must not exceed the annual sewer rate charged by the largest community sewerage disposal system in the county or counties, as applicable, in which the district board of health has been established; and

(b) The district board of health shall not provide financial assistance to any property owner who does not pay the voluntary fee.

4. As used in this section:

(a) "Community sewerage disposal system" means a public system of sewage disposal which is operated for the benefit of a county, city, district or other political subdivision of this State.

(b) "Septic system" means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a subsurface fluid distribution or disposal system. The term includes a residential individual system for disposal of sewage.

Sec. 2. NRS 439.361 is hereby amended to read as follows:

439.361 The provisions of NRS 439.361 to 439.3685, inclusive, *and section 1 of this act,* apply to a county whose population is 700,000 or more.

Sec. 2.3. Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

"Local governing body" means:

1. The governing body of an incorporated city in which is located within the limits of the incorporated city all or any part of an area serviced by a water system; or

2. The board of county commissioners of a county in which is located within the unincorporated area of the county all of an area serviced by a water system.

Sec. 2.6. NRS 445A.805 is hereby amended to read as follows:

445A.805 As used in NRS 445A.800 to 445A.955, inclusive, *and section 2.3 of this act,* unless the context otherwise requires, the words and terms defined in NRS 445A.807 to 445A.850, inclusive, *and section 2.3 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 445A.890 is hereby amended to read as follows:

445A.890 Before making the finding specified in NRS 445A.910 and before making the determinations specified in NRS 244.3655, 268.4102 and 445A.895, the *Commission or* Division *, as applicable,* shall request comments from the:

1. Public Utilities Commission of Nevada;

2. State Engineer;

3. Local government within whose jurisdiction the water system is located; and

4. Owner of the water system.

Sec. 4. NRS 445A.895 is hereby amended to read as follows:

445A.895 A permit to operate a water system may not be issued pursuant

to NRS 445A.885 unless all of the following conditions are met:

1. Neither water provided by a public utility nor water provided by a municipality or other public entity is available to the persons to be served by the water system.

2. The applicant fully complies with all of the conditions of NRS 445A.885 to 445A.915, inclusive.

3. The applicant submits to the Division or the district board of health designated by the Commission documentation issued by the State Engineer which sets forth that the applicant holds water rights that are sufficient to operate the water system.

4. The local governing body ~~[assumes:]~~ *agrees:*

(a) ~~[Responsibility in case of]~~ *That, except as otherwise provided in paragraph (b), in the event of a* default by the builder *,* ~~[or]~~ developer *or owner* of the water system *, the sole and exclusive obligation of the local governing body shall be to use the surety furnished to the local governing body pursuant to subsection 5 to contract with and pay the operator of the water system* for ~~[its]~~ *the* continued operation and maintenance ~~[in accordance with all the terms and conditions of the permit.]~~ *of the water system.*

(b) ~~[The]~~ *To assume the* duty of assessing the lands served as provided in subsection 6 ~~[.]~~ *in the event of default by the builder, developer or owner of the water system.*

5. The applicant furnishes the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate *, properly established and funded reserve account* or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system:

(a) For 5 years following the date the system is placed in operation; or

(b) Until 75 percent of the lots or parcels served by the system are sold,

➥ whichever is later.

6. The owners of the lands to be served by the water system ~~[record]~~ *:*

(a) Furnish the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate, properly established and funded reserve account or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system and continued technical, financial and managerial capability of the water system; and

(b) Record a declaration of covenants, conditions and restrictions which is an equitable servitude running with the land and which must provide ~~[that]~~ *:*

(1) That each lot or parcel will be assessed by the local governing body for its proportionate share of the cost of *replenishing or augmenting the surety required pursuant to paragraph (a) as necessary for the* continued operation and maintenance of the water system if there is a default by the ~~[applicant or operator]~~ *builder, developer or owner* of the water system ~~[and a sufficient surety, as provided in subsection 5, is not available.]~~ *;*

(2) That the owners of the lands will annually provide the local governing body with a financial audit of the water system, including, without limitation,

any reserve account, if established, to ensure the adequacy of the financial management of the water system; and

(3) An acknowledgment of and agreement with the obligations of the local governing body pursuant to subsection 4 and subsection 3 of NRS 445A.905.

7. If the water system uses or stores ozone, the portion of the system where ozone is used or stored must be constructed not less than 100 feet from any existing residence, unless the owner and occupant of each residence located closer than 100 feet consent to the construction of the system at a closer distance.

8. The *owners of the lands to be served by the water system record a* declaration of covenants, conditions and restrictions ~~[recorded by the owners of the lands further]~~ *, which is an equitable servitude running with the land, and* provides that if the Division determines that:

(a) The water system is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity is reasonably available,

➥ the local governing body *shall, in a county whose population is 700,000 or more, and* may, *in all other counties,* pursuant to NRS 244.3655 or 268.4102, require all users of the water system to connect into the available water system provided by a public utility or a municipality or other public entity, and each lot or parcel will be assessed by the local governing body for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

9. Provision has been made for disposition of the water system and the land on which it is situated after the local governing body requires all users to connect into an available water system provided by a public utility or a municipality or other public entity.

Sec. 4.5. NRS 445A.905 is hereby amended to read as follows:

445A.905 1. The proceeds of any assessments upon lots or parcels *and the sureties required pursuant to NRS 445A.895* must be deposited with the treasurer of the local governing body which received them, and they may be expended only for the:

(a) Continued maintenance and operation of the water system;

(b) Replacement of the water system if necessary; and

(c) Payment of the costs, including, but not limited to, the direct costs of connection and the costs of necessary new or rehabilitated facilities and any necessary water rights, associated with connection to any water system provided by a public utility or a municipality or other public entity that becomes reasonably available.

2. If any surplus exists in the proceeds of assessments *and the sureties required pursuant to NRS 445A.895* after all purposes of the assessments *and sureties* have been fully met, the surplus must be refunded to the persons who

paid the assessments ~~[,]~~ *and sureties,* in the proportion that their respective assessments *and sureties* bear to the gross proceeds of all assessments *and sureties* collected by the local governing body.

3. For the purposes set forth in subsection 1, the local governing body is not obligated to:

(a) Expend money from any source other than the assessments and surety deposited pursuant to NRS 445A.895;

(b) Extend credit on behalf of a builder, developer or owner of land to be served by the water system; or

(c) Collect any unpaid assessment, unless the local governing body has agreed to assume the duty for the assessments pursuant to subsection 4 of NRS 445A.895.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 461.175 is hereby amended to read as follows:

461.175 1. Each manufactured building on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured building on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured building on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with

any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ *6* of NRS 278.582.

5. Each manufactured building on which construction begins on or after January 1, 2024, and each existing manufactured building which is expanded or renovated on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape irrigation fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 7. NRS 244.3655 is hereby amended to read as follows:

244.3655 1. If the State Environmental Commission determines that:

(a) A water system which is located in a county and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~[is reasonably available to those users,]~~ *may be accessed within 1,250 feet of any lot of parcel served by the water system,*

➥ the board of county commissioners of that county *shall, in a county whose population is 700,000 or more, and* may *, in all other counties,* require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 8. ~~[NRS 244.366 is hereby amended to read as follows:~~

~~244.366 1. The board of county commissioners of any county whose population is 700,000 or more has the power, outside of the limits of incorporated cities and towns:~~

~~(a) To construct, acquire by gift, purchase or the exercise of eminent domain, otherwise acquire, reconstruct, improve, extend, better and repair water and sewer facilities, such as:~~

~~(1) A water system, including but not limited to water mains, conduits, aqueducts, pipelines, ditches, canals, pumping stations, and all appurtenances and machinery necessary or useful and convenient for obtaining, transporting or transferring water.~~

~~(2) A water treatment plant, including but not limited to reservoirs, storage facilities, and all appurtenances necessary or useful and convenient thereto for the collection, storage and treatment, purification and disposal of water for domestic uses and purposes.~~

~~(3) A storm sewer or sanitary sewage collection system, including but not limited to intercepting sewers, outfall sewers, force mains, collecting sewers, storm sewers, combined sanitary and storm sewers, pumping stations, ejector stations, and all other appurtenances necessary, useful or convenient for the collection, transportation and disposal of sewage.~~

~~(4) A sewage treatment plant, including but not limited to structures, buildings, machinery, equipment, connections and all appurtenances necessary, useful or convenient for the treatment, purification or disposal of sewage.~~

~~(b) To acquire, by gift, purchase or the exercise of the right of eminent domain, lands or rights in land or water rights in connection therewith, including but not limited to easements, rights-of-way, contract rights, leases, franchises, approaches, dams and reservoirs.~~

~~(c) To operate and maintain those water facilities, sewer facilities, lands, rights in land and water rights.~~

~~(d) To sell, lease, donate for public use and otherwise dispose of those water facilities, sewer facilities, lands, rights in land and water rights.~~

~~(e) To prescribe and collect rates, fees, tolls or charges, including but not limited to the levy or assessments of such rates, fees, tolls or charges against governmental units, departments or agencies, including the State of Nevada and political subdivisions thereof, for the services, facilities and commodities furnished by those water facilities and sewer facilities, and to provide methods of collections, and penalties, including but not limited to denial of service, for nonpayment of the rates, fees, tolls or charges.~~

~~(f) To provide it is unlawful for any persons, associations and corporations owning, occupying or in any way controlling any building or other structure, any part of which is within 400 feet of any street, alley, court, passageway, other public highway, right-of-way, easement or other alley owned or occupied by the county in which a public sewer is then in existence and use, to construct, otherwise acquire, to cause or permit to be constructed or otherwise acquired, or to use or continue to use any private sewage disposal plant, privy vault, *septic system*, septic tank, cesspool or other private sewage system, upon such terms and conditions as the board of county commissioners may provide.~~

~~(g) To provide for the disconnection of plumbing facilities from any [of those] *private sewage disposal plant, privy vault, septic system, septic tank, cesspool or other* private sewage [facilities] *system or facility* and for the~~

~~discontinuance and elimination of [those] *such a* private sewage [facilities.] *system or facility.*~~

~~*(h) To require any building or other structure that uses or is served by any private sewage disposal plant, privy vault, septic system, septic tank, cesspool or other private sewage system or facility to connect to a public sewage system if the building or other structure is served by a municipal water system and is within 400 feet of the service lines and appurtenances of public sewage system provided by a public utility, municipality or other public entity.*~~

~~2. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.~~

~~3. This section, being necessary to secure and preserve the public health, safety and convenience and welfare, must be liberally construed to effect its purpose.~~

~~4. Any person, association or corporation violating any of the provisions of any ordinance adopted pursuant to this section is guilty of a misdemeanor.~~

~~*5. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground, which is typically composed of a septic tank and a subsurface fluid distribution system or disposal system.]*~~ (Deleted by amendment.)

Sec. 9. ~~[Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If the governing body of a city in a county whose population is 700,000 or more determines that:*~~

~~*(a) A private septic system or a package plant for sewage treatment is located within the city limits; and*~~

~~*(b) A user of the private septic system or package plant for sewage treatment receives water from a municipal water system,*~~

~~*" the governing body shall require all users of the private septic system or package plant for sewage treatment to connect into the available sewers provided by the public utility, the city or another municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the cost of connecting into such sewers. These assessments are not subject to the jurisdiction of the Public Utilities Commission of Nevada.*~~

~~*2. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a subsurface fluid distribution or disposal system.]*~~ (Deleted by amendment.)

Sec. 10. NRS 268.4102 is hereby amended to read as follows:

268.4102 1. If the State Environmental Commission determines that:

(a) A water system which is located within the boundaries of a city and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~[is reasonably available to those users,]~~ *may be accessed within 1,250 feet of any lot or parcel served by the water system,*

➥ the governing body of that city *shall, in a county whose population is 700,000 or more, and* may *, in all other counties,* require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 11. ~~[NRS 268.4105 is hereby amended to read as follows:~~

~~268.4105 1. If the governing body of the city determines that:~~

~~(a) A package plant for sewage treatment which is located within the city limits and is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is not satisfactorily serving the needs of its users; and~~

~~(b) [Sewerage provided by a public utility, the city or another municipality or other public entity is reasonably available to those users,] *A user of the private septic system or package plant for sewage treatment receives water from a municipal water system,*~~

~~➥ the governing body *shall, in a county whose population is 700,000 or more, and* may *, in all other counties,* require all users of the plant to connect into the available sewers provided by [a] *the* public utility, the city or another municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the cost of connecting into those sewers. These assessments are not subject to the jurisdiction of the Public Utilities Commission of Nevada.~~

~~2. If the State Department of Conservation and Natural Resources has found that a package plant for sewage treatment which is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is violating any of the conditions of NRS 445A.465 to 445A.515, inclusive, and has notified the holder of the permit that he or she must bring the plant into compliance, but the holder of the permit has failed to comply within a reasonable time after the date of the notice, the governing body of the city in which the plant is located may take the following actions independently of any further action by the State Department of Conservation and Natural Resources:~~

~~(a) Give written notice, by certified mail, to the owner of the plant and the owners of the property served by the plant that if the violation is not corrected within 30 days after the date of the notice, the governing body of the city will seek a court order authorizing it to assume control; and~~

~~(b) After the 30-day period has expired, if the plant has not been brought into compliance, apply to the district court for an order authorizing the governing body to assume control of the plant and assess the property for the continued operation and maintenance of the plant as provided in subsection 4.~~

~~3. If the governing body of the city determines at any time that immediate action is necessary to protect the public health and welfare, it may assume physical control and operation of a package plant for sewage treatment which is located within the city limits and is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, without complying with any of the requirements set forth in subsection 2. The governing body may not maintain control of the plant pursuant to this subsection for a period greater than 30 days unless it obtains an order from the district court authorizing an extension.~~

~~4. Each lot and parcel served by a package plant for sewage treatment which is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is subject to assessment by the governing body of the city in which the plant is located for its proportionate share of the cost of continued operation and maintenance of the plant if there is a default or the city assumes control and operation of the plant pursuant to subsection 2 or 3.~~] (Deleted by amendment.)

Sec. 12. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. *In a county whose population is 700,000 or more, when any subdivider proposes to subdivide land that will be served by a public water system, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body, shall file a copy of the subdivider's tentative map with the supplier of water. The supplier of water shall, within 30 days, review and comment in writing upon the tentative map to the planning commission or the governing body regarding the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.*

Sec. 14. *A final map presented for filing which is subject to the provisions of NRS 278.347 or section 13 of this act must include a certificate by the supplier of water showing that the final map is approved by the supplier of water with regard to the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.*

Sec. 15. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 13 and 14 of this act,* unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 16. NRS 278.347 is hereby amended to read as follows:

278.347 *1.* When any subdivider proposes to subdivide land, any part of which is located within the boundaries of any general improvement district organized or reorganized pursuant to chapter 318 of NRS, the planning

commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body shall file a copy of the subdivider's tentative map with ~~[the]~~ *:*

(a) The board of trustees of the district ~~[. The board of trustees may within]~~ *; and*

(b) If the subdivision will be served by a public water system, the supplier of water in the district.

2. Within 30 days *:*

(a) The board of trustees may review and comment in writing upon the *tentative* map *filed pursuant to subsection 1* to the planning commission or governing body ~~[.]~~ *; and*

(b) If applicable, the supplier of water shall review and comment in writing upon the tentative map filed pursuant to subsection 1 to the planning commission or the governing body regarding the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

3. The planning commission or governing body shall take any such comments *submitted pursuant to subsection 2 by the board of trustees and the supplier of water, if applicable,* into consideration before approving the tentative map.

Sec. 17. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➥ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➥ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;

(i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands;

(k) The potential impacts to wildlife and wildlife habitat; and

(l) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. The governing body or planning commission shall not approve the tentative map unless ~~[the]~~ *:*

(a) The subdivider has submitted an affidavit stating that the subdivider will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest ~~[.]~~ *; and*

(b) For any tentative map subject to the requirements of NRS 278.347 or section 13 of this act, the supplier of water that will serve the subdivision has determined that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

➥ Any disapproval or conditional approval must include a statement of the reason for that action.

Sec. 18. NRS 278.373 is hereby amended to read as follows:

278.373 The certificates and acknowledgments required by NRS 116.2109 and 278.374 to 278.378, inclusive, *and section 14 of this act, if applicable,* must appear on a final map and may be combined where appropriate.

Sec. 19. NRS 278.4955 is hereby amended to read as follows:

278.4955 1. The map of reversion submitted pursuant to NRS 278.490 must contain the appropriate certificates required by NRS 278.376 , ~~[and]~~ 278.377 *and section 14 of this act, if applicable,* for the original division of the land, any agreement entered into for a required improvement pursuant to

NRS 278.380 for the original division of the land, and the certificates required by NRS 278.496 and 278.4965. If the map includes the reversion of any street or easement owned by a city, a county or the State, the provisions of NRS 278.480 must be followed before approval of the map.

2. The final map of reversion must:

(a) Be prepared by a professional land surveyor licensed pursuant to chapter 625 of NRS. The professional land surveyor shall state in his or her certificate that the map has been prepared from information on a recorded map or maps that are being reverted. The professional land surveyor may state in the certificate that he or she assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the document. The professional land surveyor shall include in the certificate information which is sufficient to identify clearly the recorded map or maps being reverted.

(b) Be clearly and legibly drawn in black permanent ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with black permanent ink.

3. The size of each sheet of the final map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

4. The scale of the final map must be large enough to show all details clearly, and enough sheets must be used to accomplish this end.

5. The particular number of the sheet and the total number of sheets comprising the final map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

6. Each future conveyance of the reverted property must contain a metes and bounds legal description of the property and must include the name and mailing address of the person who prepared the legal description.

Sec. 20. NRS 278.582 is hereby amended to read as follows:

278.582 1. Each county and city shall include in its respective building code the requirements of this section. If a county or city has no building code, it shall adopt those requirements by ordinance and provide for their enforcement by its own officers or employees or through interlocal agreement by the officers or employees of another local government. Additionally, each county and city shall prohibit by ordinance the sale and installation of any plumbing fixture *or landscape irrigation fixture* which does not meet the standards made applicable for the respective county or city pursuant to this section.

2. Except as otherwise provided in subsection ~~[6,]~~ *7*, each residential, commercial or industrial structure on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing residential, commercial or industrial structure which is expanded or renovated on or after

March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A urinal which continually flows or flushes water must not be installed.

3. Except as otherwise provided in subsection ~~[6,]~~ *7*, each residential, commercial or industrial structure on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection ~~[6,]~~ *7*, each residential, commercial or industrial structure on which construction begins on or after January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with

any applicable requirements of federal law and the building code of the county or city.

5. *Except as otherwise provided in subsection 7, each residential, commercial or industrial structure on which construction begins on or after January 1, 2024, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2024:*

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of ~~[subsection]~~ *subsections* 4 ~~[.]~~ *and 5:*

(a) A plumbing fixture *or landscape irrigation fixture* is considered certified under the WaterSense program if the fixture has been:

(1) Tested by an accredited third-party certifying body or laboratory in accordance with the United States Environmental Protection Agency's WaterSense program or an analogous successor program;

(2) Certified by the certifying body or laboratory as meeting the performance and efficiency requirements of the WaterSense program or an analogous successor program; and

(3) Authorized by the WaterSense program or an analogous successor program to use the WaterSense label or the label of an analogous successor program.

(b) If the WaterSense program modifies the requirements for a plumbing fixture *or landscape irrigation fixture* to be certified under the WaterSense program, a plumbing fixture *or landscape irrigation fixture* that was certified under the previous requirements shall be deemed certified for use under the WaterSense program for a period of 12 months following the modification of the requirements for certification.

~~[6.]~~ *7.* The requirements of this section ~~[for]~~ *:*

(a) For the installation of certain plumbing fixtures do not apply to any portion of:

~~[(a)]~~ *(1)* An existing residential, commercial or industrial structure which is not being expanded or renovated; or

~~[(b)]~~ *(2)* An existing residential, commercial or industrial structure if the structure was constructed 50 years or more before the current year, regardless of whether that structure has been expanded or renovated since its original construction.

(b) Except as otherwise provided in federal law, do not prohibit the governing body of a county or city from adopting more stringent requirements for plumbing fixtures or landscape irrigation fixtures.

Sec. 21. NRS 278A.570 is hereby amended to read as follows:

278A.570 1. A plan which has been given final approval by the city or county must be certified without delay by the city or county and filed of record in the office of the appropriate county recorder before any development occurs in accordance with that plan. A county recorder shall not file for record any final plan unless it includes:

(a) A final map of the entire final plan or an identifiable phase of the final plan if required by the provisions of NRS 278.010 to 278.630, inclusive ~~[,]~~ *, and sections 13 and 14 of this act;*

(b) The certifications required pursuant to NRS 116.2109; and

(c) The same certificates of approval as are required under NRS 278.377 *and section 14 of this act, if applicable,* or evidence that:

(1) The approvals were requested more than 30 days before the date on which the request for filing is made; and

(2) The agency has not refused its approval.

2. Except as otherwise provided in this subsection, after the plan is recorded, the zoning and subdivision regulations otherwise applicable to the land included in the plan cease to apply. If the development is completed in identifiable phases, then each phase can be recorded. The zoning and subdivision regulations cease to apply after the recordation of each phase to the extent necessary to allow development of that phase.

3. Pending completion of the planned unit development, or of the part that has been finally approved, no modification of the provisions of the plan, or any part finally approved, may be made, nor may it be impaired by any act of the city or county except with the consent of any landowners affected by the modification and in accordance with the provisions of NRS 278A.410.

4. For the recording or filing of any final map, plat or plan, the county recorder shall collect a fee of $50 for the first sheet of the map, plat or plan plus $10 for each additional sheet. The fee must be deposited in the general fund of the county where it is collected.

Sec. 22. NRS 338.193 is hereby amended to read as follows:

338.193 1. Each public building sponsored or financed by a public body must meet the standards made applicable for the building pursuant to this section.

2. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing public building which is expanded or renovated on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically irrespective of demand must not be installed.

3. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing public building which is expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after January 1, 2020, and each existing public building which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. For the purposes of subsection 4, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ *6* of NRS 278.582.

6. *Each public building, other than a prison or jail, on which construction begins on or after January 1, 2024, and each existing public building which is expanded or renovated on or after January 1, 2024:*

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

7. For the purposes of subsection 6, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

8. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of:

(a) An existing public building which is not being expanded or renovated; or

(b) A public building if the public building was constructed 50 years or more before the current year, regardless of whether that public building has been expanded or renovated since its original construction.

Sec. 23. NRS 349.981 is hereby amended to read as follows:

349.981 1. There is hereby established a program to provide grants of money to:

(a) A purveyor of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water systems required or made necessary by the State Environmental Commission pursuant to NRS 445A.800 to 445A.955, inclusive, or made necessary by the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(b) An eligible recipient to pay for the cost of improvements to conserve water, including, without limitation:

(1) Piping or lining of an irrigation canal;

(2) Recovery or recycling of wastewater or tailwater;

(3) Scheduling of irrigation;

(4) Measurement or metering of the use of water;

(5) Improving the efficiency of irrigation operations; and

(6) Improving the efficiency of the operation of a facility for the storage of water, including, without limitation, efficiency in diverting water to such a facility.

(c) An eligible recipient to pay the following costs associated with connecting a domestic well or well with a temporary permit to a municipal water system, if the well was in existence on or before October 1, 1999, and

the well is located in an area designated by the State Engineer pursuant to NRS 534.120 as an area where the groundwater basin is being depleted:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required to comply with a decision or regulation of the State Engineer.

(d) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection requires the individual sewage disposal system to be abandoned and the property upon which the individual sewage disposal system was located to be connected to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the community sewage disposal system.

(2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(e) An eligible recipient to pay the following costs associated with *plugging and abandoning a well and* connecting ~~[a]~~ *the property formerly served by the* well to a municipal water system, *if the State Engineer requires the plugging of the well pursuant to subsection 3 of NRS 534.180 or* if the quality of the water of the well fails to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required for the water quality in the area where the well is located to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(3) The cost of plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system.

(f) A governing body to pay the costs associated with developing and maintaining a water resource plan.

2. Except as otherwise provided in NRS 349.983, the determination of who is to receive a grant is solely within the discretion of the Board.

3. For any construction work paid for in whole or in part by a grant provided pursuant to this section to a nonprofit association or nonprofit cooperative corporation that is an eligible recipient, the provisions of NRS 338.013 to 338.090, inclusive, apply to:

(a) Require the nonprofit association or nonprofit cooperative corporation to include in the contract for the construction work the contractual provisions

and stipulations that are required to be included in a contract for a public work pursuant to those statutory provisions.

(b) Require the nonprofit association or nonprofit cooperative corporation to comply with those statutory provisions in the same manner as if it was a public body that had undertaken the project or had awarded the contract.

(c) Require the contractor who is awarded the contract for the construction work, or a subcontractor on the project, to comply with those statutory provisions in the same manner as if he or she was a contractor or subcontractor, as applicable, engaged on a public work.

4. As used in this section:

(a) "Eligible recipient" means:

(1) A political subdivision of this State, including, without limitation, a city, county, unincorporated town, water authority, conservation district, irrigation district, water district or water conservancy district.

(2) A nonprofit association or nonprofit cooperative corporation that provides water service only to its members.

(b) "Governing body" has the meaning ascribed to it in NRS 278.015.

(c) "Water resource plan" means a water resource plan created pursuant to NRS 278.0228.

Sec. 24. NRS 489.706 is hereby amended to read as follows:

489.706 1. Each manufactured home or mobile home on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured home or mobile home on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured home or mobile home on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any

toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ *6* of NRS 278.582.

5. Each manufactured home or mobile home on which construction begins on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 24.5. NRS 533.027 is hereby amended to read as follows:

533.027 1. The provisions of this chapter do not apply to ~~[the]~~ *:*

(a) The use of water in emergency situations to extinguish fires by a public agency or a volunteer fire department; or

(b) The de minimus collection of precipitation:

~~[(a)]~~ *(1)* From the rooftop of a single-family dwelling for nonpotable domestic use; or

~~[(b)]~~ *(2)* If the collection does not conflict with any existing water rights as determined by the State Engineer, in a guzzler to provide water for use by wildlife. The guzzler must:

~~[(1)]~~ *(I)* Have a capacity of 20,000 gallons or less;

~~[(2)]~~ *(II)* Have a capture area of 1 acre or less;

~~[(3)]~~ *(III)* Have a pipe length of 1/4 mile or less;

~~[(4)]~~ *(IV)* Be developed by a state or federal agency responsible for wildlife management or by any other person in consultation with the Department of Wildlife; and

~~[(5)]~~ *(V)* Be approved for use by the Department of Wildlife.

2. As used in this section:

(a) "Domestic use" has the meaning ascribed to it in NRS 534.013 . ~~[; and]~~

(b) "Guzzler" has the meaning ascribed to it in NRS 501.121.

(c) "Public agency" means an agency, bureau, board, commission, department or division of this State or a political subdivision of this State.

Sec. 25. (Deleted by amendment.)

Sec. 26. 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]~~ *The* State Engineer may ~~[:~~

~~(a) Issue]~~ *only issue* temporary permits to appropriate groundwater ~~[which]~~ *if water cannot be furnished by a public entity such as a water district or municipality presently engaged in furnishing water to the inhabitants thereof. Such temporary permits* can be limited as to time and ~~[which]~~ may, ~~[except as limited by subsection 4,]~~ be revoked if and when ~~[water]~~ *:*

(a) Water can be furnished by ~~[an]~~ *a public* entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof ~~[.]~~ *; and*

(b) *The property served is within 1,250 feet of the water furnished pursuant to paragraph (a).*

➥ *The holder of a temporary permit that is revoked pursuant to this subsection must be given 730 days from the date of revocation to connect to the public entity furnishing water.*

4. In a basin designated pursuant to NRS 534.030, the State Engineer may:

(a) Deny applications to appropriate groundwater for any use in areas served by ~~[such an]~~ *a public* entity ~~[.~~

~~(c)]~~ *such as a water district or a municipality presently engaged in furnishing water to the inhabitants of the area.*

(b) Limit the depth of domestic wells.

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

~~[(c)]~~ *(d)* 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]~~ *In* an area in which have been issued temporary permits pursuant to subsection 3, ~~[limit]~~ *the State Engineer:*

(a) Shall:

(1) Deny any applications to appropriate groundwater for use in areas served by a public entity such as a water district or a municipality presently engaged in furnishing water;

(2) Limit the depth of a domestic well ~~[pursuant to paragraph (c) of subsection 3 or]~~ *; or*

(3) Prohibit the drilling of wells for domestic use in areas where water can be furnished by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants; and

(b) May prohibit repairs from being made to a *domestic* well, and may require the person proposing to deepen or repair the *domestic* well to obtain water from ~~[an]~~ *a public* entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

~~[(a)]~~ *(1)* 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)]~~ *(2)* The deepening or repair of the well would require the use of a well-drilling rig.

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

7. 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]~~ *a public* entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

Sec. 27. NRS 534.180 is hereby amended to read as follows:

534.180 1. Except as otherwise provided in subsection 2 and as to the furnishing of any information required by the State Engineer, this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed 2 acre-feet per year.

2. The State Engineer may designate any groundwater basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well shall register the information required by the State Engineer within 10 days after the completion of the well. The State Engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.

3. The State Engineer may require the plugging of such a well which is drilled on or after July 1, 1981, at any time not sooner than 1 year after water can be furnished to the site by:

(a) A political subdivision of this State; or

(b) A public utility whose rates and service are regulated by the Public Utilities Commission of Nevada,

➥ but only if ~~[the charge for making the connection to the service is less than $200.]~~ *such a well is within 1,250 feet of a municipal water system.*

4. If the development and use of underground water from a well for an accessory dwelling unit of a single-family dwelling, as defined in an applicable local ordinance, qualifies as a domestic use or domestic purpose:

(a) The owner of the well shall:

(1) Obtain approval for that use or purpose from the local governing body or planning commission in whose jurisdiction the well is located;

(2) Install a water meter capable of measuring the total withdrawal of water from the well; and

(3) Ensure the total withdrawal of water from the well does not exceed 2 acre-feet per year;

(b) The local governing body or planning commission shall report the approval of the accessory dwelling unit on a form provided by the State Engineer;

(c) The State Engineer shall monitor the annual withdrawal of water from the well; and

(d) The date of priority for the use of the domestic well to supply water to the accessory dwelling unit is the date of approval of the accessory dwelling unit by the local governing body or planning commission.

Sec. 27.5. NRS 538.171 is hereby amended to read as follows:

538.171 1. The Commission shall receive, protect and safeguard and hold in trust for the State of Nevada all water and water rights, and all other rights, interests or benefits in and to the waters described in NRS 538.041 to 538.251, inclusive, and to the power generated thereon, held by or which may accrue to the State of Nevada under and by virtue of any Act of the Congress

of the United States or any agreements, compacts or treaties to which the State of Nevada may become a party, or otherwise.

2. Except as otherwise provided in this subsection, applications for the original appropriation of such waters, or to change the *holder of the entitlement to appropriate water,* place of diversion, manner of use or place of use of water covered by the original appropriation, must be made to the Commission in accordance with the regulations of the Commission. In considering such an application, the Commission shall use the criteria set forth in ~~[subsection 3 of]~~ NRS 533.370. The Commission's action on the application constitutes the recommendation of the State of Nevada to the United States for the purposes of any federal action on the matter required by law. The provisions of this subsection do not apply to supplemental water.

3. The Commission shall furnish to the State Engineer a copy of all agreements entered into by the Commission concerning the original appropriation and use of such waters. It shall also furnish to the State Engineer any other information it possesses relating to the use of water from the Colorado River which the State Engineer deems necessary to allow the State Engineer to act on applications for permits for the subsequent appropriation of these waters after they fall within the State Engineer's jurisdiction.

4. Notwithstanding any provision of chapter 533 of NRS, any original appropriation and use of the waters described in subsection 1 by the Commission or by any entity to whom or with whom the Commission has contracted the water is not subject to regulation by the State Engineer.

5. Any use of water from the Muddy River or the Virgin River for the creation of any developed shortage supply or intentionally created surplus does not require the submission of an application to the State Engineer to change the place of diversion, manner of use or place of use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in NRS 533.030.

(b) "Intentionally created surplus" has the meaning ascribed to it in NRS 533.030.

Sec. 28. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 37.5, immediately following section 37, to read as follows:

Sec. 37.5. "General Manager" means the General Manager of the Southern Nevada Water Authority.

Sec. 29. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto new sections to be designated as sections 38.2, 38.4 and 38.6, respectively, immediately following section 38, to read as follows:

Sec. 38.2. 1. If the Federal Government declares a shortage on the Colorado River for the upcoming year, the Board of Directors may limit each single-family residence that uses the waters of the

Colorado River distributed by the Southern Nevada Water Authority or a member agency of the Southern Nevada Water Authority to not more than 0.5 acre-feet of water for that upcoming year. Any limitation imposed by the Board of Directors may not go into effect before December 31 of the year before the year for which the shortage is declared.

2. If the Board of Directors limits water usage of single-family residences pursuant to subsection 1, the Southern Nevada Water Authority and the member agencies of the Southern Nevada Water Authority shall notify all customers of the action of the Board of Directors to limit water usage by not later than October 1 of the year before the year for which the shortage is declared.

3. The Board of Directors shall establish a process to approve a waiver of any limitations imposed pursuant to subsection 1 for certain properties.

Sec. 38.4. 1. Except as otherwise provided in this section, on and after the effective date of Assembly Bill No. 220 of the 82nd Session of the Nevada Legislature, on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority [:

~~(a) No~~ no new septic system may be installed . [~~; and~~

~~(b) If the parcel of property has an existing septic system installed and a connection to a municipal water system, the owner of the property shall be required to connect to the public sewer system and discontinue the use of the existing septic system.~~]

2. The General Manager may, in his or her discretion, approve a waiver of the [~~prohibitions~~] prohibition set forth in subsection 1.

3. The provisions of this section do not apply to any decreed, certificated or permitted right to appropriate water that is diverted from the Virgin River or Muddy River.

4. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground which is typically composed of a septic tank and a subsurface fluid distribution or disposal system.

Sec. 38.6. 1. Except as otherwise provided in this subsection, beginning on the effective date of Assembly Bill No. 220 of the 82nd Session of the Nevada Legislature, and ending on December 31, 2023, new turf may not be installed on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority. The provisions of this subsection do not apply to the installation of warm-season turf in parks, schools or cemeteries.

2. Except as otherwise provided in subsection 4, on and after January 1, 2024, any new turf that is installed on a parcel of property

that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority must be installed in accordance with any requirements for turf adopted by the Board of Directors pursuant to subsection 3.

3. The Board of Directors shall adopt requirements for the installation of new turf on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority.

4. The General Manager or his or her designee may approve a waiver from the prohibition set forth in subsection 2 or any turf requirements adopted by the Board of Directors pursuant to subsection 3.

Sec. 30. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 39.5, immediately following section 39, to read as follows:

Sec. 39.5. 1. Except as otherwise provided in this section, the Southern Nevada Water Authority shall require the owner of any parcel of property that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority to participate in an irrigation water efficiency monitoring program established by the Southern Nevada Water Authority, if the parcel of property:

(a) Is not used exclusively as a single-family residence; and

(b) Consists of 20,000 square feet or more of turf.

2. The Board of Directors shall:

(a) Develop and establish policies and guidelines for an irrigation water efficiency monitoring program;

(b) Establish deadlines within the service area of the Southern Nevada Water Authority for any owner subject to the requirements of subsection 1 to begin participating in the irrigation water efficiency monitoring program; and

(c) Not later than January 1, 2025, notify the owner of any parcel of property subject to the requirements of subsection 1 that he or she is required to participate in the irrigation water efficiency monitoring program by the deadline established pursuant to paragraph (b).

3. The General Manager or his or her designee may approve an extension or waiver from:

(a) The provisions of subsection 1; or

(b) The provisions of the policies and guidelines developed pursuant to subsection 2.

Sec. 31. Section 39 of the Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2180, is hereby amended to read as follows:

Sec. 39. 1. Except as otherwise provided in this section, on and after January 1, 2027, the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority may not be used to irrigate nonfunctional turf on any *parcel of* property that is not ~~[zoned]~~ *used* exclusively ~~[for]~~ *as* a single-family residence.

2. The Board of Directors shall:

(a) Define "functional turf" and "nonfunctional turf" for the purposes of subsection 1 and promulgate the definitions in the service rules *, ordinances or codes* of the member agencies of the Southern Nevada Water Authority; and

(b) Develop a plan to identify and facilitate the removal of existing nonfunctional turf within the service area of the Southern Nevada Water Authority on *each parcel of* property that is not ~~[zoned]~~ *used* exclusively ~~[for]~~ *as* a single-family residence. The plan must, without limitation:

(1) Establish phases for the removal of nonfunctional turf based on categories of water users; and

(2) Establish deadlines within the service area of the Southern Nevada Water Authority for existing customers to remove nonfunctional turf on *any parcel of* property that is not ~~[zoned]~~ *used* exclusively ~~[for]~~ *as* a single-family residence before December 31, 2026.

3. The ~~[Board of Directors]~~ *General Manager or his or her designee* may approve an extension or a waiver from:

(a) The prohibition set forth in subsection 1; and

(b) The provisions of the plan developed pursuant to subsection 2.

4. The provisions of this section do not prohibit a person from:

(a) Complying with any requirement adopted by the governing body of a county or city pursuant to chapter 278 of NRS to maintain open space or drought tolerant landscaping on any property that is not ~~[zoned]~~ *used* exclusively ~~[for]~~ *as* a single family residence; or

(b) Using alternative sources of water to irrigate nonfunctional turf on and after January 1, 2027, on any property that is not ~~[zoned]~~ *used* exclusively ~~[for]~~ *as* a single-family residence.

Sec. 32. Section 13 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 13. 1. The Southern Nevada Water Authority may establish and collect each calendar year a fee to be assessed on users of

groundwater in the Basin. Money raised from the fees must be used as provided in section 14 of this act.

2. Except as otherwise provided in this section:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than $13 per acre-foot, or its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than $13.

3. Except as otherwise provided in subsections 4 and 5, if the Southern Nevada Water Authority operates a project for the recharge and recovery or underground storage and recovery of water *or a program for the conversion of properties served by a septic system* pursuant to section 14.5 of this act:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than $30 per acre-foot, or its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than $30.

4. The maximum fees specified in subsections 2 and 3 may be adjusted *not more than* once each year for inflation. The maximum amount of the adjustment must be determined by multiplying the respective amounts of the fees by the percentage of inflation, if any. The Consumer Price Index published by the United States Department of Labor for July preceding the year for which the adjustment is made must be used in determining the percentage of inflation.

5. The maximum fees may be increased by an amount that is greater than the amount of the adjustment for inflation as calculated pursuant to subsection 4 only if the increase is approved by the Legislature.

6. As used in this section, "water right" means the legal right to use water that has been appropriated pursuant to chapters 533 and 534 of NRS by means of application, permit, certificate, decree or claim of vested right.

Sec. 33. Section 14.5 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 14.5. *1.* The Southern Nevada Water Authority may, in consultation with the Advisory Committee, operate ~~[a]~~ *:*

(a) A project for the recharge and recovery or underground storage and recovery of water pursuant to chapter 534 of NRS for the benefit of owners of wells in the Basin ~~[.]~~ *; and*

(b) A program for the conversion of properties served by a septic system to a municipal sewer system.

2. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground, which is typically composed of a septic tank and a subsurface fluid distribution system or disposal system.

Sec. 34. The Southern Nevada Water System Act of 1995, being chapter 393, Statutes of Nevada 1995, at page 963, is hereby amended by adding thereto a new section to be designated as section 2.5, immediately following section 2, to read as follows:

Sec. 2.5. 1. The Board of Directors of the Southern Nevada Water Authority may, by resolution, authorize the General Manager to restrict the use of water:

(a) During any period in which the Federal Government has declared a water shortage in the Colorado River;

(b) If emergency conditions exist; or

(c) If the delivery system is unable to provide adequate volumes of water.

2. Any restrictions imposed by the General Manager pursuant to subsection 1 must be ratified by the Board of Directors of the Southern Nevada Water Authority not more than 15 calendar days after the date the restrictions are imposed.

3. The provisions of this section shall not be construed to authorize the Board of Directors to restrict the use of any water rights held by the United States Department of Defense.

Sec. 34.5. On or before December 31, 2024, a district board of health that creates a voluntary financial assistance program pursuant to section 1 of this act shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Natural Resources and the 83rd Session of the Legislature which sets forth the number of property owners that are participating in the voluntary financial assistance program and any recommendations for legislation.

Sec. 35. ~~[The provisions of NRS 354.599 do not apply to any additional expense of a local government that are related to the provisions of this act.]~~ (Deleted by amendment.)

Sec. 36. This act becomes effective upon passage and approval.

Senator Pazina moved the adoption of the amendment.

Remarks by Senator Pazina.

Amendment No. 712 to Assembly Bill No. 220 deletes provisions regarding certain mandates and deadlines for septic system conversions. The bill authorizes a district board of health to create a voluntary financial assistance program to pay 100 percent of the costs for property owners with an existing septic system whose property is served by a municipal water system to connect to the community sewerage disposal system; upon an affirmative vote of two-thirds of the members of the board, impose a voluntary annual fee capped at the annual sewer rate of the largest community sewer system in the county to carry out such requirements; and before December 31, 2024, the district board of health must submit a report to the Legislative Counsel Bureau setting forth the number of participants in the program and recommendations for legislation. The amendment adds a new section to provide a definition of a "local governing body"; deletes sections 8, 9 and 11 of the bill; and amends section 29 to provide that the Board of Directors of the Southern Nevada

Water Authority "shall establish a process to approve a waiver of" certain restrictions on the use of water.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 231.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 666.

Legislative Counsel's Digest:

Existing law contains the Uniform Commercial Code, which is a set of uniform laws governing commercial transactions. (Chapters 104 and 104A of NRS) This bill enacts the 2022 amendments to the Uniform Commercial Code, which: (1) adds Article 12 governing controllable electronic records; and (2) makes various changes to Articles 1, 2, 3, 5, 7, 8, 9, 2A and 4A of the Code. Sections 75 and 76 of this bill also enact the 2018 amendments to Article 9 of the Code.

Sections 9-15 of this bill enact Article 12, which provides rules for transactions involving controllable electronic records. Section 10 of this bill defines certain terms for the purposes of Article 12. Section 26 of this bill makes a conforming change to account for the definition of "value" set forth in section 10. Section 11 of this bill: (1) establishes that Article 9 will govern if it is in conflict with Article 12; and (2) provides that a transaction that is subject to Article 12 is also subject to certain other laws that establish different rules for consumers. Sections 12, 13 and 70 of this bill establish the circumstances under which a purchaser obtains control of and certain rights in a controllable account, controllable payment intangible or controllable electronic record. Section 14 of this bill sets forth certain circumstances under which an account debtor on a controllable account or controllable payment intangible may discharge his or her obligation under certain circumstances. Section 15 of this bill establishes rules for determining the jurisdiction whose law governs a controllable electronic record. Section 27 of this bill provides that the provisions of an agreement specifying applicable law for a transaction governed by section 15 is effective only to the extent permitted by section 15.

Sections 16-24 of this bill enact the transitional rules included in the 2022 amendments to the Code and define certain related terms. Section 18 of this bill provides that a transaction validly entered into before the effective date of this bill, which is October 1, 2023, and the rights, duties and interests flowing from the transaction remain valid thereafter.

Existing law contains Article 1 of the Code, which sets forth the definitions and other general provisions that, in the absence of any conflicting provision in the Code, apply as default rules for transactions and matters otherwise covered in other articles of the Code. (NRS 104.1101-104.1310) Section 25 of this bill enacts the uniform amendments to the definitions of certain terms which are defined for the purposes of the Code. Among other changes,

section 25 revises the definition of the term "sign" to encompass the authentication or adoption of all records and not just writings and the definition of the term "money" to exclude ~~[any medium of exchange in an electronic form.]~~ certain forms of digital currency, digital mediums of exchange and digital monetary units of account. Sections 28, 38-41, 52, 55-57, 62, 63, 68, 72-75, 77, 78, 81, 82 and 85-90 of this bill make conforming changes to account for the new definition of "sign." Sections 25, 31-35, 44, 86, 94-100 and 102-108 of this bill replace the term "writing" with "record" and make certain other changes to allow for certain documents and communications to take a form other than a written or otherwise tangible form.

Existing law contains Article 2 of the Code, the uniform law governing sales. (NRS 104.2101-104.2725) Sections 29 and 30 of this bill define the term "hybrid transaction" and describe the extent to which Article 2 governs hybrid transactions.

Existing law contains Article 3 of the Code, the uniform law governing negotiable instruments. (NRS 104.3101-104.3605) Section 36 of this bill authorizes a negotiable instrument to contain certain provisions specifying which laws govern the instrument and how certain disputes will be resolved. Section 37 of this bill expands the definition of "issue" to include certain electronic transmissions. Section 38 of this bill removes certain requirements relating to the generation and form of a signature that makes a person liable on a negotiable instrument. Section 39 provides that an obligation to pay a check is not discharged solely by the destruction of the check, under certain circumstances.

Existing law contains Article 5 of the Code, the uniform law governing letters of credit. (NRS 104.5101-104.5118) Section 41 prescribes the method for determining the location of a branch of a bank for certain purposes.

Existing law contains Article 7 of the Code, the uniform law governing warehouse receipts, bills of lading and other documents of title. (NRS 104.7101-104.7603) Section 42 of this bill removes certain definitions made unnecessary by the revisions made in section 25. Section 43 of this bill: (1) makes various changes related to the process for determining when a person has control of an electronic document of title after a certain system evidences that the document was issued or transferred to the person; and (2) defines when a person is deemed to have obtained control of an electronic document of title through another person.

Existing law contains Article 8 of the Code, the uniform law governing investment securities. (NRS 104.8101-104.8511) Section 44 revises certain definitions for the purposes of Article 8. Section 45 of this bill provides that a controllable account, controllable electronic record or controllable payment intangible is a financial asset only to the extent that a securities intermediary and an entitled person agree that it should be treated as a financial asset. Section 46 of this bill revises the circumstances under which a purchaser is deemed to have control of a security entitlement that is controlled by another person and makes various related changes. Section 47 of this bill establishes

that the local law of the jurisdiction of the issuer or of the securities intermediary governs certain matters related to a security or security entitlement. Section 48 of this bill makes technical changes to certain provisions governing protected purchasers.

Existing law contains Article 9 of the Code, the uniform law governing secured transactions. (NRS 104.9101-104.9717) Section 49 of this bill revises certain definitions relating to secured transactions and defines certain terms relating to controllable electronic records. Sections 3, 50 and 51 of this bill set forth the circumstances under which a person is deemed to have control of a controllable electronic record, a deposit account or an authoritative electronic copy of a record evidencing chattel paper. Sections 4, 54-56 and 79 of this bill revise certain rights and duties of a party possessing or controlling certain collateral. Section 52 identifies the circumstances under which a security interest is enforceable against the debtor and third parties with respect to collateral that is controllable electronic records, electronic documents or certain other collateral. Section 53 of this bill revises the circumstances under which a security interest may attach to certain proceeds.

Sections 5, 6 and 58-60 of this bill revise and establish certain rules for determining the applicable law governing the perfection, the effect of perfection or nonperfection and the priority of a security interest in certain property. Sections 7, 8 and 61-65 of this bill revise certain provisions related to the perfection of certain security interests and prescribe certain methods for perfecting those security interests. Sections 66, 67 and 71 of this bill revise the circumstances under which a buyer or lessee of goods, a buyer of an electronic document, chattel paper, controllable electronic record, controllable account or controllable payment intangible or a transferee of money takes free of a security interest or leasehold interest. Section 69 of this bill revises the circumstances under which a purchaser of chattel paper has priority over a security interest in the chattel paper. Section 75 exempts a controllable account or controllable payment intangible from certain requirements relating to an assignment of debt. Section 80 of this bill provides that a secured party that obtains control of a controllable account, controllable electronic record or controllable payment intangible owes a duty to a debtor or obligor under certain circumstances. Section 91 of this bill provides that certain provisions which limit the liability of a secured party do not apply to a secured party that obtains control of a controllable account, controllable electronic record or controllable payment intangible under certain circumstances. Sections 83 and 84 of this bill make certain revisions to the content and form of notification before the disposition of certain collateral.

Existing law provides that, with certain exceptions, any rule of law, statute, regulation or term in an agreement between an account debtor and an assignor or in a promissory note that imposes certain restrictions on the assignment of a security interest in certain collateral is ineffective. (NRS 104.9406, 104.9408) Sections 75 and 76, which enact the 2018 amendments to Article 9, provide that those provisions do not apply to a security interest in an ownership

interest in a general partnership, limited partnership or limited-liability company.

Existing law contains Article 2A of the Code, the uniform law governing leases. (NRS 104A.2101-104A.2532) Section 93 of this bill defines the term "hybrid lease" to mean a single transaction involving a lease of goods and the provision of services or the sale, lease or license of certain property. Section 92 of this bill describes the extent to which Article 2A governs hybrid leases.

Existing law contains Article 4A of the Code, the uniform law governing funds transfers. (NRS 104A.4101-104A.4507) Section 101 of this bill authorizes the imposition of certain obligations in a security procedure established by agreement between a customer and a receiving bank.

Sections 109-112 of this bill make conforming changes to internal references to sections amended in this bill.

Section 25 of Assembly Bill No. 231 First Reprint is hereby amended as follows:

Sec. 25. NRS 104.1201 is hereby amended to read as follows:

104.1201 1. Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other Articles of the Uniform Commercial Code that apply to particular Articles or parts thereof, have the meanings stated.

2. Subject to definitions contained in other Articles of the Uniform Commercial Code that apply to particular Articles or parts thereof:

(a) "Action," in the sense of a judicial proceeding, includes recoupment, counterclaim, set off, suit in equity and any other proceeding in which rights are determined.

(b) "Aggrieved party" means a party entitled to pursue a remedy.

(c) "Agreement," as distinguished from "contract," means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in NRS 104.1303.

(d) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union and trust company.

(e) "Bearer" means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title or certificated security that is payable to bearer or endorsed in blank.

(f) "Bill of lading" means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. The term does not include a warehouse receipt.

(g) "Branch" includes a separately incorporated foreign branch of a bank.

(h) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

(i) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another

person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Article 2 may be a buyer in ordinary course of business. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(j) "Conspicuous," with reference to a term, means so written, displayed or presented that , *based on the totality of the circumstances,* a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is a decision for the court. ~~[Conspicuous terms include the following:~~

~~(1) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font or color to the surrounding text of the same or lesser size; and~~

~~(2) Language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.]~~

(k) "Consumer" means a natural person who enters into a transaction primarily for personal, family or household purposes.

(l) "Contract," as distinguished from "agreement," means the total legal obligation that results from the parties' agreement as determined by the Uniform Commercial Code as supplemented by any other applicable laws.

(m) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

(n) "Defendant" includes a person in the position of defendant in a counterclaim, cross-claim or third-party claim.

(o) "Delivery," with respect to an electronic document of title , means voluntary transfer of control and , with respect to an instrument, a tangible document of title or *an authoritative tangible copy of a record evidencing* chattel paper, means voluntary transfer of possession.

(p) "Document of title" means a record:

(1) That in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is

entitled to receive, control, hold and dispose of the record and the goods the record covers; and

(2) That purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

➥ The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt and order for delivery of goods. An electronic document of title means a document of title evidenced by a record consisting of information stored in an electronic medium. A tangible document of title means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

(q) *"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.*

(r) "Fault" means a default, breach or wrongful act or omission.

~~[(r)]~~ *(s)* "Fungible goods" means:

(1) Goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

(2) Goods that by agreement are treated as equivalent.

~~[(s)]~~ *(t)* "Genuine" means free of forgery or counterfeiting.

~~[(t)]~~ *(u)* "Good faith," except as otherwise provided in Article 5, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

~~[(u)]~~ *(v)* "Holder" means:

(1) The person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;

(2) The person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(3) The person in control , *other than pursuant to subsection 7 of NRS 104.7106,* of a negotiable electronic document of title.

~~[(v)]~~ *(w)* "Insolvency proceeding" includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

~~[(w)]~~ *(x)* "Insolvent" means:

(1) Having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;

(2) Being unable to pay debts as they become due; or

(3) Being insolvent within the meaning of federal bankruptcy law.

~~[(x)]~~ *(y)* "Money" means a medium of exchange *that is* currently authorized or adopted by a domestic or foreign government ~~[.]~~ *and is not ~~[in an electronic form.]~~ a central bank digital currency.* The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries. *As used in this paragraph, "central bank digital currency":*

(1) Means a digital currency, a digital medium of exchange or a digital monetary unit of account issued by the United States Federal Reserve System, a federal agency, a foreign government, a foreign central bank or a foreign reserve system that is made directly available to a consumer by such entities; and

(2) Includes a digital currency, a digital medium of exchange or a digital monetary unit of account issued by the United States Federal Reserve System, a federal agency, a foreign government, a foreign central bank or a foreign reserve system that is processed or validated directly by such entities.

~~[(y)]~~ *(z)* "Organization" means a person other than a natural person.

~~[(z)]~~ *(aa)* "Party," as distinguished from "third party," means a person that has engaged in a transaction or made an agreement subject to the Uniform Commercial Code.

~~[(aa)]~~ *(bb)* "Person" means a natural person, corporation, business trust, estate, trust, partnership, limited-liability company, association, joint venture, government, governmental subdivision, agency or instrumentality, ~~[public corporation,]~~ or any other legal or commercial entity. *The term includes a protected series, however denominated, of an entity if the protected series is established under law other than the Uniform Commercial Code that limits, or limits if conditions specified under the law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series.*

~~[(bb)]~~ *(cc)* "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

~~[(cc)]~~ *(dd)* "Purchase" means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift or any other voluntary transaction creating an interest in property.

~~[(dd)]~~ *(ee)* "Purchaser" means a person that takes by purchase.

~~[(ee)]~~ *(ff)* "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~[(ff)]~~ *(gg)* "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

~~[(gg)]~~ *(hh)* "Representative" means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate.

~~[(hh)]~~ *(ii)* "Right" includes remedy.

~~[(ii)]~~ *(jj)* "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. "Security interest" includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible or a promissory note in a transaction that is subject

to Article 9. "Security interest" does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under NRS 104.2401, but a buyer may also acquire a "security interest" by complying with Article 9. Except as otherwise provided in NRS 104.2505, the right of a seller or lessor of goods under Article 2 or 2A to retain or acquire possession of the goods is not a "security interest, " but a seller or lessor may also acquire a "security interest" by complying with Article 9. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under NRS 104.2401 is limited in effect to a reservation of a "security interest." Whether a transaction in the form of a lease creates a "security interest" is determined pursuant to NRS 104.1203.

~~[(jj) "Send"]~~

(kk) "Send," in connection with a ~~[writing,]~~ record or ~~[notice]~~ *notification,* means:

(1) To deposit in the mail , ~~[or]~~ deliver for transmission *or transmit* by any other usual means of communication , with postage or cost of transmission provided for and ~~[properly]~~ addressed ~~[and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none]~~ to any address reasonable under the circumstances; or

(2) ~~[In any other way to]~~ *To* cause *the record or notification* to be received ~~[any record or notice]~~ within the time it would have ~~[arrived]~~ *been received* if properly sent ~~[.~~

~~(kk) "Signed" includes using any symbol executed or adopted with present intention to adopt or accept a writing.]~~ *under subparagraph (1).*

(ll) *"Sign" means, with present intent to authenticate or adopt a record:*

(1) Execute or adopt a tangible symbol; or

(2) Attach to or logically associate with the record an electronic symbol, sound or process.

➥ *"Signed," "signing" and "signature" have corresponding meanings.*

(mm) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~[(mm)]~~ *(nn)* "Surety" includes a guarantor or other secondary obligor.

~~[(nn)]~~ *(oo)* "Term" means a portion of an agreement that relates to a particular matter.

~~[(oo)]~~ *(pp)* "Unauthorized signature" means a signature made without actual, implied or apparent authority. The term includes a forgery.

~~[(pp)]~~ *(qq)* "Warehouse receipt" means a document of title issued by a person engaged in the business of storing goods for hire.

~~[(qq)]~~ *(rr)* "Writing" includes printing, typewriting or any other intentional reduction to tangible form. "Written" has a corresponding meaning.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 666 to Assembly Bill No. 231 revises the definition of "money" to exclude a "central bank digital currency," which means a digital currency, a digital medium of exchange or

a digital monetary unit of account issued by the United States Federal Reserve System, a federal agency, a foreign government, a foreign central bank or a foreign reserve system that is made directly available to a consumer by such entities, and includes a digital currency, a digital medium of exchange or a digital monetary unit of account issued by the United States Federal Reserve System, a federal agency, a foreign government, a foreign central bank or a foreign reserve system that is processed or validated directly by such entities.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 250.

Bill read second time.

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

Amendment No. 644.

SUMMARY—Establishes provisions governing prescription drugs. (BDR 40-782)

AN ACT relating to health care; prohibiting certain actions related to pricing and reimbursement for certain drugs; creating a cause of action for violating such prohibitions; ~~[requiring certain entities to maintain a registered agent and office in this State;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Medicare program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. (42 U.S.C. §§ 1395 et seq.) Existing federal law requires the United States Secretary of Health and Human Services to negotiate with the manufacturers of certain drugs and to establish the maximum fair price for certain drugs, which is the maximum price at which such drugs may be sold to a recipient of Medicare. (42 U.S.C. §§ 1320f-2, 1320f-3) Existing federal law requires the Secretary of Health and Human Services to publish those maximum fair prices. (42 U.S.C. § 1320f-4) Section 1 of this bill prohibits a person or entity that: (1) purchases a drug which is subject to a maximum fair price in this State from paying a price that is higher than the maximum fair price; or (2) seeks reimbursement for a drug subject to a maximum fair price which is delivered, dispensed or administered to a person in this State from seeking reimbursement at a rate which is higher than the maximum fair price. ~~[Section 1 also requires any such person or entity to maintain a registered agent and an office or base of operations in this State.]~~

Existing law: (1) prohibits certain trade practices which are deemed to be deceptive trade practices; and (2) provides for the enforcement of the prohibition on engaging in deceptive trade practices, including by prescribing criminal penalties to be imposed against a person who engages in a deceptive trade practice. (NRS 598.0903-598.0999) Section 1 makes it a deceptive trade practice for any person to violate _~~[: (1)]~~ the prohibition on purchasing or seeking reimbursement for a drug at a price higher than the maximum fair price _~~[; or (2) the requirement to maintain a registered agent and an office or base of operations in this State when engaging in certain activity relating to drugs~~

~~subject to a maximum fair price.]~~ Sections 1 and 3 of this bill provide that a person who violates the provisions of section 1 is not subject to any criminal penalty set forth in existing law for engaging in a deceptive trade practice, meaning such a person is subject only to the various civil enforcement measures, including civil penalties, set forth in existing law for engaging in a deceptive trade practice. (NRS 598.097-598.0999)

Existing law authorizes any person who is a victim of consumer fraud, including a deceptive trade practice, to bring a civil action. (NRS 41.600) Section 2 of this bill provides that a violation of section 1 constitutes consumer fraud, and sections 1 and 2 authorize a victim of such a violation to bring a civil action.

WHEREAS, In the 2019 Legislative Session, Senate Bill No. 276 directed the Legislative Commission to appoint a committee to conduct an interim study concerning the cost of prescription drugs in this State and the impact of rebates, reductions in price and other remuneration from manufacturers on prescription drug prices; and

WHEREAS, In reporting on the findings of the Committee to Conduct an Interim Study Concerning the Costs of Prescription Drugs, LCB Bulletin No. 21-9, published in January 2021, stated that "[i]n 2018, Americans paid an average of $1,229 for prescription drugs, the highest amount per capita in any developed country in the world"; and

WHEREAS, LCB Bulletin No. 21-9 also stated that "[i]ncreasing drug prices disproportionately affect uninsured and underinsured patients, while insured patients covered by high-deductible, commercial, or government-sponsored health insurance plans tend to pay more through premium and copay increases"; and

WHEREAS, The Nevada Spending and Government Efficiency Commission noted in its final report, "Final Report of the Nevada Spending and Government Efficiency Commission to Governor Jim Gibbons," published January 7, 2010, that the State of Nevada would realize significant savings on Medicaid, mental health, corrections and other programs if the cost of prescription drugs were better controlled; and

WHEREAS, Excessive prices negatively affect the ability of residents of this State to obtain prescription drugs, thereby endangering the health and safety of such residents; and

WHEREAS, Excessive prices of prescription drugs threaten the economic well-being of residents of this State, thereby inhibiting their ability to pay for necessary and essential goods and services including housing, food and utilities; and

WHEREAS, Excessive costs of prescription drugs contribute significantly to increasing costs of health care and health insurance that threaten the ability of residents of this State to obtain affordable health coverage and maintain or achieve good health; and

WHEREAS, Excessive costs of prescription drugs contribute significantly to rising costs for health care provided and paid for through health insurance

programs for public employees, including employees of the State, municipalities, counties, school districts, institutions for higher education and retirees whose health costs are funded by taxpayer dollars, thereby threatening the ability of the State and local governments to fund other programs necessary for the public good and safety, such as public safety, police, fire and education; and

WHEREAS, To protect residents of this State from the negative effects from excessive costs of prescription drugs, and to protect the safety, health and economic well-being of Nevadans, the Legislature finds that legislation regarding affordable access to prescription drugs is necessary for residents of this State to achieve and maintain good health; now therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASS/l.EMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 8, a]~~ A person or entity that purchases a referenced drug in this State shall not pay a price for the referenced drug that, excluding any fee paid to a pharmacy for dispensing the referenced drug, is higher than the maximum fair price for that referenced drug during the price applicability period.

2. ~~[Except as otherwise provided in subsection 8, a]~~ A person or entity that seeks reimbursement for a referenced drug which is delivered, dispensed or administered to a person in this State shall not seek reimbursement for the referenced drug at a rate which, excluding any fee paid to a pharmacy for dispensing the referenced drug, is higher than the maximum fair price for that referenced drug during the price applicability period.

3. ~~[Except as otherwise provided in subsection 8, a person or entity that sells, offers for sale, distributes or delivers any referenced drug to a person or entity in this State or seeks reimbursement for a referenced drug which is delivered, dispensed or administered to a person in this State shall maintain in this State a registered agent and an office or base of operations.~~

~~4.]~~ Except as otherwise provided in subsection ~~[5,]~~ 4, a violation of subsection 1 ~~[,]~~ or 2 ~~[or 3]~~ by any person constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. Each such violation of subsection 1 or 2 ~~[or sale, offer for sale or distribution or delivery of a quantity of a referenced drug in violation of subsection 3]~~ constitutes a separate deceptive trade practice.

~~[5.]~~ 4. A person who violates the provisions of subsection 1 ~~[,]~~ or 2 ~~[or 3]~~ is not subject to any criminal penalty set forth in subsection 3 of NRS 598.0999.

~~[6.]~~ 5. A person aggrieved by a violation of subsection 1 ~~[,]~~ or 2 ~~[or 3]~~ may bring an action for consumer fraud pursuant to NRS 41.600.

~~[7.]~~ 6. The Department may adopt any regulations necessary to carry out the provisions of this section.

~~*[8. A provider of health coverage for federal employees, a provider of health coverage that is subject to the Employee Retirement Income Security Act of 1974 or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5):*~~

~~*(a) Is not required to comply with the requirements of this section.*~~

~~*(b) May elect to be subject to the provisions of this section by notifying the Director in writing on or before January 1 of each year in which the plan elects to participate.*~~

~~*9.]*~~ *7. As used in this section:*

(a) "Manufacturer" has the meaning ascribed to it in NRS 639.009.

(b) "Maximum fair price" means the maximum fair price for a drug published by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 1320f-4.

(c) "Price applicability period" has the meaning ascribed to it in 42 U.S.C. § 1320f(b)(2).

(d) "Referenced drug" means a drug subject to a maximum fair price.

(e) "Wholesaler" has the meaning ascribed to it in NRS 639.016.

Sec. 2. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351;

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive; ~~[or]~~

(f) A violation of NRS 417.133 or 417.135 ~~[.]~~ *; or*

(g) A violation of section 1 of this act.

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 3. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. ~~[A]~~ *Except as otherwise provided in section 1 of this act, a* natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For an offense involving a loss of property or services valued at $1,200 or more but less than $5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) For an offense involving a loss of property or services valued at $5,000 or more but less than $25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For an offense involving a loss of property or services valued at $25,000 or more but less than $100,000, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(d) For an offense involving a loss of property or services valued at $100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.

(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

5. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5, process may be served by an employee of the Consumer Affairs Unit of the Department of Business and Industry or an employee of the Attorney General.

7. As used in this section:

(a) "Property" has the meaning ascribed to it in NRS 193.0225.

(b) "Services" has the meaning ascribed to it in NRS 205.0829.

(c) "Value" means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner.

Sec. 4. The provisions of this act do not apply to any contract for the sale of or reimbursement for a drug entered into before January 1, 2024, but do apply to any renewal or extension of such a contract.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 644 to Assembly Bill No. 250 deletes provisions which would have required certain persons or entities engaged in selling, delivering or seeking reimbursement of a referenced drug to maintain a registered agent and an office or base of operations in this State and deletes provisions which exempted certain health insurance plans from the section's requirements that also granted them the option to participate in the section's requirements by notifying the Director of the Department of Health and Human Services each year.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 692.

SUMMARY—Revises provisions relating to state-owned vehicles. (BDR 27-124)

AN ACT relating to state purchasing; requiring, to the extent practicable, certain state agencies to give preference to the purchase of certain vehicles and fuels; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements for the purchase of automobiles by any department, office, bureau, officer or employee of the State. (NRS 334.010) Existing law establishes the Fleet Services Division of the Department of Administration and authorizes the Governor to assign any state-owned vehicle to the Division. (NRS 232.213, 336.060) Section 1 of this bill requires, to the extent practicable, each department, office, bureau, officer or employee of the State, when purchasing an automobile, to give preference to automobiles that minimize: (1) emissions; and (2) the total cost of the automobile over the service life of the automobile.

Section 1 also requires each department, office, bureau, officer or employee of the State to: (1) give preference to the purchase of motor vehicle fuel blended with ethanol, to the extent practicable; (2) if purchasing an automobile that uses diesel fuel, ensure that the automobile is capable of using biodiesel fuel blends containing not less than 20 percent by volume of biodiesel fuel; and (3) maintain records on the type of fuel used by each automobile purchased by the department, office, bureau, officer or employee. Section 2 of this bill also requires the Executive Officer of the Division to maintain such records for all state-owned vehicles assigned to the Division.

Section 2.5 of this bill declares that it is the policy goal of this State to pursue and support , to the extent practicable, a transition of all publicly-owned vehicles to vehicles which emit zero tailpipe emissions by 2050.

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

Section 1. NRS 334.010 is hereby amended to read as follows:

334.010 1. No automobile may be purchased by any department, office, bureau, officer or employee of the State without prior written consent of the State Board of Examiners.

2. All such automobiles must be used for official purposes only.

3. All such automobiles, except:

(a) Automobiles maintained for and used by the Governor;

(b) Automobiles used by or under the authority and direction of the Chief Parole and Probation Officer, the State Contractors' Board and auditors, the State Fire Marshal, the Investigation Division of the Department of Public Safety, the investigators of the Nevada Gaming Control Board, the investigators of the Securities Division of the Office of the Secretary of State and the investigators of the Attorney General;

(c) One automobile used by the Department of Corrections;

(d) Two automobiles used by the Caliente Youth Center;

(e) Three automobiles used by the Nevada Youth Training Center; and

(f) Four automobiles used by the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services,

➥ must be labeled by painting the words "State of Nevada" and "For Official Use Only" on the automobiles in plain lettering. The Director of the Department of Administration or a representative of the Director shall prescribe the size and location of the label for all such automobiles.

4. *In accordance with the provisions of chapter 333 of NRS, each department, office, bureau, officer or employee of the State shall:*

(a) To the extent practicable, give preference to the purchase of automobiles which minimize:

(1) Emissions from the automobile; and

(2) The total costs of the automobile over the service life of the automobile, which may include, without limitation, fuel costs, maintenance costs and any rebates or financial incentives offered for the purchase of the automobile;

(b) To the extent practicable, purchase motor vehicle fuel blended with ethanol, including, without limitation, gasoline, biodiesel and biomass-based diesel blends for use in the automobile; and

(c) If purchasing an automobile powered by diesel fuel, ensure that the vehicle is capable of using biodiesel fuel blends comprised of not less than 20 percent by volume of biodiesel fuel.

5. Each department, office, bureau, officer or employee of the State shall maintain records on the type of fuel used by each automobile purchased by the department, office, bureau, officer or employee, which may include, without limitation, electric, gasoline, compressed natural gas, diesel, hydrogen or hybrid fuel sources.

6. Any officer or employee of the State of Nevada who violates any provision of ~~[this section]~~ *subsection 1, 2 or 3* is guilty of a misdemeanor.

7. As used in this section:

(a) "Biodiesel" has the meaning ascribed to it in NRS 590.070.

(b) "Biomass-based diesel blend" has the meaning ascribed to it in NRS 590.070.

Sec. 2. NRS 336.080 is hereby amended to read as follows:

336.080 The Executive Officer shall:

1. Be responsible for proper maintenance and storage of all vehicles assigned to the Fleet Services Division.

2. Maintain records ~~[to]~~ *:*

(a) To show the location and operating and maintenance costs of vehicles assigned to the Fleet Services Division ~~[.]~~ *; and*

(b) Of the type of fuel used by each vehicle assigned to the Fleet Services Division, which may include, without limitation, electric, gasoline, compressed natural gas, diesel, hydrogen or hybrid fuel sources.

Sec. 2.5. 1. The Legislature hereby finds and declares that:

(a) The "Nevada Statewide Greenhouse Gas Emissions Inventory and Projections, 1990-2042" indicates that the transportation sector is the top source of greenhouse gas emissions in this State, making up nearly 32 percent of Nevada's emissions in 2020.

(b) The American Lung Association's annual report, "State of the Air," has repeatedly ranked Las Vegas and Reno among the top 25 most polluted cities in terms of air quality, and transportation is a primary contributor to smog-forming pollution and particulate matter linked to lung disease and other serious health conditions.

(c) The State of Nevada spends billions of dollars each year to purchase out-of-state fossil fuels, which makes residents of this State vulnerable to the volatility of oil prices and increases the risk of disruptions in the event of a natural disaster.

(d) Nevada has immense potential to use local clean energy resources to power transportation in this State, furthering its energy independence.

(e) Zero emissions technologies now provide a viable, cost-effective alternative to many vehicles that run on fossil fuels, and prices are continuing to decline as these technologies mature.

(f) For publicly-owned transportation fleets, the transition to electric vehicles can bring considerable cost savings to taxpayers due to lower costs to operate and maintain such vehicles over their lifetimes.

2. It is the policy goal of this State to pursue and support , to the extent practicable, a transition of all publicly-owned, light-duty vehicles to vehicles which emit zero tailpipe emissions by the year 2040, and ~~[to]~~ a transition of all publicly-owned, medium- and heavy-duty vehicles to vehicles which emit zero tailpipe emissions by the year 2050.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 692 to Assembly Bill No. 262 clarifies that it is the goal of this State to pursue and support, to the extent practicable, a transition of all publicly owned vehicles to vehicles which emit zero tailpipe emissions by 2050.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 305.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 693.

SUMMARY—Revises provisions governing public works. (BDR 28-112)

AN ACT relating to public works; requiring , with certain exceptions, a contractor or subcontractor to comply with certain requirements relating to the use of apprentices who are women on a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a contractor or subcontractor engaged in: (1) vertical construction who employs a worker on a public work to use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed; and (2) horizontal construction who employs a worker on a public work to use one or more apprentices for at least 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. (NRS 338.01165) Section 1 of this bill requires that, to the extent practicable: (1) at least 2 percent of the hours of labor for vertical construction that is required to be performed by apprentices must be performed by women; and (2) at least 1 percent of the hours of labor for horizontal construction that is required to be performed by apprentices must be performed by women. Section 1 also requires the State Apprenticeship Council to review, at least once every 2 years, the policies of an apprenticeship program that does not provide enough apprentices who are women to enable a contractor or subcontractor to meet the percentage of hours of labor required to be performed by women. Section 2 of this bill provides that such requirements do not apply to a contract for a public work for which bids have been submitted before January 1, 2024.

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

Section 1. NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. *To the extent practicable, at least 2 percent of the hours of labor that is required to be performed by apprentices must be performed by women. For purposes of this subsection, "to the extent practicable" means to the extent the requirement to have at least 2 percent of the hours of labor to be performed by apprentices who are women is feasible or capable of being done or carried out with reasonable effort, taking into account the number and availability of apprentices who are women in the applicable apprenticed craft or type of work.*

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. *To the extent practicable, at least 1 percent of the hours of labor that is required to be performed by apprentices must be performed by women. For purposes of this subsection, "to the extent practicable" means to the extent the requirement to have at least 3 percent of the hours of labor to be performed by apprentices who are women is feasible or capable of being done or carried out with reasonable effort, taking into account the number and availability of apprentices who are women in the applicable apprenticed craft or type of work.*

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. A contractor or subcontractor engaged on a public work is not required to use an apprentice *, regardless of gender,* in a craft or type of work performed in a jurisdiction recognized by the State Apprenticeship Council as not having apprentices in that craft or type of work.

6. A public body may, upon the request of a contractor or subcontractor, submit a request to the Labor Commissioner to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2 for good cause. A public body must submit such a request, before an advertisement for bids has been placed, the opening of bids or the award of a contract for a public work or after the public body has commenced work on the public work. Such a request must include any supporting documentation, including, without limitation, proof of denial of or failure to approve a request for apprentices pursuant to subparagraph (3) of paragraph (d) of subsection ~~[10.]~~ *11.*

7. The Labor Commissioner shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that there is good cause to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2.

8. A public body, contractor or subcontractor may request a hearing on the determination of the Labor Commissioner within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

9. A contractor or subcontractor engaged on a public work shall enter into an apprenticeship agreement for all apprentices required to be used in the construction of a public work. If the Labor Commissioner granted a modification or waiver pursuant to subsection 7 because the Labor Commissioner finds that a request for apprentices was denied or the request was not approved within 5 business days as described in subparagraph (3) of paragraph (d) of subsection ~~[10]~~ *11* and apprentices are later provided, then the contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.

10. *If a contractor or subcontractor does not meet the requirements set forth in subsection 1 or 2, as applicable, to have a percentage of the hours of labor performed by apprentices who are women, there is a rebuttable presumption that there were not enough apprentices who are women available to comply with such requirements. If an apprenticeship program is unable to rebut the presumption, the State Apprenticeship Council shall, at least once every two years, require the apprenticeship program to appear before the State Apprenticeship Council to review the policies of the program to recruit women. The State Apprenticeship Council may, without limitation, recommend improvements for recruiting women to the apprenticeship program.*

11. As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) "Good cause" means:

(1) There are no apprentices available from an apprenticeship program within the jurisdiction where the public work is to be completed as recognized by the State Apprenticeship Council;

(2) The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage of journeymen; or

(3) The contractor or subcontractor has requested apprentices from an apprenticeship program and the request has been denied or the request has not been approved within 5 business days.

➥ The term does not include the refusal of a contractor or subcontractor to enter into an apprenticeship agreement pursuant to subsection 9.

(e) "Journeyman" has the meaning ascribed to it in NRS 624.260.

(f) "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

Sec. 2. The amendatory provisions of this act do not apply to a contract for a public work for which bids have been submitted before January 1, 2024.

Sec. 3. This act becomes effective on January 1, 2024.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 693 to Assembly Bill No. 305 requires the State Apprenticeship Council to review at least once every two years the policies of an apprenticeship program that does not provide enough apprentices who are women to enable a contractor or subcontractor to meet the percentage of hours of labor required to be performed by women.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 564.

SUMMARY—Revises provisions relating to court programs for the treatment of mental illness or intellectual disabilities. (BDR 14-729)

AN ACT relating to criminal procedure; authorizing a justice court or municipal court to establish a program for the treatment of mental illness or intellectual disabilities; revising various provisions relating to a program for the treatment of mental illness or intellectual disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a district court to establish an appropriate program for the treatment of mental illness or intellectual disabilities to which it may assign an eligible defendant. Under existing law, a justice court or municipal court is authorized, upon approval of a district court, to transfer original jurisdiction of a case involving such an eligible defendant to the district court. (NRS 4.370, 5.050, 176A.250, 176A.255) Sections 1-6 of this bill additionally authorize a justice court or municipal court to establish such a program and to transfer original jurisdiction of a case involving an eligible defendant to the district court if the justice court or municipal court : (1) has not established such a program [.] ; or (2) determines that the transfer is appropriate and necessary.

Existing law limits the definition of an "eligible defendant" to mean a person who: (1) has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor; (2) appears to suffer from mental illness or to be intellectually disabled; and (3) would benefit from assignment to a program.

(NRS 176A.255) Section 2 of this bill expands the definition of an "eligible defendant" to include any person who, regardless of whether the person has tendered a plea to or been found guilty of an offense that is a misdemeanor: (1) appears to suffer from a mental illness or to be intellectually disabled; and (2) would benefit from assignment to a program.

Existing law provides that upon a violation of a term or condition of such a program, the court may: (1) enter a judgement of conviction and proceed as provided in the section pursuant to which the defendant was charged; and (2) order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison. (NRS 176A.260) Section 3 authorizes the imposition of certain sanctions against a defendant for such a violation.

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

Section 1. NRS 176A.250 is hereby amended to read as follows:

176A.250 A *district court, justice court or municipal* court may establish an appropriate program for the treatment of mental illness or intellectual disabilities to which it may assign a defendant pursuant to NRS 174.032, 176.211, 176A.260 or 176A.400. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Sec. 2. NRS 176A.255 is hereby amended to read as follows:

176A.255 1. A ~~*[If a justice court or municipal court has not established a program pursuant to NRS 176A.250, the]*~~ justice court or a municipal court , *as applicable,* may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant ~~[.]~~ *if the justice court or municipal court, as applicable:*

(a) Has not established a program pursuant to NRS 176A.250; or

(b) Determines that the transfer is appropriate and necessary.

2. As used in this section, "eligible defendant" means a person who:

(a) ~~[Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;~~

~~(b)]~~ Appears to suffer from mental illness or to be intellectually disabled; and

~~[(c)]~~ *(b)* Would benefit from assignment to a program established pursuant to NRS 176A.250.

Sec. 3. NRS 176A.260 is hereby amended to read as follows:

176A.260 1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant who suffers from mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of

probation is not prohibited by statute, the *district court, justice court or municipal* court *, as applicable,* may:

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250 if the *district court, justice court or municipal* court determines that the defendant is eligible for participation in such a program; or

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250, if the *district court, justice court or municipal* court determines that the defendant is eligible for participation in such a program.

2. Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to NRS 176A.250 if the defendant is diagnosed as having a mental illness or an intellectual disability:

(a) After an in-person clinical assessment by:

(1) A counselor who is licensed or certified to make such a diagnosis; or

(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; and

(b) If the defendant appears to suffer from a mental illness, pursuant to a mental health screening that indicates the presence of a mental illness.

3. A counselor or physician who diagnoses a defendant as having a mental illness or intellectual disability shall submit a report and recommendation to the *district court, justice court or municipal* court concerning the length and type of treatment required for the defendant within the maximum probation terms applicable to the offense for which the defendant is convicted.

4. If the offense committed by the defendant is a category A felony or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, the defendant is not eligible for assignment to the program.

5. Upon violation of a term or condition:

(a) *The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:*

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The *district court, justice court or municipal* court *, as applicable,* may enter a judgment of conviction, if applicable, and proceed as provided in the section pursuant to which the defendant was charged.

~~[(b)]~~ *(c)* Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the *district* court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

6. Except as otherwise provided in subsection 8, upon fulfillment of the terms and conditions, the *district court, justice court or municipal* court ~~[:]~~ *, as applicable:*

(a) Shall discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program; or

(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

7. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

8. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally dismissed charge or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal or having a judgment of conviction set aside restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 4. NRS 176A.265 is hereby amended to read as follows:

176A.265 1. Except as otherwise provided in subsection 2, after a defendant is discharged from probation or a case is dismissed pursuant to NRS 176A.260, the *district court, justice court or municipal* court , *as applicable,* shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The *district court, justice court or municipal* court , *as applicable,* shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.260, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the *district court, justice court or municipal* court , *as applicable,* orders sealed the record of a defendant who is discharged from probation, whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.260, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the *district court, justice court or municipal* court , *as applicable,* in writing of its compliance with the order.

Sec. 5. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance

of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. ~~[Upon approval of the district court, a]~~ *A* justice court may *, upon approval of the district court,* transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to ~~*[, if the justice court has not established its own]*~~ *a program established by the district court pursuant to:*

(a) NRS 176A.250, ~~[a]~~ *if the justice court:*

(1) Has not established its own program ~~[established *by the district court]*~~ pursuant to ~~[NRS 176A.250 or, if the justice court has not established a program pursuant to]~~ *that section* ~~*[,]*~~ *; or*

(2) Determines that the transfer is appropriate and necessary.

(b) NRS 176A.280, ~~[to a]~~ *if the justice court has not established its own* program ~~[established *by the district court]*~~ pursuant to that section.

4. Except as otherwise provided in subsections 5, 6 and 7, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.

6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 6. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

(c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. ~~[Upon approval of the district court, a]~~ *A* municipal court may *, upon approval of the district court,* transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to ~~*[, if the municipal court has not established its own]*~~ *a program established by the district court pursuant to:*

(a) NRS 176A.250, ~~[a]~~ *if the municipal court:*

(1) Has not established its own program ~~[established *by the district court]*~~ pursuant to ~~[NRS 176A.250 or, if the municipal court has not established a program pursuant to]~~ *that section* ~~*[,]*~~ *; or*

(2) Determines that the transfer is appropriate and necessary.

(b) NRS 176A.280, ~~[to a]~~ *if the municipal court has not established its own* program ~~[established *by the district court]*~~ pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

5. The municipal courts may hold a jury trial for any matter:

(a) Within the jurisdiction of the municipal court; and

(b) Required by the United States Constitution, the Nevada Constitution or statute.

Sec. 7. This act becomes effective on July 1, 2023.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 564 to Assembly Bill No. 405 authorizes a justice or municipal court to transfer a case to a district court if it determines the transfer is appropriate and necessary. It expands the definition of "eligible defendant" to include a person who appears to suffer from a mental illness or to be intellectually disabled regardless of whether the person has tendered a plea or been found guilty of an offense that is a misdemeanor.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 439.

Bill read second time.

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

Amendment No. 643.

SUMMARY—Revises provisions governing certain contracts of insurance. (BDR 57-1044)

AN ACT relating to insurance; providing , with certain exceptions, that no provision for arbitration in a contract for health insurance is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the contract ~~[.]~~ who makes a claim; repealing certain provisions related to provisions for arbitration in a contract for health insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Insurance Code, which governs certain contracts of insurance. (Title 57 of NRS) Existing law provides that no provision for arbitration contained in an automobile liability or motor vehicle liability insurance policy delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim

under the policy. (NRS 690B.017) Sections 4, 6, 7, 15, 16.5, 17, 18.5, 19 and 20 of this bill similarly provide that no provision for arbitration is binding that is contained in any: (1) policy of health insurance by an insurer; (2) policy of group or blanket health insurance; (3) health benefit plan; (4) benefit contract; (5) contract for hospital, medical or dental services; (6) evidence of coverage by a health maintenance organization; (7) plan for dental care; (8) evidence of coverage by a prepaid limited health service organization; or (9) evidence of coverage by a managed care organization. Sections 4, 6, 7, 15, 16.5, 17, 18.5, 19 and 20 further provide that a provision for arbitration included in any such contract of insurance must contain a statement that the provision for arbitration is not binding. Section 16.5 further provides that such provisions do not apply to a contract between: (1) a plan sponsor; and (2) a hospital or a provider of health care. Sections 5 and 8 of this bill make conforming changes to indicate the proper placement of sections 4 and 7 of this bill, respectively, in the Nevada Revised Statutes.

Section 22 of this bill repeals certain provisions of the Nevada Insurance Code to eliminate requirements related to provisions for arbitration in certain contracts for insurance. Section 18 of this bill makes a conforming change to eliminate a reference to a repealed section.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any policy of health insurance delivered, issued for delivery or renewed in this State is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the policy ~~[.]~~ who makes a claim.

2. If a policy of health insurance contains a provision for arbitration, the policy of health insurance must include a statement that the arbitration provision is not binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the policy of health insurance ~~[.]~~ who makes a claim.

Sec. 5. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ *, and section 4 of this act.*

Sec. 6. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any policy of group or blanket

health insurance delivered, issued for delivery or renewed in this State is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the policy ~~[.]~~ who makes a claim.

2. If a policy of group or blanket health insurance contains a provision for arbitration, the policy of group or blanket health insurance must include a statement that the arbitration provision is not binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the policy of group or blanket health insurance ~~[.]~~ who makes a claim.

Sec. 7. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any health benefit plan delivered, issued for delivery or renewed in this State is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the health benefit plan ~~[.]~~ who makes a claim.

2. If a health benefit plan contains a provision for arbitration, the health benefit plan must include a statement that the arbitration provision is not binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the health benefit plan ~~[.]~~ who makes a claim.

Sec. 8. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, *and section 7 of this act,* to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

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

1. No provision for arbitration contained in any benefit contract delivered, issued for delivery or renewed in this State is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the contract ~~[.]~~ who makes a claim.

2. If a benefit contract contains a provision for arbitration, the benefit contract must include a statement that the arbitration provision is not binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the benefit contract ~~[.]~~ who makes a claim.

Sec. 16. (Deleted by amendment.)

Sec. 16.5. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in subsection 3:

1. No provision for arbitration contained in any contract for hospital,

medical or dental services delivered, issued for delivery or renewed in this State is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the contract for hospital, medical or dental services.

2. If a contract for hospital, medical or dental services contains a provision for arbitration, the contract must include a statement that the arbitration provision is not binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the contract for hospital, medical or dental services.

3. The provisions of this section do not apply to a contract between:

(a) A plan sponsor, as defined in section 3(16)(B) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(16)(B), as that section existed on July 16, 1997; and

(b) A hospital or a provider of health care, as defined in NRS 439.820.

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

1. No provision for arbitration contained in any evidence of coverage delivered, issued for delivery or renewed in this State is binding upon ~~[the named enrollee or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[.]~~ who makes a claim.

2. If an evidence of coverage contains a provision for arbitration, the evidence of coverage must include a statement that the arbitration provision is not binding upon ~~[the named enrollee or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[.]~~ who makes a claim.

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

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

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

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

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759 ~~[,]~~ *and* 695C.176 to 695C.200, inclusive, ~~[and 695C.265]~~ do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of

Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 18.5. Chapter 695D of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any plan for dental care delivered, issued for delivery or renewed in this State is binding upon ~~[the member or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the plan for dental care ~~[.]~~ who makes a claim.

2. If a plan for dental care contains a provision for arbitration, the plan for dental care must include a statement that the arbitration provision is not binding upon ~~[the member or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the plan for dental care ~~[.]~~ who makes a claim.

Sec. 19. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any evidence of coverage delivered, issued for delivery or renewed in this State is binding upon ~~[the named enrollee or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[.]~~ who makes a claim.

2. If an evidence of coverage contains a provision for arbitration, the evidence of coverage must include a statement that the arbitration provision is not binding upon ~~[the named enrollee or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[.]~~ who makes a claim.

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

1. No provision for arbitration contained in any evidence of coverage delivered, issued for delivery or renewed in this State is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[.]~~ who makes a claim.

2. If an evidence of coverage contains a provision for arbitration, the evidence of coverage must include a statement that the arbitration provision is not binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[.]~~ who makes a claim.

Sec. 21. The provisions of this act do not apply to any contract for insurance existing on October 1, 2023, but apply to any renewal of such a contract.

Sec. 22. NRS 689A.0403, 689B.067, 689B.270, 695B.181, 695B.182, 695C.265 and 695C.267 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

689A.0403 Procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

689B.067 Provision in policy requiring binding arbitration for disputes with insurer authorized; procedure for arbitration; declaratory relief.

689B.270 Required procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

695B.181 Provision in contract requiring binding arbitration authorized; procedures for arbitration; declaratory relief.

695B.182 Required procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

695C.265 Required procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

695C.267 Provision requiring binding arbitration authorized; procedures for arbitration; declaratory relief.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 643 to Assembly Bill No. 439 amends various sections of the bill replacing the phrase "the named insured or any other person" with "any person insured under the contract" and adds a new subsection to section 16.5 clarifying that the provisions concerning arbitration in subsections 1 and 2 are not applicable to a contract between (a) a plan sponsor as outlined in the Employee Retirement Income Security Act of 1974, as it was on July 16, 1997, and (b) a hospital or health care provider as defined in NRS 439.820.

Amendment not adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 27, 42, 44, 66 and 406 and Assembly Bills Nos. 3, 18, 36, 68, 78, 82, 136, 206, 212, 215, 219, 223, 265, 274, 372, 401 and 426.

REMARKS FROM THE FLOOR

Senator Ohrenschall requested that his remarks be entered in the Journal.

I am fortunate to have with me today two guests from Douglas County, Harriett Cummings and her son, Christopher Cummings Rowe. I will be presenting a proclamation to Christopher Cummings Rowe, who has accomplished a lot of great things in his young life. I had the opportunity to meet Christopher and work with him through the years. He sat with me on the floor over in the Assembly, and it was a great learning experience for him and for me to get a young person's perspective on a lot of legislation. I will go over some of his accomplishments.

Christopher grew up in Boy Scouts. He started out in Boy Scouts of America with Troop 411 and later Troop 33. He advanced through all the ranks, earning 31 merit badges, including the 12 required for the Eagle Scout rank. His responsibilities grew as Den Chief, Patrol Leader, Assistant Senior Patrol Leader and, finally, Senior Patrol Leader. Christopher was able to earn the Eagle Scout, which is very prestigious. Only four percent of kids in scouting go on to earn the Eagle Scout.

He was working on a project during the pandemic. Undeterred by delays from the Coronavirus and wildfires, Christopher worked on improving the Douglas County Animal Services Shelter for his Eagle Scout project. He passed his board of review and received formal acknowledgement at his court of honor.

Christopher is currently a student at the University of Nevada, Reno. He is studying mechanical engineering. He is involved in student government. He is a young man I am proud of. He has made great accomplishments for our State and will continue to.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Buck, the privilege of the floor of the Senate Chamber for this day was extended to Justin Causey, Cameron Roehm and Melissa Roehm.

On request of Senator Ohrenschall, the privilege of the floor of the Senate Chamber for this day was extended Harriett Cummings and Christopher Cummings Rowe.

Senator Lange moved that the Senate adjourn until Wednesday, May 24, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 6:02 p.m.

Approved:

STAVROS ANTHONY
President of the Senate

Attest: BRENDAN BUCY
Secretary of the Senate