THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 26, 2023

Senate called to order at 9:53 a.m.

President Anthony presiding.

Roll called.

All present except Senator Hammond, who was excused.

Prayer by Senator Pat Spearman.

As we begin to take steps toward our purpose, we ask that You give us wisdom. As Your Word promises us, we ask in faith that You will give us wisdom and direction in every small and large decision. As we step into our purpose, we thank You that we do not have to rely on our own understanding, as we know that Your wisdom will guide us to our exact purpose.

Thank You, God, that we can come to the throne and ask anything. We ask for Your guidance, and we thank You for the gift and power of Your Spirit.

It is in Your holy Name.

AMEN, SHALOM AND ASHE.

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 Finance, to which was re-referred Senate Bill No. 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 274, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 25, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 302; Assembly Bills Nos. 62, 448.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 112.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 109, Amendment No. 646; Senate Bill No. 146, Amendment No. 647; Senate Bill No. 192, Amendment No. 716; Senate Bill No. 235, Amendment No. 658; Senate Bill No. 269, Amendment No. 667; Senate Bill No. 280, Amendment No. 651; Senate Bill No. 314, Amendment No. 597; Senate Bill No. 391, Amendment No. 705, and respectfully requests your honorable body to concur in said amendments.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that the following persons be accepted as accredited press representatives, and that they be allowed the use of

appropriate media facilities: THE NEVADA INDEPENDENT: Alexandra Couraud, Noel Sims.

Motion carried.

Senator Cannizzaro moved that Assembly Joint Resolutions Nos. 1 and 5, 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, next agenda.

Motion carried.

Senator Cannizzaro moved that Assembly Bills Nos. 33, 55, 75, 86, 91, 97, 107, 120, 124, 143, 159, 175, 177, 183, 188, 191, 220, 250, 275, 284, 285, 309, 334, 339, 342, 356, 392, 405, 408, 423, 432, 444 and 465 be taken from their positions on the General File and placed on the General File, next agenda.

Motion carried.

Senator Cannizzaro moved that Assembly Bills Nos. 32 and 521 be taken from their positions on the General File and placed on the Secretary's Desk.

Motion carried.

Senator Cannizzaro moved that Assembly Bills Nos. 520 and 522 be taken from their positions on the General File and placed at the top of the General File.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 62.

Senator Lange moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

Assembly Bill No. 112.

Senator Lange moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Assembly Bill No. 448.

Senator Lange moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 520.

Bill read third time.

Remarks by Senators Harris, Seevers Gansert, Stone and Cannizzaro.

SENATOR HARRIS:

The General Fund appropriations included in the General Appropriations Act total $3,453,793,513 in Fiscal Year (FY) 2024 and $3,588,282,593 in FY 2025, or $7.042 billion over the 2023-2025 biennium, an increase of approximately $1.026 billion when compared to General Fund appropriations approved by the 2021 Legislature for the 2021-2023 biennium. The Act

includes Highway Fund appropriations totaling $167,536,452 in FY 2024 and $168,606,045 in FY 2025, or $336.1 million over the 2023-2025 biennium, an increase of approximately $30.8 million from the previous biennium.

The Executive Budget included $23.3 million in court administrative assessment revenue over the 2023-2025 biennium. In closing the budgets for the Judicial Department, the money committees approved replacing all court administrative assessment revenue in Judicial Department budgets with direct General Fund appropriations. Through the replacement of that revenue source, the money committees approved total General Fund appropriations of $5.7 million over the 2023-2025 biennium to fund 30 new positions for the Judicial Department and also approved the consolidation of all nonelected positions within the Judicial Department, excluding the Commission on Judicial Discipline, into one new budget account and to allow the Supreme Court to employ such persons as it deems necessary with salaries and benefits determined by the Supreme Court within the limits of legislative appropriations for that purpose.

The money committees approved one-time General Fund appropriations of $2.4 million over the 2023-2025 biennium to fund the replacement of the Supreme Court's legacy case management system for the appellate court, $1.3 million over the 2023-2025 biennium to implement a statewide digital evidence management system and $1.4 million in FY 2024 to build a hybrid training facility within existing space in the Carson City Supreme Court building.

Funding for public schools and K-12 education was considered separately in the K-12 Education Funding Bill which contains funding for the Pupil-Centered Funding Plan and other programs related to K-12 education.

In closing the Department of Education budgets, the money committees approved General Fund appropriations totaling $119.1 million over the 2023-2025 biennium, which includes $34.5 million to fund the administration of statewide assessments. The money committees approved total General Fund appropriations of $22.3 million in FY 2024 and $24.8 million in FY 2025 for subgrants to entities participating in the state pre-K program, General Fund appropriations of $1 million over the 2023-2025 biennium for a new school improvement program for Nevada's lowest performing schools, and General Fund appropriations of $2.7 million over the 2023-2025 biennium to fund 11.5 new positions as well as four positions previously funded with federal funding.

In closing the budgets of the Nevada System of Higher Education (NSHE), the money committees approved total General Fund appropriations of $1.467 billion over the 2023-2025 biennium. In approving the NSHE budgets, the money committees approved to suspend the funding formula distribution component and allocate General Fund appropriations to each of the instructional institutions using the traditional base, maintenance and enhancement decision unit model.

In closing the Aging and Disability Services Division (ADSD) budgets, the money committees approved General Fund appropriations totaling $514.4 million over the 2023-2025 biennium. Of that amount, the money committees approved General Fund appropriations of $46.8 million over the 2023-2025 biennium to support caseload growth, waitlist reductions and associated staffing adjustments for various programs.

In closing the budgets within the Division of Health Care Financing and Policy, the money committees approved General Fund appropriations totaling $2.514 billion over the 2023-2025 biennium. The funding supports projected Medicaid average monthly caseload of approximately 877,000 in FY 2024 and 858,000 in FY 2025 and projected Check Up average monthly caseload of approximately 23,400 in FY 2024 and 23,400 in FY 2025.

In closing the budgets of the Division of Public and Behavioral Health, the money committees approved total General Fund appropriations of $344.4 million over the 2023-2025 biennium.

The money committees approved total General Fund appropriations of $222.4 million to the Division of Welfare and Supportive Services for the 2023-2025 biennium, including General Fund appropriations of $49.2 million over the biennium to the Temporary Assistance for Needy Families (TANF) budget primarily to support the TANF cash assistance caseload.

The money committees approved $352.9 million in General Fund appropriations over the 2023-2025 biennium for the support of the Division of Child and Family Services, including $4.9 million in General Fund appropriations to transfer in 22 positions from the Northern Nevada

Child and Adolescent Services budget and to fund 56 new positions over the 2023-2025 biennium to staff the Desert Willow Treatment Center.

In closing the budgets for the Department of Corrections, the money committees approved $647.9 million in General Fund appropriations over the 2023-2025 biennium, which would provide housing for an average of 10,223 offenders in FY 2024 and 10,480 offenders in FY 2025.

The money committees approved Highway Fund appropriations of $164.7 million over the 2023-2025 biennium to support the operations of the Department of Motor Vehicles. Included in this amount are Highway Fund appropriations totaling $73 million over the 2023-2025 biennium to continue the Department Transformation Effort project.

In closing the budgets for the Department of Public Safety, the money committees approved $143.8 million in General Fund appropriations and $161.8 million in Highway Fund appropriations over the 2023-2025 biennium.

In closing the budgets for the Division of Parole and Probation, the money committees approved $115.2 million in General Fund appropriations to support the division over the 2023-2025 biennium.

In closing the Department of Conservation and Natural Resources budgets, the money committees approved General Fund appropriations totaling $88.9 million over the 2023-2025 biennium.

In closing the Public Employees' Benefits Program budgets for the 2023-2025 biennium, the money committees approved General Fund appropriations of $9.8 million in FY 2024 and $10 million in FY 2025 to provide additional annual health savings account and health reimbursement arrangement contributions between $300 and $500 based on a participant's coverage tier. The money committees also approved General Fund appropriations of $2 million in each year of the 2023-2025 biennium that, when combined with the funding provided through the plan and these appropriations, would provide active state employees and retired state employees with life insurance coverage equivalent to pre-COVID-19 pandemic levels.

SENATOR SEEVERS GANSERT:

Today, I deliver a message to the Majority. I oppose Assembly Bill No. 520. The Governor is asking for what Nevadans want. I have been here before in another time and another administration. Political blockades do not always have good outcomes. I understand negotiation tactics and bargaining strategies have a place, but ultimately, to put the people's interests ahead of politics is the right thing to do. My words may fall on some deaf ears, but I am hoping enough are listening. We are in a place where we have to think about the future, not just the present game of tag. Given where we are today, searching for compromise is always better than not talking at all.

I have been in a similar situation before, sitting across the courtyard. Experience is valuable here. I implore the Majority to embrace what we have in common and work to iron out the differences. This is a time for leadership. The Governor's goals are the people's goals. They are Nevadans' goals. They have not been adequately addressed. Now is the time to find a healthy compromise.

Last election, the people spoke. They wanted balanced government in Carson City. Where we are today is nowhere near balanced. As the Minority, we are painted into the corner because of the lack of communication and acknowledgement of this republican governor's top priorities, which are the people's priorities. Speaking from experience, from this point forward, we can, and we must find that common place, that central ground to restore balance and deliver the voters what they asked for.

SENATOR STONE:

First of all, I want to thank all the members of the Finance Committee for the countless hours they have put in trying to balance the priorities of this State and moving the State forward. With only 12 days to go, there does not seem to be a recognition that in addition to having a strongly democratic legislature, we do have a republican governor. It is important that we all step up to the plate on behalf of 3.2 million people who expect us in 120 days to get the job done. They do not expect us to act like they do in Washington D.C., where they have stalemates and do not get things done and want media attention. We have seen the contentiousness of the Senate versus the Assembly in killing great bills because of personality and policy disputes.

We were elected to act as mature adults, to step up to the plate and to compromise where we can. We win some; we lose some; but the best kind of government is a balanced government. That is what we have right now. We have 12 days to go. Right now, I feel like we are in a stalemate. A stalemate to me is not progress but is failure. So, my friends, Republicans are going to vote "no" on this budget because we have a governor that has not had his voice heard and his priorities addressed. Everyone, whether you are in the Majority or the Minority, at least deserves a hearing. We all have the power to vote "yes" or "no" and kill a bill. Why not let 63 people have a voice? Why not let our governor, who is an equal branch of government, have a voice in the process? Three point two million people are depending on us to take time away from our lives, our businesses and our families to make sacrifices on their behalf, and we are playing all these political games and shenanigans. It is embarrassing. We can do better. I know we can do better. I have confidence that we can do better. I will close with a quote from a wise person who said, "Learn the wisdom of compromise, for it is better to bend a little than break."

SENATOR CANNIZZARO:

I support Assembly Bill No. 520. As my colleague from Senate District 11 did a beautiful job walking us through some intricate details contained within Assembly Bill No. 520, I would note that this is a bill that does some of the following pieces. I want to highlight these pieces for the body.

First of all, it funds the Judicial Department. The Judicial Department, as everyone knows, operates the courts in this State. It ensures we have the type of access to justice that is required in our Constitution. It does so in a way that allows for our courts to operate and make sure that that balance in our court system is there. Those budgets were vetted by the money committees, both in subcommittee and in full committee. Questions were asked, and this all stems from the Governor's recommendation in the budget. Those recommendations were largely accepted. We heard from the Supreme Court multiple times about ways in which they wanted to operate more efficiently and modernize. They reported the ways they have been working on the court and how they are able to deliver that service to our constituents, to people who are looking to have access to the courtroom, which is a fundamental and essential constitutional principle in our nation and State. Those budgets were largely, if not completely, unanimous in the subcommittee. They were largely, if not completely, unanimous in the full committee.

This bill also funds things like the Department of Health and Human Services, medical care for our constituents, making sure there is access to that care and making sure they can seek the care that is necessary for them. One of the pieces in here—and I would be remiss to not point out—is there was a recommendation by the Governor's Office to increase the poverty level for women who are seeking pre- and postnatal care. That was something we approved last session that was not funded, but it is funded now. Those budgets, again, came from the Governor's recommendations and were largely unanimous, if not completely unanimous, in both the subcommittee and the full committee. Robust discussions were had. Questions were asked. Departments were there. We took issue with some things we heard. We tried to fix them where we could, and we came to—like I mentioned—a largely consensual budgetary item.

Our Department of Health and Human Services provides a variety of pieces to our constituents, not just medical care and access to things like doctors, physicians and pre- and postnatal care, but things like our children in the Department of Child and Family Services, kids who are depending on us to make sure they are safe and they have access to services they desperately need that they do not get at home. Kids who are in foster care and babies who are sitting in Child Haven down in Clark County are asking for this body to make sure they have a chance.

Those were not contested, wildly partisan votes. They came from the Governor's recommendation that made its way over to the legislative body, which we have a duty to hear and vet, not to agree with, rubber stamp or just pass, but to hear and vet. That happened. If you have any questions about that, all of it is available on the Nevada Electronic Legislative Information System. You can watch all the hearings, many of which went long and resulted in those of us on the floor starting later than 11:00 a.m. because we were having robust discussions and asking questions.

This bill funds the Nevada Department of Corrections (NDOC) and the Department of Motor Vehicles. These are services that people have and constituents rely on that we have to fund. That

is what is in this bill. NDOC must have the resources to provide services when someone has been incarcerated and goes through the criminal justice system. As a former prosecutor for over a decade who handled very serious gang and violent cases, I hope and I am excited that we can fund some things in NDOC so that dangerous offenders are not on our streets, and the people who work in NDOC are safe. There is a lot in this bill.

There are people supervising offenders in our communities from the Department of Public Safety, Parole and Probation. We want them to do that effectively to maintain public safety. We should be supporting the officers who do these jobs and the jobs that they do.

There is the Department of Conservation and Natural Resources. We know that Nevada is one of the best places to live not only because I have a particular bias for my home State but also because there is a lot of outdoor recreation that supports tourism and the economy in our State. This Department allows us to maintain the State we live in, that we call home and our constituents call home.

There is also the Public Employees' Benefits Program, those public employees that keep us operating every single day.

What you have not heard in this particular bill are some of the things referenced on this floor in support for folks to vote in opposition. This bill is largely bipartisan and comes from the Governor's recommendations. I think there might have been one or two votes where one or two of us voted "no" in subcommittee and full committee. Most of the people on this floor voted for all the things contained in this bill in a bipartisan fashion after much discussion, lengthy hearings and after receiving a recommendation from the Governor. That is the job of this Legislature.

The job of this Legislature is not to come in here and simply rubberstamp something because someone has asked us to do that. That does not happen on member bills; it does not happen on agency bills. It does not happen for any person who might be advocating for a particular policy in this building. If that were the case, then every vote on this floor would be 21 to nothing, and we would simply pass things as they come into this building. We would be passing over a thousand bills between the Houses. That is not what the legislative body is tasked with doing. That is not what happens in this building.

What happens in this building are proposals that sometimes we hear and sometimes we do not. Sometimes we agree; sometimes we do not. Not everything is contained in one bill, ever. That is why we are at number 520 on the Assembly side. The idea that somehow anyone is entitled to walk into this building and tell the legislature—which is a coequal, separate branch of government—that we must do things in a particular fashion ignores the Constitution. It ignores the duties of this body. It ignores the individuals who have voted for 21 different representatives who bring 21 different ideas to the table to have discussions.

What I think is important to note is that the pieces of actual things we are voting on in Assembly Bill No. 520 were proposals that came from Governor's Office and were largely accepted. Where things were not accepted, they were completely vetted at length and in depth by the members of the money committees on both sides of this building, the Senate and the Assembly. This bill contains all the decisions that many people on this floor and across the way in the Assembly Chamber agreed on during those hearings with bipartisan, often unanimous, support to fund very basic governmental functions that our constituents are asking us to do, that we have a duty to do. So, to hold something like kids in foster care, highway patrol, judges, access to justice, welfare and supportive services and Medicaid coverage hostage because other things did not happen is a disservice to the people of the State of Nevada. What this budget represents is a significant investment in our constituents and the services of government that, again, were largely agreed on, except by one or two votes by one or two people that did not agree with very small, particular things. That is consensus building. That is bipartisanship. That is the job of this Legislature.

I implore my colleagues to look at the vote that is going to take place, to not hold these services hostage because there are other things that had nothing to do with this bill and to vote "yes."

Roll call on Assembly Bill No. 520:

YEAS—13.

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

EXCUSED—Hammond.

Assembly Bill No. 520 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 522.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 522 establishes the maximum allowable salaries for certain employees not in the classified service of the State. The bill also makes General Fund appropriations of $629.8 million and Highway Fund appropriations of $56.4 million for salary increases for nonclassified, classified and unclassified state employees; various grade increases for certain employees; incentive bonuses of personnel employed on certain dates; and the restoration of longevity pay for personnel in the Executive, Legislative and Judicial Departments with the addition of professional personnel employed by the Nevada System of Higher Education (NHSE).

For state personnel not within a bargaining unit pursuant to NRS 288.515, the Legislative Department, the Judicial Department and the following collective bargaining units, as defined in NRS 288.515, the bill provides funding for a 12 percent salary increase for Fiscal Year (FY) 2024, effective July 1, 2023, and a 4 percent salary increase for FY 2025, effective July 1, 2024. This includes Unit B, administrative and clerical employees; Unit C, technical aides to professional employees; Unit D, professional employees who do not provide health care; and Unit J: supervisory employees from all occupational groups.

For state employees organized in the following collective bargaining units, as defined in NRS 288.515, the bill includes funding for a 13 percent salary increase for FY 2024, effective July 1, 2023, and a 4 percent salary increase for FY 2025, effective July 1, 2024. This includes Unit A, labor, maintenance, custodial and institutional employees; Unit E, professional employees who provide health care; Unit F, employees, other than professional employees, who provide health care and personal care; Unit G, category I peace officers; and Unit I, category III peace officers.

For state employees organized in the following collective bargaining units, as defined in NRS 288.515, the bill includes funding for a 10 percent salary increase for FY 2024, effective July 1, 2023, and a 4 percent salary increase for FY 2025, effective July 1, 2024. This includes Unit H, category II peace officers, and Unit K, firefighters.

In addition, the bill provides an additional 7 percent salary increase for classified, nonclassified, and unclassified state employees and classified and professional employees of NHSE in FY 2025 if Assembly Bill No. 498 is not enacted by the Legislature and approved by the Governor.

The bill appropriates General Funds of $40.6 million and Highway Funds of $9.4 million for one, two and three-grade pay increases for certain positions on the classified employee compensation plan.

The bill appropriates $21.9 million in General Funds in each year of the 2023-2025 biennium for retention incentives of $250 per quarter for employees of the Executive Department, Judicial Department, the Legislative Department and the Public Employees' Retirement System. Additionally, the bill allocates $3.5 million in each year of the 2023-2025 biennium for retention incentives for professional employees in NSHE.

The bill amends Chapter 284 of NRS to include a plan to encourage continuity of service by providing a semiannual payment of $100 to an employee with 8 years of continuous service with an annual increase of $25 in the semiannual payment for an employee with 9 through 14 years of continuous service, $50 for an employee with 15 through 24 years of continuous service and $75 for each additional year of continuous service after 24 years up to a maximum payment of 30 years of continuous state service. The bill further appropriates General Funds totaling $6.1 million in each year of the 2023-2025 biennium and Highway Funds totaling $1.3 million in FY 2024 and $1.5 million in FY 2025 to fund the plan to encourage continuity of service.

Assembly Bill No. 522 authorizes the Department of Health and Human Services and the Department of Corrections to provide callback pay for unclassified medical positions and pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric and medical facilities. The bill also authorizes the Gaming Control Board to continue the credential

pay plan, which provides up to $5,000 annually for unclassified employees who possess a current Nevada Certified Public Accountant certificate, a license to practice law, or are in a qualifying position as an electronic laboratory engineer and possess a Bachelor of Science or higher degree in engineering, electronic engineering or computer science.

Sections 1 to 12, inclusive, sections 21 to 38, inclusive, and sections 41 to 44, inclusive, of this act become effective on July 1, 2023. Sections 13 to 20, inclusive, and sections 39 and 40 of this act become effective on July 1, 2023, if and only if Assembly Bill No. 498 is not enacted by the Legislature and approved by the Governor.

Roll call on Assembly Bill No. 522:

YEAS—13.

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

EXCUSED—Hammond.

Assembly Bill No. 522 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that all necessary rules be suspended and that Assembly Bills Nos. 520 and 522 be immediately transmitted to the Assembly.

Motion carried.

Bills ordered immediately transmitted to the Assembly.

GENERAL FILE AND THIRD READING

Senate Bill No. 281.

Bill read third time.

The following amendment was proposed by Senator Nguyen:

Amendment No. 744.

SUMMARY—Revises provisions governing public utilities. (BDR 58-693)

AN ACT relating to public utilities; requiring certain public utilities to file with the Public Utilities Commission of Nevada a triennial plan designed to meet the current and future demand for natural gas at the lowest reasonable cost to the public utility and its customers; prohibiting certain public utilities from filing a general rate application under certain circumstances; revising provisions governing certain regulations the Commission is required to adopt with respect to certain public utilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a utility which supplies natural gas in this State to file annually with the Public Utilities Commission of Nevada an informational report describing certain information regarding the demand for natural gas, certain costs related to the provision of gas service and sources of planned acquisitions of natural gas. (NRS 704.991) Section 14 of this bill replaces the requirement to file an annual informational report with a requirement for a public utility which purchases natural gas for resale to 10 or more customers in this State to file with the Commission, on or before October 1, 2025, and on or before October 1 of every third year thereafter, a plan designed to meet the

current and future needs for natural gas at the lowest reasonable cost to the public utility and its customers. Section 14 requires the plan to include certain information related to the provision of gas service by the utility, including certain expenses of the utility and certain activities and programs that the utility plans to engage in. Section 14 requires the Commission to require each public utility to meet with personnel from the Commission and the Bureau of Consumer Protection in the Office of the Attorney General and any other interested persons at least 4 months before filing the plan or within a reasonable period before filing an amendment to an existing plan to provide an overview of the plan or amendment.

Sections 2-10 of this bill define terms related to the plan required to be filed by a public utility.

Section 11 of this bill requires the Commission to convene a public hearing on the adequacy of the plan and establishes certain determinations regarding the plan that the Commission is required to make following such a hearing.

Section 12 of this bill requires the Commission to issue an order accepting or modifying the plan, and any amendment to the plan, within a certain period of time and authorizes the public utility to respond to any modifications to the plan made by the Commission. Section 12 provides that a plan or an amendment to a plan that is accepted by the Commission shall be deemed prudent and a public utility is authorized to recover all prudently incurred costs for the reasonable implementation of such a plan or amendment.

Section 13 of this bill prohibits a public utility which purchases natural gas for resale to 10 or more customers in this State from filing a general rate application within 180 days before or after the filing of a plan.

Existing law requires the Commission to adopt regulations authorizing a public utility which purchases natural gas for resale to expand the infrastructure of the public utility in a manner consistent with a program of economic development. (NRS 704.9925) Section 16 of this bill instead requires the Commission to adopt regulations authorizing a public utility which purchases natural gas for resale to 10 or more customers in this State to include in the plan required to be filed by the public utility a proposal to expand its infrastructure in a manner consistent with a program of economic development.

Section 15 of this bill removes the existing requirement for the Commission to adopt certain regulations establishing methods and programs that remove financial disincentives which discourage a public utility which purchases natural gas for resale from supporting energy conservation.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *As used in NRS 704.991, 704.992 and 704.9925, and sections 3 to 13, inclusive, of this act, unless the context otherwise requires, the words and*

terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. *"Carbon capture, use and storage" means the capture of greenhouse gas emissions, including, without limitation, through direct air capture, that would otherwise be released into the atmosphere.*

Sec. 4. *"Carbon-neutral natural gas" means natural gas accompanied by offsetting measures to balance greenhouse gas emissions generated when natural gas is combusted.*

Sec. 5. *"Carbon offset" means a reduction in greenhouse gas emissions or an increase in carbon capture, use and storage used to compensate for greenhouse gas emissions that occur elsewhere.*

Sec. 6. *"Energy efficiency and conservation" means a reduction in energy intensity or energy consumption.*

Sec. 6.5. *"Greenhouse gas" has the meaning ascribed to it in NRS 445B.137.*

Sec. 7. *"Load management" means the practice of adjusting or reshaping energy usage from one period to another.*

Sec. 8. (Deleted by amendment.)

Sec. 9. *"Responsibly sourced or transported natural gas" means geologic natural gas that is produced or transported with methane emission intensity levels that are below a certain threshold and using processes that demonstrate best practices for production and transportation.*

Sec. 10. *"Significant operational or capital requirements" means the construction of a new transmission, distribution, compression or storage facility or the rehabilitation, replacement, modification, upgrade, uprate or update of existing facilities, or any planned series of such activities addressing the same need, in which ~~[:~~*

~~*1. The]*~~ *the anticipated ~~[to]~~ cost ~~[is more than $10 million; or~~*

~~*2. The activity involves the construction of 10 miles or more of new pipeline.]~~ exceeds the threshold established by the Commission pursuant to subsection 3 of NRS 704.991.*

Sec. 11. *1. After a public utility has filed its plan pursuant to NRS 704.991, the Commission shall convene a public hearing on the adequacy of the plan.*

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the public utility are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected changes in the demand for natural gas.

(c) The plan adequately demonstrates the need for and cost-effectiveness of the proposed activities and investments, as applicable.

(d) The plan identifies the mix of geologic and commercially-available nongeologic gas supply, energy efficiency and conservation programs and activities and investments designed to meet the current and future needs for natural gas at the lowest reasonable cost to the public utility and its customers.

(e) To the extent the plan includes commercially-available nongeologic gas supply options, the plan identifies and considers any present and projected changes in greenhouse gas emissions as a result of the proposed activities.

(f) The plan adequately mitigates adverse impacts on low-income and historically underserved communities.

Sec. 12. *1. After a public utility has filed the plan required pursuant to NRS 704.991, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate within 210 days. If the Commission issues an order modifying the plan, the public utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order.*

2. If a public utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate within 180 days after the filing of the amendment. If the Commission issues an order modifying the amendment, the public utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order.

3. Except as otherwise provided by this chapter, a plan filed pursuant to NRS 704.991 or an amendment to such a plan that is accepted by the Commission shall be deemed to be prudent and the public utility shall recover all prudently incurred costs for the reasonable implementation of such a plan or amendment. For the purposes of this subsection, a plan or amendment shall be deemed accepted by the Commission only as to that portion of the plan or amendment accepted as filed or modified with the consent of the public utility pursuant to subsection 1 or 2.

Sec. 13. *A public utility which purchases natural gas for resale to 10 or more customers in this State shall not file a general rate application:*

1. During the 180 days immediately preceding the date on which the public utility is required to file a plan pursuant to NRS 704.991; or

2. Within 180 days after any date on which the public utility files a plan pursuant to NRS 704.991.

Sec. 14. NRS 704.991 is hereby amended to read as follows:

704.991 *1. To ensure all energy users continue to have access to safe, reliable, sustainable and affordable energy resources for their homes and businesses, a public* utility which ~~[supplies]~~ *purchases* natural gas *for resale to 10 or more customers* in this state shall, *on or before October 1, 2025, and every third year thereafter,* file ~~[annually]~~ with the Commission ~~[, in a format prescribed by the Commission, an informational report which describes:~~

~~1.]~~ *a plan designed to meet the current and future needs for natural gas at the lowest reasonable cost to the public utility and its customers. The Commission shall prescribe by regulation the contents of such a plan, including, without limitation:*

(a) The anticipated demand for natural gas made on ~~[its]~~ *the* system *of the public utility* by its customers;

~~[2.]~~ *(b)* The estimated cost of supplying natural gas sufficient to meet the demand and the means by which the *public* utility proposes to minimize that cost;

~~[3.]~~ *(c)* The sources of planned acquisitions of natural gas, including an estimate of the cost and quantity of the acquisitions to be made from each source and an assessment of the reliability of the source; ~~[and~~

~~4.]~~ *(d)* Significant operational or capital requirements of the *public* utility related to its provision of gas service in this state *that the public utility plans to implement within the 3 years immediately following the date on which the plan is filed with the Commission* ~~[.]~~ *;*

(e) Activities and programs that will be implemented by the public utility to promote energy efficiency and conservation;

(f) Renewable natural gas activities described in subsection 3 of NRS 704.9997 that will be engaged in by the public utility and any other proposed activities or expenses of the public utility related to commercially-available nongeologic gas supplies, carbon offsets, load management or carbon capture, use and storage;

(g) An analysis in support of the plan based on information available at the time the plan is filed, including, without limitation:

(1) An assessment of supplies of geologic and commercially available nongeologic gas, including, without limitation, renewable natural gas, carbon-neutral natural gas and responsibly sourced or transported natural gas;

(2) An assessment of opportunities for gas storage, including, without limitation, contracted storage and storage owned by the public utility;

(3) An assessment of the capability and reliability of pipelines used for transmission;

(4) An analysis of the greenhouse gas emissions reasonably expected to be avoided or reduced through the plan, including, without limitation:

(I) An explanation of the methodology used by the public utility to calculate the greenhouse gas emissions that are expected from the use of natural gas by customers of the public utility; and

(II) An estimate of the reductions in greenhouse gas emissions attributable to specific activities or investments of the public utility;

(5) A comparative evaluation of the cost of supply purchasing strategies, storage options, delivery resources and improvements in energy efficiency, conservation and load management using generally accepted methods for calculating cost effectiveness; and

(6) An analysis of the estimated impact of the investments and activities planned by the public utility on the rates charged to customers.

2. The Commission shall require each public utility, not less than 4 months before filing a plan required pursuant to this section, or within a reasonable period before filing an amendment to such a plan pursuant to section 12 of this act, to meet with personnel from the Commission and the Bureau of Consumer Protection in the Office of the Attorney General and any other interested persons to provide an overview of the anticipated filing or amendment.

3. The Commission shall prescribe by regulation a cost threshold above which a project is considered a significant operational or capital requirement required to be included in a plan pursuant to paragraph (d) of subsection 1.

Sec. 15. NRS 704.992 is hereby amended to read as follows:

704.992 ~~[1.]~~ The Commission shall adopt regulations to establish ~~[methods and programs for a public utility which purchases natural gas for resale that remove financial disincentives which discourage the public utility from supporting energy conservation, including, without limitation:~~

~~(a) Procedures]~~ *procedures* for a public utility which purchases natural gas for resale *to 10 or more customers in this State* to have a mechanism established during a general rate application filed pursuant to NRS 704.110 to ensure that the costs of the public utility for providing service are recovered without regard to the difference in the quantity of natural gas actually sold by the public utility by taking into account the adjusted and annualized quantity of natural gas sold during a test year and the growth in the number of customers of the public utility . ~~[;~~

~~(b) Procedures for a public utility which purchases natural gas for resale to apply to the Commission for approval of an activity relating to increasing energy efficiency or energy conservation; and~~

~~(c) Procedures for a public utility which purchases natural gas for resale to apply to the Commission for the recovery of costs associated with an activity approved by the Commission pursuant to paragraph (b).~~

~~2. The regulations adopted pursuant to subsection 1 must ensure that the methods and programs consider the recovery of costs, stabilization of revenue and any reduction of risk for the public utility which purchases natural gas for resale.]~~

Sec. 16. NRS 704.9925 is hereby amended to read as follows:

704.9925 1. The Commission shall adopt regulations ~~[authorizing]~~ *:*

(a) Authorizing a public utility which purchases natural gas for resale to *10 or more customers in this State to include in a plan filed pursuant to NRS 704.991 a proposal to* expand the infrastructure of the public utility in a manner consistent with a program of economic development *;* ~~[, including, without limitation:~~

~~(a) Procedures for a public utility which purchases natural gas for resale to apply to the Commission for approval of an activity relating to the expansion of the infrastructure of the public utility in a manner consistent with a program of economic development;]~~ and

(b) ~~[Procedures]~~ *Establishing procedures* for a public utility which purchases natural gas for resale to *10 or more customers in this State to* apply to the Commission for the recovery of costs associated with an activity approved by the Commission ~~[pursuant to paragraph (a).]~~ *as part of a plan filed pursuant to NRS 704.991.*

2. The regulations adopted pursuant to subsection 1 must ensure the timely recovery by the public utility ~~[which purchases natural gas for resale]~~ of all prudent and reasonable costs associated with the expansion of the infrastructure of the public utility in a manner consistent with a program of economic development through the development of alternative cost-recovery methodologies that balance the interests of persons receiving direct benefits and persons receiving indirect benefits from the expansion of the infrastructure of the public utility.

3. As used in this section, "program of economic development" means a program to expand the infrastructure of a public utility which purchases natural gas for resale *to 10 or more customers in this State* that is proposed by the public utility and approved by the Commission for one or more of the following purposes:

(a) Providing natural gas service to unserved and underserved areas within this State;

(b) Accommodating the expansion of existing business customers of the public utility;

(c) Attracting and retaining residential and business customers of the public utility;

(d) Attracting to this State new and diverse businesses and industries which use natural gas and which would otherwise locate or expand their business or industry within this State but for the absence of adequate natural gas infrastructure;

(e) Facilitating the implementation of the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(f) Facilitating any policy of the Legislature with respect to economic development in this State.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by Amendment.)

Sec. 19. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 18, 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 Nguyen moved the adoption of the amendment.

Remarks by Senator Nguyen.

Amendment No. 744 to Senate Bill No. 281 changes the cost of more than $10 million in section 10. It removes the amount and puts it in the power of the [Public Utilities] Commission [of Nevada] pursuant to rulemaking in subsection 3 of NRS 704.991 to establish that cost threshold.

Amendment adopted.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 281 makes various changes to requirements for natural gas utilities in Nevada. It replaces the annual informational report with a triennial requirement for public utilities that sell natural gas to ten or more customers to file a plan with the Public Utilities Commission [of Nevada] (PUCN) and requires public utilities to meet with various stakeholders as well as hold public hearings prior to adopting a plan. This act also prohibits a natural gas utility from filing a general rate application within 180 days before or after filing a plan, requires the PUCN to adopt regulations authorizing utilities to include proposals for infrastructure expansion consistent with economic development in their plans and eliminates the requirement for the PUCN to establish regulations that remove financial disincentives for energy conservation by natural gas utilities.

Roll call on Senate Bill No. 281:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Senate Bill No. 281 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 11.

Bill read third time.

Remarks by Senators Doñate and Titus.

SENATOR DOÑATE:

Assembly Bill No. 11 prohibits hospitals or psychiatric hospitals from employing certain physicians for practicing medicine except where expressly authorized by law. Hospitals violating these provisions may have their license suspended or revoked and are subject to certain administrative penalties. The bill exempts hospitals or psychiatric hospitals employing physicians who are participating in specific graduate programs and medical facilities that are owned or operated by the state government.

Further, this bill prohibits taking any action against providers who discuss with others their salary, wages or working conditions and entering into noncompetition agreements with providers that prohibit them from providing medical services for other medical facilities.

SENATOR TITUS:

I oppose Assembly Bill No. 11. Although well-intended, Assembly Bill No. 11 will do the opposite. It will decrease access to care in all of Nevada. Hospitals employ physicians frequently because they are of a unique specialty, and they are the only type of doctor that cannot come and set up a practice by themselves. To get them to Nevada, they have to be employed.

During testimony, we heard frequently that families did not want to go to Stanford. They did not want to go to California to seek medical care. At the same time, we are passing a bill that will force them to do just that. If the hospitals cannot employ these doctors, they will not come to Nevada. Yet again, they will be forced to seek medical care outside this great State we have. I urge my colleagues to vote "no" on Assembly Bill No. 11.

Roll call on Assembly Bill No. 11:

YEAS—13.

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

EXCUSED—Hammond.

Assembly Bill No. 11 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 39.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 39 authorizes the State Contractors Board to adopt regulations establishing certain requirements pertaining to contracts used by a residential contractor and the owner of a completed single-family residence who occupies the single-family residence for any construction, remodeling, repair or improvement performed by a residential contractor to the single-family residence or any activity for the supervision of such work. The measure also sets forth certain information that must be included in such a contract, with certain exemptions. If a contract between a residential contractor and an owner does not include the required information, excluding details about an initial down payment or deposit, the owner is authorized to modify the contract to comply with the regulation. Such modification, if reasonable, is enforceable against the contractor. The measure makes the contract voidable by the owner if the contract omits information regarding the initial down payment or deposit. A contractor's failure to comply with the requirements for contracts for work concerning a residential improvement or regulations adopted by the Board is subject to disciplinary action.

Roll call on Assembly Bill No. 39:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 39 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 44.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 44 revises the titles of the deputy directors of the Department of Veterans Services and certain duties of the Director of the Department. The measure requires the Director to provide quarterly training to veteran's service officers employed by the Department and to additionally offer the training to representatives of veteran's service organizations who are accredited by the United States Department of Veterans Affairs located in this State.

Roll call on Assembly Bill No. 44:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 44 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 49.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 49 prescribes separate and distinct forms for a petition for a writ of habeas corpus that challenges the computation of time that a person has served pursuant to a judgment of conviction and a petition for a writ of habeas corpus that challenges the validity of a judgment of conviction or sentence. A person who has filed a petition challenging a judgment of conviction or sentence must not be released upon his or her own recognizance or admitted to bail pending a review of the petition. The bill also repeals the requirement that the respondent file a return with the court and instead requires that the response or answer filed by the respondent include the information contained in a return under existing law. A petitioner is authorized under certain circumstances to file and serve a petition by electronic means. Finally, the bill makes the amendatory provisions applicable to a postconviction.

Roll call on Assembly Bill No. 49:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 49 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 57.

Bill read third time.

Remarks by Senator Pazina.

Assembly Bill No. 57 provides that if a person is unable to sell a vehicle with a lien at a public auction after a reasonable effort, the person may satisfy the lien by selling the vehicle by private sale directly to a third-party purchaser in an arm's length transaction. The bill also removes the requirement that a sale must be held at or near the place where the lien was acquired.

Further, Assembly Bill No. 57 revises provisions relating to automobile wreckers and the towing of abandoned vehicles. The bill revises the Department of Motor Vehicles' reporting requirement concerning garages, garage operators and body shops. Lastly, the bill repeals the authority for the issuance of a special license plate to honorary consuls of foreign countries, thereby terminating the production and distribution of such plates.

Roll call on Assembly Bill No. 57:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 57 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 65.

Bill read third time.

Remarks by Senator Doñate.

Assembly Bill No. 65 revises the definition of bullying and certain requirements for investigating and reporting certain instances of bullying, cyberbullying and discrimination based on race. Furthermore, the bill requires the Superintendent of Public Instruction of Nevada's Department of Education, rather than the State Board of Education, to approve work-based learning programs. The bill makes changes relating to the admittance into certain grades and compulsory education, including requiring a child to be five or six years of age on or before August 1 preceding a school year in order to be admitted to kindergarten or first grade, as applicable.

Additionally, Assembly Bill No. 65 prohibits a board of trustees of a school district from taking any action at a regular or special meeting after 11:59 p.m.

Roll call on Assembly Bill No. 65:

YEAS—15.

NAYS—Goicoechea, Hansen, Krasner, Stone, Titus—5.

EXCUSED—Hammond.

Assembly Bill No. 65 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bill No. 74 be taken from its position on the General File and placed on the General File, next agenda.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 114.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 114 revises the membership of the Nevada Early Childhood Advisory Council. The bill also defines the term "early childhood program" for purposes of the duties of the Council as any program for children less than eight years of age pertaining to nutrition, health care, mental and behavioral health, protection, and play and learning to stimulate a child's development. Additionally, this bill updates the language pertaining to the representation of the tribal organizations within the Council.

Roll call on Assembly Bill No. 114:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 114 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 198.

Bill read third time.

Remarks by Senator Daly.

Assembly Bill No. 198 requires the State Board of Nursing to issue a certificate of registration as a certified registered nurse anesthetist to a registered nurse who meets the requirements of existing law and any additional requirements prescribed by the Board. The Board must adopt regulations governing such practitioners.

The bill authorizes a certified registered nurse anesthetist working under the supervision of a physician licensed to practice medicine or osteopathic medicine in this State to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a person under the care of a licensed physician in a critical access hospital before, during and after surgery or childbirth.

Roll call on Assembly Bill No. 198:

YEAS—19.

NAYS—Hansen.

EXCUSED—Hammond.

Assembly Bill No. 198 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 218.

Bill read third time.

Remarks by Senators Pazina and Stone.

SENATOR PAZINA:

Assembly Bill No. 218 requires that in each place where a landlord lists the amount of rent due under a rental agreement and in any reference to the amount of rent due in a written rental agreement, the rent must be denoted as a single figure representing the total amount of the periodic rent that includes the amount of any fixed, mandatory fees to be charged to the tenant in addition to the base rent. A landlord is prohibited from charging a tenant an amount for periodic rent that exceeds the amount of rent due under the written rental agreement. The measure authorizes a tenant aggrieved by a violation of the provisions to bring a civil action in any court of competent jurisdiction and sets forth the remedies that a court must award to a tenant who prevails in such an action.

The measure prohibits a landlord who allows a tenant to pay rent or any other fee or charge through an internet website or online portal from charging the tenant a fee to make a payment by these means in an amount that exceeds the amount of any fee charged by the operator of the internet website or online portal. Additionally, any such fee must be separately identified in a written rental agreement.

SENATOR STONE:

Colleagues, as a landlord for over 30 years, I like several provisions in this bill. In my portfolio of properties, my clients can pay their rent in person, through a dedicated mail slot on the properties I own, or they can pay online 24/7 through their tenant portal, which is a part of the property management software I subscribe to. The software I use allows a tenant to voluntary pay by ACH [Automated Clearing House] for a $1.95 fee, which they as a software company charge the tenant. I do not mark it up. This has saved my tenants many late charges by paying online up until 12:59 p.m. the day before the rent is late to avoid paying a 5 percent late fee in compliance with Nevada laws.

Identifying the rent due each month as one total that summates all the tenants fixed charges, such as trash, pet rent, et cetera, is transparent and is fair. Tenants should always know what their total rent obligation is, and my tenants do. Any landlord who charges a tenant more than the agreed upon rent plus charges can already be sued under Nevada law. Providing a copy of the lease to the tenant for review is something I already do if requested by the prospective tenant. I am sure most, if not all, landlords would do the same.

What I oppose in this bill is the criminality and civil exposure to a landlord who simply may make an error, which can be considered a deceptive trade practice. This is especially relevant for smaller landlords that do not have on-staff attorneys to review leases and can make mathematical errors or a software error and could be forced into insolvency with a large claim against them and having a criminal record. I know there have been decriminalization efforts in this Legislature over the past few sessions, and here we are criminalizing landlords. Most small landlords do not keep

legal counsel on retainers because of their high expense. The average landlord here owns 2.5 properties. We are talking about small landlords that own most of the portfolios in Nevada. Many of these small landlords are senior citizens who live on this income. A frivolous lawsuit cannot only hurt them but also destroy them financially.

There should at least be, as a part of this legislation, a written warning that if a tenant is allegedly being charged more than their contractual rent, they can request the landlord fix the problem without a lawsuit and without criminality associated with it. That problem should be able to be fixed expeditiously within seven days. If a landlord fails to correct this problem, then I am in complete support of the legal remedies promoted in this bill. This Legislature has worked hard to implement decriminalization reforms, yet here is a bill that seeks to criminalize landlords. For those reasons, I strongly urge a "no" vote.

Roll call on Assembly Bill No. 218:

YEAS—13.

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

EXCUSED—Hammond.

Assembly Bill No. 218 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 242.

Bill read third time.

Remarks by Senators Ohrenschall and Seevers Gansert.

SENATOR OHRENSCHALL:

Assembly Bill No. 242 authorizes ballots or votes to be cast, registered and recorded using a mechanical voting system and requires the use of a mechanical voting system for counting ballots or votes. The measure also revises the definition of "mechanical voting system" to include marking a mail ballot which is subsequently counted by electronic means.

Further, the measure requires each polling place, with certain exceptions, to provide at least two voting booths that are accessible for voters who are elderly or voters with disabilities. County and city clerks and election board officers must also be trained in using such accessible voting booths.

SENATOR SEEVERS GANSERT:

I support Assembly Bill No. 242. We worked extensively with the Secretary of State to make sure paper ballots are available and accessible. We had language added back in. While this original bill eliminated paper ballots, I want to be clear those ballots are available.

Roll call on Assembly Bill No. 242:

YEAS—16.

NAYS—Hansen, Krasner, Stone, Titus—4.

EXCUSED—Hammond.

Assembly Bill No. 242 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 244.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 244 sets forth rights of a person compelled to submit to a mental or physical examination. With certain exceptions, a person compelled to submit to such an examination pursuant to a court order, a contractual obligation or any other type of obligation has the right to

receive notice of the examination at least 21 days before the date of the examination, have an interpreter and certain observers present throughout the examination, take notes or appoint an observer to take notes during the examination, and after providing notice to the examiner, make certain recordings of the examination.

The bill provides that the testimony or reports of the examiner are not privileged communications. If the rights of a person compelled to submit to a mental or physical examination are violated, the person may bring an action in court to seek certain remedies if notice of the violation is provided to the person who allegedly violated such rights no later than seven days before the action is commenced.

Finally, this bill repeals a provision in law authorizing an observer to be present at a mental or physical examination ordered by a court for the purpose of discovery in a civil action.

In 2021, the Nevada Supreme Court held that the provision in law authorizing an observer to be present at a mental or physical examination ordered by a court for the purpose of discovery in a civil action is unconstitutional because it is a procedural statute that does not create a substantive right and it attempts to abrogate an existing rule of procedure that the court "prescribed under its inherent authority to regulate the judicial process" in *Lyft, Inc. v. Eighth Jud. Dist. Court*.

Roll call on Assembly Bill No. 244:

YEAS—16.

NAYS—Buck, Krasner, Seevers Gansert, Titus—4.

EXCUSED—Hammond.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 340.

Bill read third time.

Remarks by Senators Nguyen and Stone.

SENATOR NGUYEN:

Assembly Bill No. 340 repeals, reenacts, reorganizes and revises a provision for summary eviction of certain tenants who are guilty of unlawful detainer. The bill replaces repealed provisions of a new procedure for summary eviction which applies to tenants who are not tenants of a commercial premises, who default in the payment of rent and who are guilty of an unlawful detainer for reasons other than a default in the payment of rent.

The bill provides that the landlord upon the expiration of certain notice provided to the tenant, must apply by affidavit of complaint for the summary eviction of the tenant and serve the tenant with a file-stamped copy of the affidavit of complaint and a copy of the summons. If a landlord does not file with the court proof of service of the affidavit and summons within 30 days after the affidavit of complaint for summary eviction is filed, the court is required to dismiss the action for summary eviction.

The tenant is required to file an answer to the affidavit of compliant within ten calendar days after the date of service. If a tenant files an answer within the prescribed period, a hearing is held. If no such answer is filed, the court is authorized to order, without holding a hearing, the removal of the tenant within a prescribed period.

The bill also requires a court that grants an action for summary eviction to automatically seal the eviction case court file under certain circumstances.

SENATOR STONE:

A common theme this session is an obsession that all landlords are greedy, that optimize rent increases without consideration for their tenant's wellbeing and will evict someone the minute one becomes late on their rent. For many smaller landlords like me, this is not the case. Many of us run a family business. If you look at the facts, individual landlords own 41.2 percent of all rental units. Landlords own 74.6 percent of 2 to 4 rental units and 99 percent own 1- to 4-unit properties. The average landlord rents to 2.5 households or 5.9 individuals, and 12.4 individually-owned

rental units have belonged to the same landlord for 30 years or more. Landlords remodel or rehabilitate their unit's 17.6 percent.

According to the Pew Research Center, nearly half of individual landlords reported net losses on their properties. Average gross income of landlords is approximately $76,000; hence, these small landlords are not the uber wealthy as they are stereotyped. You see, many landlords are not the big corporate giants that have to be fiscally responsible to shareholders for increasing their profits. Many are small businesses that spend many hours maintaining, upgrading and managing their units. For Nevadans who own 1 to 4 units with the average of 2.5 units as was discussed, when a tenant does not pay their rent, that means that 40 percent of their scheduled income is not coming in. Yet, they must still go through the eviction process after all attempts have failed at the high cost of including lost rent and continuing to pay expenses, including property taxes, insurance, maintenance, including expensive heating, ventilation and air conditioning fees, replacements, landscape fees, accountant fees, lawyer fees, et cetera. Delaying the process to evict a tenant who is not paying rent can hurt the small landlords who make up 41 percent of all rentals in Nevada.

If you look at the present procedure for summary evictions, assuming that someone does not pay their rent on time, they are given a four-day grace period by law. After four days, a landlord can order a seven-day notice to pay or quit, which can take about eight to ten days. Advising the tenant of his or right to contest the complaint can take a couple more days. The landlord can then file a complaint with the court, which takes about another three days. The court holds a hearing and then issues a judgement, which can take three to seven days. Then the order for removal is made, which usually averages three to four days. The landlord, after three more days, can then have possession of the property.

It is an optimistic timeline, but you can see that it can take basically more than 30 days if all the i's are dotted, t's are crossed, and no one is going to contest the eviction. It is more likely a 45- to 60-day process if it is contested. That is under present law today. Meanwhile, a tenant can respond to the complaint and delay the process, contest the complaint and a hearing is then scheduled.

The terms of renting a unit are outlined in a lease, which is a legal document in Nevada. Tenants and landlords sign on the dotted line that affirms their understanding of the terms and conditions of the lease, including, but not limited to, eviction for nonpayment of rent. Ignorance is not an excuse to not follow a legal contract, and remedies exist to protect all parties, whether you are the landlord or the tenant. Leases are no different.

Assembly Bill No. 340 repeals the process for summary eviction procedure in lieu of a new procedure, which significantly delays the process, increasing the cost for the landlord and ultimately the tenant. In most of the leases, if you have to sue a tenant after they have been evicted for costs that will be included, including in most cases, legal fees and court costs. This will burden and overwhelm the courts with the unnecessary hearings. This new procedure could extend the evictions from 90 days to 120 days or more, which creates harm for landlords, especially the small ones I mentioned.

In addition, this bill would allow a delinquent tenant the right to file a civil action against the landlord for not following this new, complex array of steps to regain access to their property. We all know it is unlawful for a state government to pass an unfunded mandate on other governments, like local governments. Why, then, is it okay for this bill to pass an unfunded mandate on private businesses in this State?

Of course, I understand the humanitarian elements of this bill. For the record, in being a landlord for over 30 years, I have never evicted one tenant. I have always worked with my human clientele. If the State wants to impose this draconian process on landlords to legally remove a tenant not paying their rent or violating the terms of their lease, then the appropriate thing to do is amend this bill and have the State pay for a reimbursement to landlords burdened by this legislation.

The risk when passing this kind of legislation, picking winners and losers, is that many small landlords will just sell their units. That is fewer units that will be available in our market, which already has a significant shortage of residential units for rent or lease. Property rights are a long-standing right in this nation and this State. The summary eviction process is fair to the

landlord that is not receiving rent from a tenant and provides appropriate notice in time for a tenant to meet their legal obligations.

A wise person once said, "The right thing with the wrong motive is the wrong thing." It is commendable that the author wants to do the right thing to give a delinquent tenant more time before they are evicted, but the wrong motive of this bill is to make the eviction process more difficult for landlords, which is plain wrong. For these reasons, I urge a "no" vote on Assembly Bill No. 340.

Roll call on Assembly Bill No. 340:

YEAS—13.

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

EXCUSED—Hammond.

Assembly Bill No. 340 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 350.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 350 requires each law enforcement agency to include certain additional information relating to seizures and forfeitures in the annual report submitted to the Office of the Attorney General. This bill additionally requires the Office of the Attorney General to make the reports relating to seizures and forfeitures that are published on its internet website available in a machine-readable format.

The asset forfeiture issue needs to be seriously investigated by future legislative bodies. This will help establish some of the base data we need to make good decisions. I urge a "yes" vote on Assembly Bill No. 350.

Roll call on Assembly Bill No. 350:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 350 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 398.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 398 prohibits an insurer from issuing or renewing a liability insurance policy that contains a provision that reduces the limit of liability stated in the policy by the costs of defense, legal costs and fees and other expenses for claims, or otherwise limits the availability of insurance for the costs of defense, legal costs and fees and other expenses for claims.

The amendatory provisions of this bill do not apply to any contract for liability insurance existing on October 1, 2023, but apply to any renewal of such a contract.

Roll call on Assembly Bill No. 398:

YEAS—19.

NAYS—Goicoechea.

EXCUSED—Hammond.

Assembly Bill No. 398 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Mr. President announced that Assembly Bills Nos. 39, 49, 57, 65, 114, 198, 218, 242, 244 and 340 would be immediately transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:25 a.m.

SENATE IN SESSION

At 8:18 p.m.

President Anthony presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 26, 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. 251, 429.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 57, Amendment No. 719; Senate Bill No. 60, Amendment No. 721; Senate Bill No. 80, Amendment No. 604; Senate Bill No. 322, Amendment No. 659; Senate Bill No. 384, Amendment No. 593; Senate Bill No. 418, Amendment No. 699; Senate Bill No. 436, Amendment No. 710, and respectfully requests your honorable body to concur in said amendments.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Cannizzaro.

For: Senate Bill No. 507.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Friday, May 26, 2023.

NICOLE CANNIZZARO
Senate Majority Leader

STEVE YEAGER
Speaker of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bills Nos. 86, 284, 285 and 339 be taken from their positions on the General File and placed on the Secretary's Desk.

Motion carried.

Senator Cannizzaro moved that Assembly Bills Nos. 17, 32 and 51 be taken from the Secretary's Desk and placed on the General File.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Resolution No. 7—Designating certain members of the Senate as regular and alternate members of the Legislative Commission for the 2023-2025 biennium.

Senator Ohrenschall moved the adoption of the resolution.

Remarks by Senator Ohrenschall.

Senate Resolution No. 7 designates the Senate members and Senate alternate members of the Legislative Commission for the upcoming biennium.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 1.

Resolution read.

Remarks by Senator Krasner.

Assembly Joint Resolution No. 1 urges the United States Department of Veterans Affairs to study the effectiveness and use of hyperbaric oxygen therapy for veterans and share the results with the State of Nevada.

Roll call on Assembly Joint Resolution No. 1:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Joint Resolution No. 1 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 5.

Resolution read.

Senator Daly moved the adoption of the resolution.

Remarks by Senators Daly, Seevers Gansert and Pazina.

SENATOR DALY:

Assembly Joint Resolution No. 5 proposes to amend the Nevada Constitution to authorize the Legislature to provide by law for the operation and regulation of lotteries, including, without limitation, the sale of lottery tickets. The resolution prohibits the Legislature from passing any laws which grant a special charter or similar governing document to any person or entity to operate a lottery or sell lottery tickets and further prohibits political subdivisions of the State from operating a lottery or selling lottery tickets. Additionally, the resolution clarifies that the operation of any charitable lotteries must comply with existing provisions in the Nevada Constitution governing charitable lotteries.

SENATOR SEEVERS GANSERT:

I oppose Assembly Joint Resolution No. 5. It has been well-known and researched that lottery tickets are sold to people who are of lower income. It is a regressive way for people to spend money when they could be spending it on things like food. We have an industry here that employs thousands of individuals who have invested in brick and mortar in our State. This would undermine what is the largest economic driver in our State.

SENATOR PAZINA:

While I tentatively support Assembly Joint Resolution No. 5, I do have a number of concerns I look forward to addressing with the sponsor during the interim session.

Roll call on Assembly Joint Resolution No. 5:

YEAS—12.

NAYS—Buck, Goicoechea, Harris, Krasner, Neal, Seevers Gansert, Stone, Titus—8.

EXCUSED—Hammond.

Assembly Joint Resolution No. 5 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 1 of the 81st Session.

Resolution read.

Remarks by Senators Titus and Seevers Gansert:

SENATOR TITUS:

Assembly Joint Resolution No. 1 of the 81st Session proposes to amend Section 1 of Article 13 of the Nevada Constitution by replacing the description of persons who benefit from institutions fostered and supported by the State from "insane" to "persons with significant mental illness," "blind" to "persons who are blind or visually impaired" and "deaf and dumb" to "persons who are deaf or hard of hearing." The resolution also replaces the term "institutions" with "entities" and adds entities for the benefit of persons with intellectual or developmental disabilities to the types of entities that shall be fostered and supported by the State.

This resolution was approved by the 81st Session in 2021 by both Houses with full support. If approved in identical form during the 82nd Session, the proposal will be submitted to the voters for final approval or disapproval at the 2024 general election.

I appreciate all of you hearing me present this bill, time and time again, in four separate occasions, twice in each House. I appreciate all your support and look forward to you supporting this one more time.

SENATOR SEEVERS GANSERT:

I support Assembly Joint Resolution No. 1 of the 81st Session. I also want to compliment the Senator from District 17 for her perseverance. She has been working on this for quite a while. I am glad we are here today.

Roll call on Assembly Joint Resolution No. 1 of the 81st Session:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Joint Resolution No. 1 of the 81st Legislative Session having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 5.

Resolution read.

Senator Scheible moved the adoption of the resolution.

Remarks by Senators Scheible, Titus, Seevers Gansert, Cannizzaro, Hansen and President Anthony.

SENATOR SCHEIBLE:
Assembly Concurrent Resolution No. 5 expresses the Legislature's support for the Lake Tahoe Transportation Action Plan and for the funding of high priority transportation projects in the Lake Tahoe Basin.

SENATOR TITUS:
I oppose Assembly Concurrent Resolution No. 5. I have had many individuals who live at Lake Tahoe express significant concern on the Transportation Action Plan. I will be meeting with them as soon as this session is over to address some of those concerns. Until I can have a full understanding of the impact on my constituents, I will have to be a "no" vote.

Assembly Concurrent Resolution No. 5 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Remarks by Senators Seevers Gansert, Cannizzaro and Hansen:

SENATOR SEEVERS GANSERT:
Point of order. I move for a roll call vote on Assembly Concurrent Resolution No. 5.

SENATOR CANNIZZARO:
Point of order. According to the Senate Standing Rules and rules of parliamentary procedure, a point of order must be made at the time the vote is taken, not after it has already been determined by the presiding officer that the motion was sustained and ordered to the Assembly. I believe that the motion for a roll call vote would have had to been made at the time of the vote, not now. It is now out of order.

PRESIDENT ANTHONY:
That is correct. We will …

SENATOR HANSEN:
Point of order. We have not gone to the next thing. It has been a completely reasonable period of time. I appeal to the parliamentarian that the Minority Leader made the motion in an appropriate time frame. While it may have been a 10- or 15-second delay, it was certainly well within the time allotted since we have not moved onto the next agenda item. I appeal to the parliamentarian to sustain the attempt to have a roll call vote.

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

Senate in recess at 8:29 p.m.

SENATE IN SESSION

At 8:34 p.m.
President Anthony presiding.
Quorum present.

SENATOR CANNIZZARO:
Point of order. My colleague from Senate District 14 stated a point of order but really made a motion for an appeal. There was no explanation of what the point of order was, a rule or otherwise. It was an appeal of the previous point of order. However, an appeal under the Senate Standing

Rules must be sustained by two standing Senators, and there were no standing Senators. The appeal is out of order.

PRESIDENT ANTHONY:

My ruling is that we heard the motion, and we voted on it. I said that the motion carried, resolution is adopted, is ordered to the Assembly. That was the end of that particular item, and we were ready to move on to the next one. At that point, there was basically a request to have a Division of the House, and I do not believe we could have done that request at that particular point. If you would like to appeal my ruling, we can put it to a vote. Does anybody want to request that vote?

Okay. Then that will be my ruling, and we are finished with Assembly Concurrent Resolution No. 5.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 506—AN ACT relating to records of criminal history; revising provisions relating to the use of certain money collected for certain purposes relating to records of criminal history; and providing other matters properly relating thereto.

Senator Dondero Loop moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Cannizzaro:

Senate Bill No. 507—AN ACT relating to the Hearings Division of the Department of Administration; revising provisions governing the appointment of and duties of the Chief of the Division; revising provisions relating to the appointment of hearing officers and appeals officers of the Division; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 508—AN ACT relating to taxation; making an appropriation to the Office of Finance in the Office of the Governor for the purpose of making grants to scholarship organizations that provide grants to allow certain pupils to attend schools in this State chosen by the parents or legal guardians of the pupils; and providing other matters properly relating thereto.

Senator Dondero Loop moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 509—AN ACT relating to economic development; enacting the Southern Nevada Tourism Innovation Act; amending the Southern Nevada Tourism Improvements Act; requiring the establishment in Clark County of a sports and entertainment improvement district for the financing of a Major League Baseball stadium project; authorizing the Clark County Stadium

Authority to carry out the provisions of law governing the Major League Baseball stadium project; requiring the creation of a resort corridor homelessness prevention and assistance fund; authorizing the pledge of certain taxes, fees and charges for the payment of bonds and other purposes relating to the financing of the Major League Baseball stadium project; authorizing the State Treasurer to provide a credit enhancement on bonds issued to finance the construction of the Major League Baseball stadium project; requiring the issuance of general obligations of Clark County for the financing of a Major League Baseball stadium project under certain circumstances; authorizing the issuance of transferrable tax credits to developer partners for qualified projects relating to the Major League Baseball stadium project; making an appropriation; and providing other matters properly relating thereto.

Senator Dondero Loop moved that the bill be referred to the Committee on Finance.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 274.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 736.

SUMMARY—Revises provisions relating to industrial insurance. (BDR 53-946)

AN ACT relating to industrial insurance; requiring the Administrator of the Division of Industrial Relations of the Department of Business and Industry to post certain information on the Internet website of the Division; increasing the amount of certain penalties for certain violations of the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act; revising provisions relating to the imposition and payment of benefit penalties; revising certain requirements for certain investigations conducted by the Administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Industrial Insurance Act and the Nevada Occupational Diseases Act, which provide for the payment of compensation to employees who are injured or disabled as the result of an occupational injury or occupational disease. (Chapters 616A-616D and 617 of NRS)

Existing law requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry under certain circumstances to order an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization to pay a claimant a benefit penalty in an amount not less than $5,000 and not greater than $50,000 for refusing to process a claim for compensation, refusing to pay or unreasonably delaying payment to a claimant of compensation or other relief found to be due or committing certain other violations of the Nevada Industrial Insurance Act or the Nevada Occupational

Diseases Act. (NRS 616D.120) Section 2 of this bill increases the amount of that benefit penalty to not less than $17,000 and not greater than $120,000. Section 2 also extends from 10 days to 15 days the time in which a benefit penalty must be paid to a claimant after the Administrator determines the amount of the benefit penalty. Section 1.5 of this bill requires the Administrator to publish, maintain and make available to the public on the Internet website of the Division certain information relating to benefit penalties imposed by the Administrator.

Existing law sets forth procedures by which a person may contest a decision of the Administrator to impose or refuse to impose a benefit penalty. Under existing law, a person who is aggrieved by a failure of the Administrator to respond to a written request for a determination within 90 days after the request is mailed to the Administrator may appeal the failure to respond by filing a request for a hearing within 100 days after the unanswered written request was mailed to the Administrator. (NRS 616D.140) Section 4 of this bill ~~[extends the time in which a person may appeal from]~~ revises those provisions to instead authorize a person who is aggrieved by the failure of the Administrator to respond to a ~~[notice of appeal from 100]~~ complaint alleging that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has committed certain violations within 120 days after ~~[the date on which the notice of appeal was mailed to]~~ the Administrator receives the complaint to ~~[120]~~ appeal the failure to respond by filing a request for a hearing within 150 days after ~~[that date.]~~ the receipt of the complaint. Section 4 also: (1) requires a party who unsuccessfully appeals the imposition of a benefit penalty to pay a claimant double the amount of the benefit penalty initially imposed; (2) establishes certain requirements for when a benefit penalty must be paid; and (3) authorizes the Commissioner of Insurance to suspend a certification issued to an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization under certain circumstances.

Existing law requires the Administrator, upon receipt of a complaint or if the Administrator has reason to believe that certain provisions of the Nevada Industrial Insurance Act have been violated, to cause an investigation to be conducted and render a determination concerning those violations. (NRS 616D.130) Section 3 of this bill broadens the circumstances under which the Administrator is required to cause an investigation to be conducted and requires the Administrator to: (1) provide the Commissioner and the suspected violator with a copy of the complaint or an explanation of the reason why the Administrator believes a violation has occurred and a copy of the determination rendered on the matter; and (2) include with the Administrator's determination any settlement agreement relating to the violation. Section 3 also revises the time in which the Administrator must complete certain actions pursuant to the investigation.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. Chapter 616D of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Administrator orders an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization to pay a benefit penalty pursuant to NRS 616D.120, the Administrator shall post on the Internet website of the Division:

(a) The full legal name of the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization;

(b) The amount of the benefit penalty imposed; and

(c) A brief description of the violation for which the benefit penalty was imposed.

2. The information required by subsection 1 must:

(a) Be published not more than 30 days after the date on which the time for taking an appeal on the order to impose the benefit penalty has elapsed or the date on which all appeals regarding the order have been exhausted ~~[.]~~ *and the order to impose the benefit penalty has been upheld, whichever is later.*

(b) Remain posted on the Internet website of the Division for not less than 5 years after the date on which it is initially posted.

3. The Administrator shall establish and maintain on the Internet website of the Division a database which:

(a) Contains the information required by subsection 1;

(b) Is publicly accessible;

(c) Is searchable; and

(d) Is updated regularly.

Sec. 2. NRS 616D.120 is hereby amended to read as follows:

616D.120 1. Except as otherwise provided in this section, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has:

(a) Induced a claimant to fail to report an accidental injury or occupational disease;

(b) Without justification, persuaded a claimant to:

(1) Settle for an amount which is less than reasonable;

(2) Settle for an amount which is less than reasonable while a hearing or an appeal is pending; or

(3) Accept less than the compensation found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 617, inclusive, of NRS;

(c) Refused to pay or unreasonably delayed payment to a claimant of compensation or other relief found to be due the claimant by a hearing officer,

appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the refusal or delay occurs:

(1) Later than 10 days after the date of the settlement agreement or stipulation;

(2) Later than 30 days after the date of the decision of a court, hearing officer, appeals officer or the Division, unless a stay has been granted; or

(3) Later than 10 days after a stay of the decision of a court, hearing officer, appeals officer or the Division has been lifted;

(d) Refused to process a claim for compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(e) Made it necessary for a claimant to initiate proceedings pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for compensation or other relief found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(f) Failed to comply with the Division's regulations covering the payment of an assessment relating to the funding of costs of administration of chapters 616A to 617, inclusive, of NRS;

(g) Failed to provide or unreasonably delayed payment to an injured employee or reimbursement to an insurer pursuant to NRS 616C.165;

(h) Engaged in a pattern of untimely payments to injured employees; or

(i) Intentionally failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 616A, 616B, 616C or 617 of NRS,

➥ the Administrator shall impose an administrative fine of $1,500 for each initial violation, or a fine of $15,000 for a second or subsequent violation.

2. Except as otherwise provided in chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has failed to comply with any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, the Administrator may take any of the following actions:

(a) Issue a notice of correction for:

(1) A minor violation, as defined by regulations adopted by the Division; or

(2) A violation involving the payment of compensation in an amount which is greater than that required by any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto.

➥ The notice of correction must set forth with particularity the violation committed and the manner in which the violation may be corrected. The provisions of this section do not authorize the Administrator to modify or

negate in any manner a determination or any portion of a determination made by a hearing officer, appeals officer or court of competent jurisdiction or a provision contained in a written settlement agreement or written stipulation.

(b) Impose an administrative fine for:

(1) A second or subsequent violation for which a notice of correction has been issued pursuant to paragraph (a); or

(2) Any other violation of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, for which a notice of correction may not be issued pursuant to paragraph (a).

➥ The fine imposed must not be greater than $375 for an initial violation, or more than $3,000 for any second or subsequent violation.

(c) Order a plan of corrective action to be submitted to the Administrator within 30 days after the date of the order.

3. If the Administrator determines that a violation of any of the provisions of paragraphs (a) to (e), inclusive, (h) or (i) of subsection 1 has occurred, the Administrator shall order the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization to pay to the claimant a benefit penalty:

(a) Except as otherwise provided in paragraph (b), in an amount that is not less than ~~[$5,000]~~ *$17,000* and not greater than ~~[$50,000;]~~ *$120,000;* or

(b) Of $3,000 if the violation involves a late payment of compensation or other relief to a claimant in an amount which is less than $500 or which is not more than 14 days late.

4. To determine the amount of the benefit penalty, the Administrator shall consider the degree of physical harm suffered by the injured employee or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), (h) or (i) of subsection 1, the amount of compensation found to be due the claimant and the number of fines and benefit penalties, other than a benefit penalty described in paragraph (b) of subsection 3, previously imposed against the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization pursuant to this section. The Administrator shall also consider the degree of economic harm suffered by the injured employee or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), (h) or (i) of subsection 1. Except as otherwise provided in this section, the benefit penalty is for the benefit of the claimant and must be paid directly to the claimant within ~~[10]~~ *15* days after the date of the Administrator's determination. If the claimant is the injured employee and the claimant dies before the benefit penalty is paid to him or her, the benefit penalty must be paid to the estate of the claimant. Proof of the payment of the benefit penalty must be submitted to the Administrator within ~~[10]~~ *15* days after the date of the Administrator's determination unless an appeal is filed pursuant to NRS 616D.140 ~~[.]~~ *and a stay has been granted.* Any compensation to which the claimant may otherwise be entitled pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must not be reduced by the amount of any

benefit penalty received pursuant to this subsection. To determine the amount of the benefit penalty in cases of multiple violations occurring within a certain period of time, the Administrator shall adopt regulations which take into consideration:

(a) The number of violations within a certain number of years for which a benefit penalty was imposed; and

(b) The number of claims handled by the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization in relation to the number of benefit penalties previously imposed within the period of time prescribed pursuant to paragraph (a).

5. In addition to any fine or benefit penalty imposed pursuant to this section, the Administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures or premiums received that are used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

6. If:

(a) The Administrator determines that a person has violated any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and

(b) The Fraud Control Unit for Industrial Insurance of the Office of the Attorney General established pursuant to NRS 228.420 notifies the Administrator that the Unit will not prosecute the person for that violation,

➥ the Administrator shall impose an administrative fine of not more than $15,000.

7. Two or more fines of $1,000 or more imposed in 1 year for acts enumerated in subsection 1 must be considered by the Commissioner as evidence for the withdrawal of:

(a) A certificate to act as a self-insured employer.

(b) A certificate to act as an association of self-insured public or private employers.

(c) A certificate of registration as a third-party administrator.

8. The Commissioner may, without complying with the provisions of NRS 616B.327 or 616B.431, withdraw the certification of a self-insured employer, association of self-insured public or private employers or third-party administrator if, after a hearing, it is shown that the self-insured employer, association of self-insured public or private employers or third-party administrator violated any provision of subsection 1.

9. If the Administrator determines that a vocational rehabilitation counselor has violated the provisions of NRS 616C.543, the Administrator may impose an administrative fine on the vocational rehabilitation counselor of not more than $250 for a first violation, $500 for a second violation and $1,000 for a third or subsequent violation.

10. The Administrator may make a claim against the bond required pursuant to NRS 683A.0857 for the payment of any administrative fine or benefit penalty imposed for a violation of the provisions of this section.

Sec. 3. NRS 616D.130 is hereby amended to read as follows:

616D.130 1. Upon receipt of a complaint for a violation of subsection 1, *2 or 3* of NRS 616D.120, or if the Administrator has reason to believe that such a violation has occurred, the Administrator shall ~~[cause]~~ *:*

(a) Promptly provide a copy of the complaint, or an explanation of the reason the Administrator believes that a violation has occurred to *:*

(1) The Commissioner; and

(2) The insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization that allegedly committed the violation; and

(b) Cause to be conducted an investigation of the alleged violation. ~~[Except as otherwise provided in subsection 2, the]~~

2. The Administrator shall ~~[, within]~~ *:*

(a) Within 30 days after ~~[initiating the]~~ *receipt of a complaint, initiate an* investigation ~~[:~~

~~(a) Render]~~ *;*

(b) Within 60 days after the date on which the investigation is initiated, complete the investigation; and

(c) Within 30 days after the investigation is completed, render a determination ~~[.]~~ *and deliver a copy of the determination to:*

(1) The Commissioner; and

(2) The insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization that was the subject of the investigation.

3. The determination *rendered pursuant to subsection 2* must include the Administrator's findings of fact *, any settlement agreement on the matter* and, if the Administrator determines that a violation has occurred, one or more of the following:

~~[(1)]~~ *(a)* The amount of any fine required to be paid pursuant to NRS 616D.120.

~~[(2)]~~ *(b)* The amount of any benefit penalty required to be paid to a claimant pursuant to NRS 616D.120.

~~[(3)]~~ *(c)* A plan of corrective action to be taken by the insurer, organization for managed care, health care provider, third-party administrator or employer, including the manner and time within which the violation must be corrected.

~~[(4)]~~ *(d)* A requirement that notice of the violation be given to the appropriate agency that regulates the activities of the violator.

~~[(b) Notify the Commissioner if the Administrator determines that a violation was committed by a self-insured employer, association of self-insured public or private employers or third-party administrator.~~

~~2. Upon receipt of a complaint for any violation of paragraph (a), (b), (c) or (d) of subsection 1 of NRS 616D.120, or if the Administrator has reason to believe that such a violation has occurred, the Administrator shall complete the investigation required by subsection 1 within 60 days and, within 30 days~~

~~after the completion of the investigation, render a determination and notify the Commissioner if the Administrator determines that a violation was committed by a self-insured employer, association of self-insured public or private employers or third-party administrator.~~

~~3.~~ *4.* If, based upon the Administrator's findings of fact, the Administrator determines that a violation has not occurred, the Administrator shall issue a determination to that effect.

Sec. 4. NRS 616D.140 is hereby amended to read as follows:

616D.140 1. If a person wishes to contest a decision of the Administrator to impose or refuse to impose a benefit penalty pursuant to NRS 616D.120, the person must file a notice of appeal with an appeals officer in accordance with this section. The notice of appeal must set forth the reasons the proposed benefit penalty should or should not be imposed.

2. A person who is aggrieved by:

(a) A written determination of the Administrator; or

(b) The failure of the Administrator to respond within ~~[90]~~ *120* days to a ~~[written request mailed to]~~ *complaint filed pursuant to NRS 616D.130 and received by* the Administrator ~~[by]~~ *from* the person who is aggrieved,

➥ may appeal from the determination or failure to respond by filing a request for a hearing before an appeals officer. The request must be filed within 30 days after the date on which the notice of the Administrator's determination was mailed by the Administrator or within ~~[100~~ *120]* *150* days after the date on which the unanswered ~~[written request was mailed to]~~ *complaint was received by* the Administrator, as applicable. The failure of the Administrator to respond ~~[to a written request for a determination]~~ within ~~[90]~~ *120* days after receipt of the ~~[request]~~ *complaint* shall be deemed by the appeals officer to be a ~~[denial of the request.]~~ *rejection of any allegation of a violation of subsection 1, 2 or 3 of NRS 616D.120 set forth in the complaint.*

3. If a notice of appeal is not filed as required by this section, the imposition of or refusal to impose the benefit penalty shall be deemed a final order and is not subject to review by any court or agency.

4. A hearing held pursuant to this section must be conducted by the appeals officer as a hearing de novo. The appeals officer shall render a written decision on the appeal. Except as otherwise provided in this section, the provisions of NRS 616C.345 to 616C.385, inclusive, apply to an appeal filed pursuant to this section.

5. A benefit penalty imposed pursuant to NRS 616D.120 must be paid to the claimant on whose behalf it is imposed. If such a payment is not made within the period required by NRS 616D.120, the benefit penalty may be recovered in a civil action brought by the Administrator on behalf of the claimant in a court of competent jurisdiction in the county in which the claimant resides, in which the violation occurred or in which the person who is required to pay the benefit penalty has his or her principal place of business.

6. Any party aggrieved by a decision issued pursuant to this section by an appeals officer may appeal the decision directly to the district court.

7. If an appeals officer or district court renders a decision upholding the imposition of a benefit penalty, the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization upon which the benefit penalty is imposed ~~[must,]~~ shall, not later than ~~[15]~~ 30 days after the date on which the decision is rendered, unless an appeal is filed and a stay has been granted, pay to the claimant the benefit penalty in an amount equal to twice the amount of the benefit penalty initially imposed.

8. If a claimant enters into a settlement agreement with an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization concerning the amount of a benefit penalty owed to the claimant, the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization shall pay directly to the claimant the amount agreed upon in the settlement agreement not later than 15 days after the date on which the settlement agreement is made.

9. If an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization fails to pay a benefit penalty to a claimant within the time limits imposed by this section or subsection 4 of NRS 616D.120, the Commissioner may suspend, pending an investigation or any other disciplinary action, any certificate issued by the Commissioner to the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization, as applicable.

Sec. 5. The amendatory provisions of sections 1 to 4, inclusive, of this act apply only with respect to claims which are filed on or after January 1, 2024.

Sec. 6. 1. This section ~~[becomes]~~ and section 5 of this act become 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 Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 736 to Senate Bill No. 274 revises the time frames in section 4 for an aggrieved person to appeal the Administrator's [Division of Industrial Relations of the Department of Business and Industry]'s failure to respond to a complaint alleging certain violations by an insurer, managed care organization, health care provider, third-party administrator, employer or professional employer organization.

Amendment adopted.

Bill read third time.

Remarks by Senator Daly.

Senate Bill No. 274, as amended, requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to post certain information on the Division's website, increases the penalties for certain violations of the Nevada Industrial Insurance Act or

the Nevada Occupational Diseases Act, revises provisions related to benefit penalties, modifies investigation requirements conducted by the Administrator, and addresses other related matters, including the time frame by which the Administrator is required to respond to certain written requests.

Roll call on Senate Bill No. 274:
YEAS—14.
NAYS—Buck, Goicoechea, Hansen, Krasner, Seevers Gansert, Titus—6.
EXCUSED—Hammond.

Senate Bill No. 274 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 387.

Bill read third time.

Remarks by Senator Titus.

Senate Bill No. 387 requires the Administrator of the Division of Human Resource Management of the Department of Administration to periodically review the positions in the classified service of the State that require a person to hold a bachelor's degree and revise qualifications to allow a person to substitute experience or skills in lieu of a bachelor's degree if the Administrator deems it is necessary for the efficiency of the public service.

It is my personal opinion that this is probably one of the most important pieces of legislation we will pass this session for filling our vacancies in our State. I want to commend the author, our Senator from District 12, for bringing this forward. It will go a long way to fill positions with skilled workers for our State. I urge the passage of this bill.

Roll call on Senate Bill No. 387:
YEAS—20.
NAYS—None.
EXCUSED—Hammond.

Senate Bill No. 387 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 17.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 17 removes the requirement that a person who is convicted of driving under the influence of alcohol or a controlled substance must dress in certain distinctive garb while performing community service ordered by a court.

Roll call on Assembly Bill No. 17:
YEAS—18.
NAYS—Goicoechea, Titus—2.
EXCUSED—Hammond.

Assembly Bill No. 17 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 32.

Bill read third time.

The following amendment was proposed by Senator Scheible:

Amendment No. 765.

Sec. 2.7. NRS 176.014 is hereby amended to read as follows:

176.014 1. The Nevada Local Justice Reinvestment Coordinating Council is hereby created. The Council consists of:

(a) One member from each county in this State whose population is less than 100,000; and

(b) Two members from each county in this State whose population is 100,000 or more.

2. Each member of the Council must be appointed by the governing body of the applicable county and must meet any qualifications adopted by the Sentencing Commission pursuant to subsection ~~[7.]~~ *8*. The Chair of the Sentencing Commission shall appoint the Chair of the Council from among the members of the Council.

3. The Council shall:

(a) Advise the Sentencing Commission on matters related to any legislation, regulations, rules, budgetary changes and all other actions needed to implement the provisions of chapter 633, Statutes of Nevada 2019, as they relate to local governments;

(b) Identify county-level programming and treatment needs for persons involved in the criminal justice system for the purpose of reducing recidivism;

(c) Make recommendations to the Sentencing Commission regarding grants to local governments *, courts* and nonprofit organizations from the State General Fund;

(d) Oversee the implementation of local grants;

(e) Create performance measures to assess the effectiveness of the grants; and

(f) Identify opportunities for collaboration with the Department of Health and Human Services at the state and county level for treatment services and funding.

4. Each member of the Council serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. While engaged in the business of the Council, to the extent of legislative appropriation, each member of the Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. *The Council may accept any gift, donation, bequest, grant or other source of money for the purpose of carrying out its duties pursuant to this section.*

7. To the extent of legislative appropriation, the Sentencing Commission shall provide the Council with such staff as is necessary to carry out the duties of the Council pursuant to this section.

~~[7.]~~ *8.* The Sentencing Commission may adopt any qualifications that a person must meet before being appointed as a member of the Council**.**

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 765 to Assembly Bill No. 32 adds courts to the list of entities that the Nevada Local Justice Reinvestment Coordinating Council is to include in its consideration for recommendations to the Sentencing Commission regarding grants to local governments.

Amendment adopted.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 32 revises certain provisions governing the Department of Sentencing Policy, including changing the requirements to serve as executive director, specifying that any information collected or stored by the Department for the purpose of analyzing and understanding the criminal justice system is confidential and not a public record and requiring the collection and reporting on certain data relating to the length of imprisonment and recidivism rates for persons whose probation, suspension of sentence or parole supervision [is revoked due to a technical violation.] The bill also revises certain provisions governing the Nevada Sentencing Commission. Further, it authorizes the Nevada Local Justice Reinvestment Coordinating Council to accept gifts, donations, bequests, grants or other sources of money to carry out its duties.

This bill also makes provisions relating to the Division of Parole and Probation of the Department of Public Safety and includes revising the risk and needs assessments administered to certain probationers and parolees, authorizing the Division to impose confinement in a jail or detention facility or place a person under a system of active electronic monitoring for technical violations of probation or parole and requiring a system of graduated sanctions to include the use of such confinement.

This bill authorizes the State Board of Parole Commissioners to revoke probation or parole, suspension of sentence or parole supervision at the request of a probationer or parolee. A probationer who is arrested and detained or whose parole is revoked for committing a technical violation must receive credit for any time served while awaiting a hearing. The bill increases the terms of imprisonment for a temporary revocation of parole supervision from 30 days to 90 days for the first temporary revocation and from 90 days to 180 days for the second temporary revocation. Finally, full revocation of parole supervision is authorized for a third or subsequent revocation.

Roll call on Assembly Bill No. 32:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 32 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 33.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 33 expands the authorized investments for money in the State Permanent School Fund upon the State Treasurer obtaining a judicial determination that such an investment does not violate the Nevada Constitution. The measure revises provisions governing money transferred from the Fund to a corporation for public benefit to provide private equity funding to certain businesses.

The measure revises the authority of the State Treasurer to invest money from the General Portfolio of the State in certain categories of bonds and other securities. Finally, the measure

revises the provisions related to the authorized investments for a local government and certain administrative entities.

Roll call on Assembly Bill No. 33:

YEAS—19.

NAYS—Neal.

EXCUSED—Hammond.

Assembly Bill No. 33 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 51.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 51 revises the period for the mandatory and discretionary arrest of a person suspected of committing a battery which constitutes domestic violence. The bill requires a peace officer to arrest a person suspected of such a crime within 24 hours after the alleged battery if the peace officer had a face-to-face encounter with the person while responding to the initial request for assistance relating to the battery or within 7 days after the alleged battery if the peace officer did not have a face-to-face encounter with the person while responding to the initial request. The bill also prohibits a court from granting probation to, or suspending the sentence of, a person who is charged with committing a battery which constitutes domestic violence that is punishable as a felony.

Finally, a person who has received appropriate training and who works for a domestic violence, sexual assault or human trafficking services organization or a nonprofit organization that provides assistance to victims may be deemed a "victim's advocate" for the purposes of privileged communications between a victim and such an advocate.

Roll call on Assembly Bill No. 51:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 51 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 55.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 55 revises provisions of the Uniform Unclaimed Property Act, including, but not limited to, making various changes relating to the dates on which certain unclaimed property is presumed abandoned; requiring the Administrator of Unclaimed Property to create and maintain a statewide, publicly available, searchable database that includes the name of the person reported to be the apparent owner of the unclaimed property; removing the requirement that the Administrator must provide written consent before the abandoned property is delivered to the apparent owner if the receipt of the property is in the best interests of the state; revising the notice that the Administrator must make to sell certain abandoned property at a public sale. The bill also authorizes the Administrator to request a state or local agency to provide certain confidential information for the purpose of facilitating the return of unclaimed or abandoned property, and to adopt regulations relating to agreements which assist a property owner in the return of property that is presumed abandoned.

Finally, the bill repeals 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.

Roll call on Assembly Bill No. 55:
YEAS—20.
NAYS—None.
EXCUSED—Hammond.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 74.

Bill read third time.

The following amendment was proposed by Senator Daly:

Amendment No. 746.

SUMMARY—Revises provisions relating to agreements entered into by public bodies. (BDR 34-377)

AN ACT relating to 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]*~~ *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 Daly moved the adoption of the amendment.

Remarks by Senator Daly.

Amendment No. 746 to Assembly Bill No. 74 removes "franchise, easement, permit, right of entry" from the definition of "concession" as provided in Section 2.3 of the bill and removes "maintenance yards and buildings, control systems, communication systems, information systems, energy systems" in the improvements outlined in subsection (b) from the definition of "facility" as provided in section 2.4 of the bill.

Amendment adopted.

Bill read third time.

Remarks by Senator Daly.

Assembly Bill No. 74 authorizes the Board of Regents of the University of Nevada to enter into agreements with a public or private entity to promote and enhance an educational program or student life at an institution and outlines certain provisions for such agreement, including certain requirements relating to prevailing wage. The bill further determines that any such agreement is subject to certain policies established by the Board. Finally, Assembly Bill No. 74 authorizes a public body to enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire certain facilities.

Roll call on Assembly Bill No. 74:

YEAS—13.

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

EXCUSED—Hammond.

Assembly Bill No. 74 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 75.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 75 authorizes the adoption of regulations to establish requirements for transactions involving an offer to sell or sale of a security to a Nevada certified investor. A Nevada certified investor is a natural person who is, or a married couple who each are, a resident of this State and who at the time an offer to sell or sale of a security is made to the person or couple meets certain financial qualifications.

The Administrator may adopt regulations that set forth additional requirements that must be met for such a transaction to qualify for an exemption from paying any fees associated with registration filing requirements.

Roll call on Assembly Bill No. 75:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 75 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 91.

Bill read third time.

Remarks by Senator Flores.

Assembly Bill No. 91 allows a person to sink or bore a replacement well without submitting an application to change the place of diversion of water already appropriated if both the original well and replacement well are on public lands and the replacement well is within 300 feet of the original place of diversion.

Finally, a person seeking to sink or bore a replacement well on public lands must notify any relevant federal agency that is charged with administering such public lands and comply with all applicable federal laws.

Roll call on Assembly Bill No. 91:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 91 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Mr. President announced that Senate Bills Nos. 274 and 387 would be immediately transmitted to the Assembly.

Assembly Bill No. 97.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 97 precludes certain governmental entities from adopting a building code or taking any other action prohibiting or limiting the use of refrigerants designated by the United

States Environmental Protection Agency as a refrigerant alternative or substitute if equipment installation complies with certain industry standards.

The bill authorizes the governing body of any city or county or any other governmental entity to adopt a building code or ordinance or take any other action to prohibit the construction or use of evaporative cooling mechanisms or restrict water service to properties using these mechanisms.

Finally, the bill voids any currently existing building codes or other actions adopted by the governing body of a city or county or any other governmental entity limiting or prohibiting refrigerant alternatives or substitutes.

Mr. President, when I first heard about this bill coming over from the other side about refrigerants, I was worried it would get a chilly reception, but it seems like the hardworking Committee on Government Affairs liked it. Hopefully, this chamber will like it, too.

Roll call on Assembly Bill No. 97:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 97 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 107.

Bill read third time.

Remarks by Senator Pazina.

Assembly Bill No. 107 requires a pharmacist who is employed by an off-site pharmaceutical service provider to provide remote chart order processing services to a hospital or correctional institution in this State to be registered to practice in Nevada.

The measure requires a pharmacy located outside of this State that dispenses prescriptions to patients in Nevada as part of its application for the issuance or renewal of a license to provide to the State Board of Pharmacy the name of at least one pharmacist registered in this State who practices at the pharmacy and who is responsible for any prescription dispensed to a patient and any act or omission of pharmacy personnel who are not registered with the Board.

Roll call on Assembly Bill No. 107:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 107 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 120.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 120 prohibits a provider of health care who was not initially issued his or her professional license or certificate within the immediately preceding three years and who has not practiced his or her profession within the immediately preceding three years from providing voluntary health care services in this State.

Roll call on Assembly Bill No. 120:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 120 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 124.

Bill read third time.

Remarks by Senator Buck.

Assembly Bill No. 124 removes the requirement the State Board of Osteopathic Medicine annually requests submission of verified evidence of the completion of the required number of continuing medical education hours from not fewer than one-third of the applicants for a license renewal. Instead, the measure requires the Board to annually request the submission of such evidence from a percentage of applicants determined by the Board.

Roll call on Assembly Bill No. 124:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 124 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 143.

Bill read third time.

Remarks by Senator Krasner.

Assembly Bill No. 143 authorizes a board of county commissioners of a county whose population is less than 4,500 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. The real property must be conveyed as prescribed to the person or persons, as applicable, who have an interest in the property. The measure exempts such a conveyance from the provisions that generally apply to the sale or lease of property by a board of county commissioners and the Real Property Transfer Tax.

Roll call on Assembly Bill No. 143:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 143 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 159.

Bill read third time.

Remarks by Senator Krasner.

Assembly Bill No. 159 adds certain offenses relating to cruelty to animals to the list of offenses for which credits earned by offenders may not be deducted from the minimum term or the minimum aggregate term imposed by a sentence, the court may not defer judgment and a person must not have been convicted to be eligible for early discharge from probation.

Lastly, the bill sets the maximum period of probation or suspension of sentence for these offenses at 60 months.

Roll call on Assembly Bill No. 159:
YEAS—20.
NAYS—None.
EXCUSED—Hammond.

Assembly Bill No. 159 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bills Nos. 175 and 188 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 177.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 177 adds an association for operators, which is an organization that receives certain notifications for transmittal to its members who own, operate or maintain a subsurface installation, to the list of entities that the State Demographer of the Department of Taxation must, upon request, provide the fiscal year-end parcel dataset of a county. The measure adds, without limitation, Underground Service Alert of Northern California and Nevada or its successor organization to the definition of an association for operators for purposes relating to this provision.

USA dig kind of thing, get clearance before you dig.

Roll call on Assembly Bill No. 177:
YEAS—20.
NAYS—None.
EXCUSED—Hammond.

Assembly Bill No. 177 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 183.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 183 requires a local facility for the detention of children, a regional facility for the treatment and rehabilitation of children and a state facility for the detention of children to screen each child, with certain exceptions, to determine whether the child is a victim of commercial sexual exploitation. Facilities must report commercial sexual exploitation of a child to an agency that provides child welfare services if the results of the screening indicate that the child is a victim. The reporting is deemed to be a report for purposes of certain mandatory requirements and procedures for reporting abuse, neglect or exploitation of a child. This bill requires such a child welfare agency to take certain actions to protect the safety of the child and meet the child's other needs upon receipt of a report. Lastly, an agency that provides child welfare services must conduct a similar screening for each child in its custody, with certain exceptions.

Roll call on Assembly Bill No. 183:
YEAS—20.
NAYS—None.
EXCUSED—Hammond.

Assembly Bill No. 183 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 191.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 191 excludes from the term "supplier of water" a public or private entity with less than 15 service connections, thereby removing the requirement for such an entity to adopt and update a plan of water conservation, conduct a water loss audit or adopt a plan to provide certain incentives relating to water conservation.

Roll call on Assembly Bill No. 191:
YEAS—20.
NAYS—None.
EXCUSED—Hammond.

Assembly Bill No. 191 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 220.

Bill read third time.

The following amendment was proposed by Senator Nguyen:

Amendment No. 735.

SUMMARY—Revises provisions relating to water conservation. (BDR 40-337)

AN ACT relating to water; authorizing a district board of health to establish program to pay the costs for property owners with a septic system to connect to a community sewerage disposal system under certain circumstances; revising provisions relating to a permit to operate a water system; revising provisions relating to water 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 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. 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 (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 4.5 of this bill makes conforming changes to revise certain provisions relating to the 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, 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 within the city limits are not serving the needs of its users and water 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 to connect into the available water system and assess each lot or parcel for its share of the cost. (NRS 268.4102) Section 10 of this bill provides instead that if the water system 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 10 also provides that all other governing bodies of a county may require all users to connect in such circumstances.

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 acknowledgments 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 ~~[,]~~ reduces Nevada's allocation of the Colorado River to 270,000 acre-feet or less; 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 prohibits the installation of a new septic system on any parcel of property that uses such waters of the Colorado River.

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 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.

2. 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.

3. If the district board of health 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. (Deleted by amendment.)

Sec. 9. (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. (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.

~~[(e)]~~ *(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]~~ reduces Nevada's allocation of the Colorado River for the upcoming year ~~[,]~~ to 270,000 acre-feet or less, 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.]~~ Federal Government has reduced Nevada's allocation of the Colorado River to 270,000 acre-feet or less.

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.]~~ Federal Government has reduced Nevada's allocation of the Colorado River to 270,000 acre-feet or less.

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 no new septic system may be installed.

2. The General Manager may, in his or her discretion, approve a waiver of the 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. (Deleted by amendment.)

Sec. 36. This act becomes effective upon passage and approval.

Senator Nguyen moved the adoption of the amendment.

Remarks by Senator Nguyen.

Amendment No. 735 to Assembly Bill No. 220 authorizes the Board of Directors of the Southern Nevada Water Authority to restrict the use of water by a single-family residence to not more than .5 acre-feet of water during any year in which the federal government reduces Nevada's allocation of the Colorado River to 270,000 acre-feet or less.

That would mean the federal government would have to reduce the State of Nevada's water allocation by 10 percent, which equates to about a 30-foot drop at Lake Mead.

Amendment adopted.

Bill read third time.

Remarks by Senator Pazina.

Assembly Bill No. 220 revises provisions related to water conservation. The bill authorizes a district board of health to establish a voluntary program to pay the costs for property owners with a septic system whose property is served by a municipal water system to connect to the community sewerage system. The bill also authorizes a district board of health upon an affirmative vote of two-thirds of the members of the board to 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.

Additionally, Assembly Bill No. 220 revises the Conservation of Colorado River Water Act to, amongst other things, prohibit the installation or irrigation of nonfunctional turf on certain parcels and restrict the use from the Colorado River in certain circumstances. The Board of Directors of the Southern Nevada Water Authority must establish a process to approve a waiver of such water restrictions for certain properties.

Finally, among other provisions, Assembly Bill No. 220 revises certain responsibilities that local governing bodies and certain other entities must agree to or undertake before a permit to operate a water system can be issued, requires suppliers of water to review and comment on a tentative map and approve a final map regarding the availability of water for proposed subdivisions in certain counties, revises provisions relating to the issuance and revocation of temporary permits to appropriate groundwater, and requires, with certain exceptions, that new construction, expansions and renovations of certain structures include the installation of certain irrigation controllers and spray sprinklers.

I would like to thank the Senator from District 3 for her extensive work on this, inclusive of making this a voluntary program and covering up to 100 percent of fees for the transition.

Roll call on Assembly Bill No. 220:

YEAS—17.

NAYS—Krasner, Neal, Titus—3.

EXCUSED—Hammond.

Assembly Bill No. 220 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 250.

Bill read third time.

Remarks by Senators Scheible and Stone.

SENATOR SCHEIBLE:

Assembly Bill No. 250 prohibits a person or entity during the price applicability period that purchases a drug that is subject to a maximum fair price in this State from paying a price that is higher than the maximum fair price or seeks reimbursement for a drug subject to a maximum fair price that is delivered, dispensed or administered to a person in this State from seeking reimbursement at a higher rate than the maximum fair price.

The bill makes it a deceptive trade practice for any person to violate the prohibition on purchasing or seeking reimbursement for a drug price higher than the maximum fair price. A victim of such a violation may bring a civil action.

SENATOR STONE:

Mr. President and colleagues, I am sure your office as well as my office have received a lot of calls about Assembly Bill No. 250. This bill was drafted in response to the provisions of the dubiously labelled Inflation Reduction Act of 2022 that requires the U.S. Secretary of [Health and] Human Services to negotiate the prices of drugs and Medicare Parts B and D with the highest Medicare spending. It further requires drug companies to pay rebates to Medicare if drug prices exceed inflation for Medicare beneficiaries. The Act will require the Secretary of Health and

Human Services to negotiate prices with drug companies making a handful of drugs that are single source, meaning there are no generics, or biologics, which means they have no substitutes, hopefully making them less expensive.

The federal bill originally included not only Medicare but also all private insurers. But they were amended out of the bill. Hence, this federal law only applies to Medicare. Let me repeat this. This federal law only applies to the federal entitlement program, Medicare. The number of drugs for the first year will be ten drugs, which I will refer to as the top ten, beginning in 2026. Another 15 drugs will be selected in 2027 and 2028, and 20 drugs will be selected in 2029 and beyond. This is a federal law in conformance with the federal government's exclusive jurisdiction over the U.S. Food and Drug Administration and the U.S. Health and Human Services effectuating U.S. drug policies.

The true beneficiary of this complicated piece of legislation is Medicare, which stands to potentially save on their expenditure of money on drugs from Medicare populations only. The U.S. government and drug companies will take into consideration in their negotiations drug patent links, years the drugs have been on the market, et cetera.

The good news is that the U.S. taxpayers could be the true beneficiaries if negotiations are indeed fruitful. The bad news is if a drug company does not want to play ball with the feds, they can just withdraw their drugs from Medicare altogether leaving 100 percent of the costs of these drugs on the patients that otherwise could have had them covered on Medicare.

That brings me to Assembly Bill No. 250. Believe me, if we could just pass a law like this that would require drug companies to honor such Medicare discounts to private insurers with the caveat that the insurance companies extend those savings to the patient, why would we not do that? Here are some troubling issues with this bill. Assembly Bill No. 250 is isolating and mandating that a pharmacy sell such drugs at the Medicare discounted price if successfully negotiated by the feds with the direct companies. While this many help the few patients paying cash for their prescriptions, this will primarily benefit insurers that by virtue of this bill have no mandate—no mandate—to pass such savings on to patients via reduced copays. Let me say it again, there is no provision in this bill that the savings be passed on to the patient unless they are cash payers of which there are only a handful.

While this legislation targets pharmacies, they do not have any legal right to demand discounts from drug manufacturers nor do drug wholesalers have any right to demand discounts from drug manufacturers. Can drug wholesalers ask for discounts? Yes, but nothing compels a drug company to honor such requests. The problem is that pharmacies buy primarily from wholesalers, and wholesalers are not given the same Medicare discounted prices. For a pharmacist to comply with this potential new state law, if it were to become enacted and signed, the pharmacy would have to sell the drug to either the patient or the insurance company covering the patient at a loss or not fill the prescription, which is their legal right. If I own the pharmacy and I have to sell it for hundreds of dollars less than I paid for it, I am going to tell the patient, "I am sorry, but I can't fill this prescription."

The most egregious part of this bill is that if the pharmacist does not sell the prescription drug at the discounted Medicare price, they could be charged with a deceptive trade practice. This could put a pharmacist's license in jeopardy because when a pharmacist renews their license, they are required to let the Pharmacy Board know if they have had any legal actions against their license. Furthermore, this bill will allow an aggrieved, angry patient the right to sue the pharmacist or pharmacy. In other words, this bill will make your friendly, neighborhood pharmacist a criminal, potentially bankrupt him or her and potentially place their license and practice in jeopardy if they do not sell these drugs at a discounted price, again, a price that is lower than their cost. How many of you would do that? If you were a pharmacist, would you sell a drug for $300 less than what you paid for it, and if you did not do it, you could be charged with a deceptive trade practice? This is ridiculous. Being charged with a deceptive trade practice or putting themselves or the pharmacy in harm's way of being sued are not good options.

Assuming this bill could become law and enact the provisions of this new law, there is not one sentence in this bill that the reduced costs to the insurance be passed on to the consumers. If this bill passes and Medicare is not successful in negotiating a discount with a particular manufacturer, the manufacturer can just pull their drug off the Medicare formulary, and the patient will not get

it unless they want to pay for it. This could cause a patient presently receiving an expensive drug now covered by Medicare to having to pay for 100 percent of its price.

Assembly Bill No. 250 is a well-intentioned piece of legislation, but it targets the wrong entity. Why target pharmacists or pharmacies that do not control what price they buy the drugs wholesale for? Unfortunately, if the State passes a law requiring pharmacies to sell prescriptions that honor the discounts given only to Medicare prescription, discounts will not be extended to pharmacists by their wholesalers, the State will have no legal standing to enforce such a law.

What will pharmacists do if this legislation is passed? They will refer you to another pharmacy who will refer you to yet another pharmacy, et cetera. The net result will be that you will have to get your top-ten meds from an out-of-state pharmacy. Pharmacies cannot sustain losing hundreds of dollars for each top-ten drug dispensed nor can they risk being sued or taint their licenses. This legislation turns out to be what we call "feel-good legislation" that will likely not yield any discounts given to patients on private insurance plans and give our constituents a false promise, which is really unfair. A better way to help consumers lower their costs of medications and the copays they will pay will be to regulate the pharmacy benefit managers that rake in billions of dollars in drug rebates and discounts for themselves at the expense of what we could be saving our patients. I can assure you, you will see such legislation in 2025, but for now, I remain opposed to this legislation. Please do not make your pharmacist a criminal and do not bankrupt your pharmacist or pharmacies. Please vote "no" on this unthoughtful piece of legislation.

Roll call on Assembly Bill No. 250:

YEAS—13.

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

EXCUSED—Hammond.

Assembly Bill No. 250 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 275.

Bill read third time.

Remarks by Senator Krasner.

Assembly Bill No. 275 prohibits a court or agency of criminal justice in this State from charging any fees related to the sealing of a criminal record if, at the time the crime for which the record to be sealed was committed, the petitioner was being sex trafficked. The petitioner is required to include a statement in the petition certifying that at the time the crime the petitioner was being sex trafficked.

Roll call on Assembly Bill No. 275:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 275 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 309.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 309 authorizes the use of secret electronic ballots for the election or removal of members of the executive board of a unit-owners' association of a common-interest community and for the election of delegates or representatives to exercise the voting rights of units' owners in such an association. The bill provides that a member of the executive board who is the subject of

a removal may submit a written request for a meeting of the executive board at which the removal will be discussed as an agenda item. Notice of such a requested meeting must be given to the units' owners within five days after receipt of the request.

The bill requires an association to deliver a required notice or communication to the electronic mail address that a unit's owner designates and sets forth how an association must deliver such notices to an owner who has opted out of receiving electronic notices.

The bill also provides that money in the operating account of an association may be withdrawn without the usual required signatures for the purpose of making automatic payments for certain costs.

Roll call on Assembly Bill No. 309:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 309 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 334.

Bill read third time.

The following amendment was proposed by Senator Pazina:

Amendment No. 740.

SUMMARY—Revises provisions relating to insurance for motor vehicles. (BDR 57-949)

AN ACT relating to insurance; requiring, under certain circumstances, an insurer that requires the inspection or further inspection of a motor vehicle for repair relating to a claim to conduct the inspection or further inspection within a certain period of time; providing an administrative penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) with certain exceptions, an insurer to approve or deny a claim of its insured relating to a contract of casualty of insurance within 30 days after receiving the claim; and (2) an insurer to notify a policyholder within 20 days after receiving the claim if the insurer requires additional information or time to determine whether to approve or deny the claim. (NRS 690B.012)

Section 1 of this bill provides that if an insurer requires the inspection for repair of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~[6]~~ 8 business days after receiving the claim and accepting liability: (1) request that the insured, the claimant or a representative of the selected repair shop, as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. The insurer is required, within 2 business days after the inspection, to transmit the completed estimate which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair at the time of the inspection. Section 1 further provides that if, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires

further inspection, the insurer shall, within ~~[6]~~ 8 business days after making such determination: (1) request that the insured, the claimant or a representative of the selected repair shop, as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. The insurer is required, within 2 business days after the inspection, to transmit the completed estimate which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair at the time of the inspection. If the insurer fails to inspect or further inspect the vehicle during the time in which it is required to do so or fails to provide the required completed estimate, the insurer waives its right to inspect or further inspect the vehicle and, with certain exceptions, negotiations for payment of the claim are limited to the cost of labor and price of parts. Finally, section 1 authorizes the Division of Insurance of the Department of Business and Industry to impose an administrative fine of not more than the actual damages or $1,200, whichever is less, for each violation of section 1.

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

Section 1. Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an insurer requires the inspection for repair of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~[6]~~ 8 business days after receiving the claim, accepting liability and confirming coverage:

(a) Request that the insured, the claimant or a representative of the selected repair shop, as applicable, make the motor vehicle available for inspection; and

(b) Except as otherwise provided in subsection 3, inspect the motor vehicle.

➥ Within 2 business days after an inspection, the insurer shall transmit the completed estimate which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair.

2. If, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within ~~[6]~~ 8 business days after making such determination:

(a) Request that the insured, the claimant or a representative of the selected repair shop, as applicable, make the motor vehicle available for further inspection; and

(b) Except as otherwise provided in subsection 3, conduct such further inspection of the motor vehicle.

➥ Within 2 business days after an inspection, the insurer shall transmit the completed estimate which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair.

3. If the insured or claimant does not make a motor vehicle available for inspection or further inspection within ~~[6]~~ 8 business days after receiving a request from the insurer pursuant to subsection 1 or 2, the insurer shall inspect

or further inspect the vehicle as soon as practicable after the insured or claimant makes the motor vehicle available.

4. If an insurer fails to inspect the motor vehicle during the period required pursuant to subsection 1, 2 or 3, as applicable, or fails to transmit the completed estimate required pursuant to subsection 1 or 2, as applicable, the insurer waives its right to inspect or further inspect the motor vehicle before any repairs are made to the vehicle. Unless the repair facility or, as applicable, the insured or claimant allows an inspection or further inspection of the vehicle after the period required pursuant to subsection 1, 2 or 3, negotiations for payment of the claim are limited to the cost of labor and the price of parts unless the insurer provides objective evidence to dispute the existence of damage or the chosen manner of repair.

5. The insured or claimant, as applicable, may file a complaint against the insurer with the Division if the insurer waives its right to inspect or further inspect the vehicle and does not limit negotiations for payment of the claim to the cost of labor and the price of parts or provide objective evidence to dispute the existence of the damage or the chosen manner of repair.

6. The Division may impose against an insurer an administrative fine of not more than the actual damages or $1,200, whichever is less, for a violation of the provisions of this section.

7. As used in this section, "inspection" means:

(a) A physical inspection; or

(b) A digital inspection which includes, without limitation, the provision of digital photographs, videos or any other digital evidence through an electronic processing system authorized by an insurer that conducts the inspection of a motor vehicle.

Senator Pazina moved the adoption of the amendment.

Remarks by Senator Pazina.

Amendment No. 740 to Assembly Bill No. 334 increases the time frame in which an insurer must inspect a motor vehicle for potential repair or further examination related to a claim from six business days to eight.

Amendment adopted.

Bill read third time.

Remarks by Senator Pazina.

Assembly Bill No. 334 provides that if an insurer requires the inspection for repair or further inspection of a motor vehicle relating to a claim by the insured or a claimant, the insurer must conduct the inspection within eight business days after receiving the claim and accepting liability. An insurer must transmit the completed repair estimate within two business days of the inspection.

If the insurer fails to inspect or further inspect the vehicle within the time it is required to do so or fails to provide the required completed estimate, the insurer waives its right to inspect or further inspect the vehicle and with certain exceptions, negotiations for payment of the claim are limited to the cost of labor and price of parts. The measure authorizes the Division of Insurance of the Department of Business and Industry to impose an administrative fine of not more than the actual damages or $1,200, whichever is less, for each violation.

Roll call on Assembly Bill No. 334:
YEAS—13.
NAYS—Buck, Goicoechea, Hansen, Krasner, Seevers Gansert, Stone, Titus—7.
EXCUSED—Hammond.

Assembly Bill No. 334 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 342.
Bill read third time.
Remarks by Senator Buck.
Assembly Bill No. 342 requires a cannabis establishment agent to verify the age of a consumer by checking a government-issued identification that contains a photograph of the consumer using an approved scanner to determine the validity of the identification before selling cannabis or a cannabis product to the consumer.

Roll call on Assembly Bill No. 342:
YEAS—20.
NAYS—None.
EXCUSED—Hammond.

Assembly Bill No. 342 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 356.
Bill read third time.
Remarks by Senator Hansen.
Assembly Bill No. 356 provides that a person commits the crime of unlawful installation of a mobile tracking device if the person knowingly installs, conceals or otherwise places a mobile tracking device in or on the motor vehicle of another person without the knowledge and consent of an owner or lessor of the vehicle. A person who commits such a crime is guilty of a misdemeanor for the first offense, a gross misdemeanor for the second offense or a category C felony for the third or any subsequent offense.
The provisions of the bill do not apply to a law enforcement officer who installs, conceals or otherwise places a mobile tracking device in or on a motor vehicle in accordance with all applicable requirements of the United States Constitution, the Nevada Constitution and the laws of this State.

Roll call on Assembly Bill No. 356:
YEAS—20.
NAYS—None.
EXCUSED—Hammond.

Assembly Bill No. 356 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bill No. 392 be taken from the General File and placed on the Secretary's Desk.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 405.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 405 authorizes a justice court or municipal court to establish a program for the treatment of mental illness or intellectual disabilities and to transfer original jurisdiction of a case involving an eligible defendant to the district court if the justice court or municipal court has not established such a program or if the court determines the transfer to be appropriate and necessary.

An eligible defendant includes a person who appears to suffer from a mental illness or an intellectual disability regardless of whether the person has tendered a plea or been found guilty of a misdemeanor offense. The bill further provides that the district court, justice court or municipal court may impose sanctions against the defendant for the violation but allow the defendant to remain in the program.

Roll call on Assembly Bill No. 405:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 405 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 408.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 408 prohibits a person from driving a vehicle in an unauthorized trick driving display or facilitating an unauthorized trick driving display on premises to which the public has access. Additionally, the bill authorizes a law enforcement officer to remove, or cause to be removed, a vehicle to a place of safekeeping if the person driving or in actual physical control of the vehicle is issued a citation for reckless driving. The operator of a tow car is required to consider charging a lower rate than set forth in the otherwise applicable schedule and reporting certain deviations to the Nevada Transportation Authority in an annual report.

Lastly, the bill revises provisions prohibiting the solicitation of a tort victim to employ, hire, or retain any attorney at law in certain circumstances.

Roll call on Assembly Bill No. 408:

YEAS—19.

NAYS—Daly.

EXCUSED—Hammond.

Assembly Bill No. 408 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 423.

Bill read third time.

Remarks by Senators Neal, Hansen, Doñate, Scheible and Harris.

SENATOR NEAL:

Assembly Bill No. 423 prohibits the board of trustees of a school district from taking any action at a regular or special meeting after 11:59 p.m. on the day of the meeting except in an emergency that impacts the school district.

SENATOR HANSEN:

We had an amendment that was a floor amendment. It is Senate Amendment No. 674, and I would like to ask a question of the Senator that proposed the amendment. My understanding is by reading this amendment—which has not had an opportunity to go through any hearings—that the intent of the amendment is to deny the right of school boards to block biological males from going into biological female bathrooms, locker rooms or any sporting events. Is that correct? It is under section 1 of Senate Bill No. 423 [*sic*]. Am I missing something here? I would like to get that clarified. The amendment, as I am reading it, says very clearly that a board of trustees will now be penalized to the tune of $5,000 a day if they do anything that involves sexual orientation, gender identity or expression and deny anyone who has that to any use of school facilities or activities. Correct or not?

MR. PRESIDENT:

Senator Hansen, I do not know who you are directing that question to.

SENATOR HANSEN:

That is the question. That is to the sponsor of Senate Amendment No. 674, which is Senator Doñate.

MR. PRESIDENT:

If that is the case, does Senator Doñate want to answer that question?

SENATOR DOÑATE:

The amendment to Assembly Bill No. 423, which was amended, specifically states that, "Existing law provides each board of trustees of a school district, with certain exceptions … ," and the amendment says that "A board of trustees shall not adopt a policy that limits the access of a pupil because of race, religious creed, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status or sex, to school facilities or activities." That is pretty much what the amendment says.

SENATOR HANSEN:

I will now address that. This bill has an extremely controversial amendment. I can tell several of our colleagues, including members of the majority party, were surprised by what I asked. What this bill does now—by the way, the original bill was fully supported in the Assembly but with this amendment it is exceptionally controversial. We have now, basically, criminalized the school boards of Nevada from dealing with the ability to block biological males from participating in female sports. Since this includes facilities—I asked the Legislative Counsel Bureau—that would include bathrooms, locker rooms and so forth. I would absolutely encourage my colleagues—you know, to drop this as a floor amendment without any hearings on what could arguably be one of the most controversial discussions across the entire nation at the moment is a big mistake.

I would urge my colleagues or the Senate Majority Leader—if we want to reconsider the amendment, I would like to ask that. But since it is on the bill already, I encourage my colleagues to absolutely vote "no" or postpone this vote until we have an opportunity to discuss the amendment. The original bill was supported by everyone in the other House, and we were all fine until the amendment was dropped as well, I might add. In the absence of the removal of this amendment, I am interested in making sure we protect female sports from having biological males being allowed to compete in those types of events, and we want to make sure that biological males are not allowed into biological female locker rooms or bathrooms. This amendment would now prevent a school board from doing so. It would not only prevent them but also authorize a fine of $5,000 a day for every day those school boards have that policy in place. I urge my colleagues to please reconsider this amendment and in the absence of that reconsideration, to vote "no" on Assembly Bill No. 423.

SENATOR SCHEIBLE:

I support Assembly Bill No. 423. I want to clear up something for the record. This does not impose any new criminal penalties or create any kind of criminal statutes in Nevada law. The amendment that my colleague referenced does, in fact, prohibit the school boards from imposing any kind of policy that discriminates against students based on any number of protected classes,

including race, national origin, creed, color, religion, disability, sexual orientation, gender identity or expression.

The fine that can be imposed is an administrative penalty. That is the standard way to hold boards and commissions accountable. It is through an administrative penalty if they violate this provision. This is intended to protect all students at every school from discrimination in any way, shape or form. That is why the amendment is not targeted at a specific group of students, and it is not intended to marginalize any group of students. It is broadly written to protect every student's right to be free from discrimination within their educational setting. I am happy to support Assembly Bill No. 423, and I encourage all my colleagues to do the same.

SENATOR HANSEN:

Again, this is an extremely controversial subject. We should absolutely suspend the vote on this until we have an opportunity for our House to really get into this. While it is true, we are not criminalizing it, we are going to be fining school boards $5,000 a day for essentially saying that biological males will not be allowed to participate in biological female sports or go into biological female locker rooms. I would call this amendment the "Bud Light amendment." That is a major controversy across this State. There is an enormous backlash across the country on this very issue. To do this as a floor amendment, not have any hearings and put this on a bill that originally was fine and both parties supported in the other House is absolutely an abuse of the process. I do not know if we can stop it at this point, but in the absence of stopping it, the people that vote for this bill are basically saying, "We are going to penalize school boards that try to block biological males from participating in biological female sports." I urge you to very carefully consider this vote because this is a major issue that we should have had extensive discussions on in committee and in our caucus rooms, not on a floor amendment at the last minute in the last, waning days of a legislative session. Again, I urge you to vote "no" in the meantime on Assembly Bill No. 423.

SENATOR HARRIS:

I will be quick because I know it is getting late into the night. I support Assembly Bill No. 423, and I will make a quick note that while we have the majority in this Legislature, protecting children will never be controversial. That is the choice that we are going to make. To my colleague here to the left, I would suggest he should be more worried about girls being able to jump into boy sports, give them a bit of a run for their money.

Senator Cannizzaro moved that the Senate take a brief recess.

Motion carried.

Senate in recess at 9:45 p.m.

SENATE IN SESSION

At 10:17 p.m.

President Anthony presiding.

Quorum present.

Roll call on Assembly Bill No. 423:

YEAS—12.

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

EXCUSED—Hammond.

Assembly Bill No. 423 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 432.

Bill read third time.

The following amendment was proposed by Senator Doñate:

Amendment No. 779.

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.]~~ (Deleted by amendment.)

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:

(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. 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 Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 779 to Assembly Bill No. 432 removes section 13 of the bill.

Amendment adopted.

Assembly Bill No. 432.

Bill read third time.

Remarks by Senator Daly.

Assembly Bill No. 432 makes various changes to optometry as follows: It defines a comprehensive eye examination. It prohibits the issuance of a prescription for a corrective lens, engaging in synchronous or asynchronous optometric telemedicine, and monitoring a patient remotely unless the optometrist has performed a comprehensive exam on the patient in the previous two-year period and outlines the parameters of optometric telemedicine. The measure restricts optometric telemedicine to procedures and interactions that meet the standard of care; clarifies the transfer of ownership of an optometric practice upon the death of the owner and offers the heirs a one-year period to sell or dissolve the practice, though during this period, a person is not exempt from the requirement to obtain a license to engage in the practice of optometry; provides standards for the supervision of interns and residents who have not yet obtained a license to practice in Nevada; provides a reduced rate for the initial issuance of a license for veterans; and allows the Nevada State Board of Optometry to issue a citation with a fine not to exceed $1,000 as an additional disciplinary tool.

Roll call on Assembly Bill No. 432:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 432 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 444.

Bill read third time.

The following amendment was proposed by Senator Harris:

Amendment No. 730.

SUMMARY—Revises provisions concerning child welfare. (BDR 11-614)

AN ACT relating to child welfare; establishing various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt various regulations; requiring an agency which provides child welfare services to provide certain training for its personnel; requiring the Division and the Court Administrator to submit certain reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary; authorizing the Nevada Supreme Court and the Court Administrator to adopt certain rules; repealing certain unnecessary provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., was enacted in 1978 to protect Indian children from the removal from their homes and families and gives Indian tribes jurisdiction over the Indian children within their tribe. Existing Nevada law recognizes the jurisdiction of Indian tribes in various proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights. (NRS 3.223, 62D.210, 125A.215, 127.010, 127.018, 128.020, 128.023, 432B.410, 432B.425) This bill establishes various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights to provide additional protections for Indian children in state law.

Sections 2-38 of this bill establish provisions concerning proceedings in which the legal or physical custody of an Indian child is an issue. Section 2 of this bill explains the legislative intent of sections 2-38. Sections 3.5-17 of this bill define terms for the purposes of sections 2-38. Section 17.5 of this bill provides that the provisions of sections 2-38 do not apply if: (1) in certain circumstances, a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) a family member related within the third degree of consanguinity to an Indian child is adopting the Indian child; (3) an Indian child who was conceived by means of assisted reproduction is being adopted ~~[after being born to a gestational carrier pursuant to a gestational agreement;]~~ or ~~[(3)]~~ (4) an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.

Section 18 of this bill provides that a person has custody of an Indian child if the person has physical or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.

Section 20 of this bill requires a court to consider certain factors, in consultation with the Indian child's tribe, when making a determination regarding the best interests of the Indian child in a child custody proceeding.

Section 21 of this bill establishes the order of priority for the domicile of an Indian child.

Section 22 of this bill requires the appropriate agency which provides child welfare services to: (1) provide assistance with enrolling an Indian child who is a child in need of protection or who may be in need of protection in a tribe with which the child is eligible for enrollment unless the Indian child's parent objects; and (2) notify the Indian child's parent of his or her right to object to such assistance from the agency.

Section 23 of this bill sets forth the manner in which the tribe of an Indian child is determined for purposes of a child custody proceeding involving the Indian child and, if the Indian child is a member of or eligible for membership with more than one tribe, requires the court to designate the tribe with which the Indian child has the more significant contacts by considering certain factors.

Section 24 of this bill requires a court to: (1) determine, in any child custody proceeding involving an Indian child, the residence and domicile of the Indian child and whether he or she is a ward of a tribal court; and (2) communicate with any tribal courts to the extent necessary to make such determinations.

Section 25 of this bill requires agencies which provide child welfare services to make a good faith effort to enter into a tribal-state agreement with any Indian tribe in Nevada and authorizes such agencies to enter into a tribal-state agreement with any Indian tribe outside of Nevada if the tribe has significant numbers of Indian children who reside in Nevada and are members of or eligible for membership with the tribe. Section 25 also establishes provisions concerning the contents of and requirements regarding such tribal-state agreements.

Section 26 of this bill provides that the jurisdiction of a court in a child custody proceeding involving an Indian child is concurrent with the jurisdiction of the tribe of the Indian child. Section 26 also establishes the circumstances in which the tribe of an Indian child has exclusive jurisdiction in such cases.

Section 27 of this bill requires, in general, a court to transfer a child custody proceeding involving an Indian child if the parent, Indian custodian or tribe of the Indian child petitions the court to transfer the proceeding to tribal court. Section 27 also establishes various other provisions regarding such a transfer and the denial of such a transfer by the court. Section 28 of this bill sets forth the actions that a court is required to take upon granting a transfer motion under section 27.

~~[Section 29 of this bill establishes requirements for certain persons and the court with regard to determining whether a child is an Indian child in child custody proceedings.]~~

Section 30 of this bill ~~[provides that]~~ requires a court to ask each party in a child custody proceeding, ~~[if a person is required to determine whether a]~~ at the commencement of the proceeding, whether the party knows or has reason to know that the child is an Indian child . ~~[, the person is required to make a~~

~~good faith effort to make such a determination by consulting with certain persons.]~~ Section 30 ~~[also]~~ establishes the circumstances in which a court ~~[or person]~~ has reason to know that a child is an Indian child and imposes certain requirements on a court ~~[concerning the procedure for verifying whether]~~ if there is reason to know that a child is an Indian child ~~[,]~~ but the court does not have sufficient evidence to determine whether the child is an Indian child.

Section 31 of this bill requires the person taking a child into protective custody in an emergency proceeding to make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that the child is an Indian child, the appropriate agency which provides child welfare services is required, if the nature of the emergency allows, to notify any tribe of which the child is or may be a member and provide certain information, including a statement that the tribe has a right to participate in the proceeding as a party or in an advisory capacity. Section 31 also imposes certain requirements relating to: (1) the provision of notice of a child custody proceeding if there is reason to know that a child alleged to be within the court's jurisdiction is an Indian child; and (2) the hearing regarding the proceeding.

Section 32 of this bill provides that if a court finds at a hearing in a child custody proceeding that a child is an Indian child, at least one qualified expert witness must testify regarding certain information. If a qualified witness is required to testify, section 32 requires the petitioner in the proceeding to contact the tribe of the Indian child and request that the tribe identify one or more persons who can testify as a qualified witness. Additionally, section 32 authorizes a court to hear supplemental testimony from certain professionals.

Section 33 of this bill provides that if a child in a child custody proceeding is an Indian child and active efforts, which are efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family, are required, the court is required to determine whether active efforts have been made to prevent the breakup of or to reunite the family. Section 33 establishes requirements relating to active efforts.

Section 34 of this bill authorizes a tribe that is a party to a proceeding to be represented by any person, regardless of whether the person is licensed to practice law. Section 34 also authorizes an attorney who is not barred from practicing law in Nevada to appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that certain requirements are met.

Section 35 of this bill provides that in a proceeding involving a child who is or may be in need of protection, if the child is an Indian child, the court is required to appoint counsel to represent the Indian child and, in certain circumstances, also appoint counsel to represent the Indian child's parent or Indian custodian. Section 35 also authorizes an attorney who is appointed to represent an Indian child to inspect certain records of the Indian child without the consent of the Indian child or his or her parent or Indian custodian.

Section 36 of this bill authorizes each party in a child custody proceeding in which the child is an Indian child to timely examine all reports and documents held by an agency which provides child welfare services that are not otherwise subject to a discovery exception or precluded under state or federal law.

Section 37 of this bill establishes requirements concerning the: (1) least restrictive setting in which an Indian child must be placed if the parental rights of the Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care; and (2) placement of an Indian child if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement. Section 37 also authorizes the alternative placement of an Indian child in certain circumstances.

Section 38 of this bill authorizes certain persons to file a petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights in a pending child custody proceeding under sections 2-38 or, if no proceeding is pending, in any court with jurisdiction over the matter. Section 38 requires the court to vacate an order or judgment regarding jurisdiction, placement, guardianship or the termination of parental rights if certain provisions of sections 2-38 have been violated and the court determines that vacating the order or judgment is proper.

Sections 42-50 of this bill establish provisions specifically relating to the adoption of Indian children. Section 42 of this bill provides that a petition for adoption of a child must include certain contents concerning whether there is reason to know that the child who is the subject of the petition is an Indian child and requires a petitioner who has reason to know that the child is an Indian child to serve copies of the petition on certain persons and file with the court a declaration of compliance concerning such notice. Section 43 of this bill: (1) requires written consent to the adoption of an Indian child to be given by the Indian child's parents unless their parental rights have been terminated; (2) establishes requirements concerning such consent; and (3) authorizes the withdrawal of such consent.

Section 45 of this bill establishes provisions concerning the entry of a judgment for the adoption of a child, including certain requirements relating to the adoption of an Indian child. Section 46 of this bill authorizes the filing of a petition to vacate a judgment of adoption of an Indian child and requires the court to vacate the judgment if the petition is timely filed and the court finds by clear and convincing evidence that the consent of a parent to the adoption was obtained through fraud or duress. Section 47 of this bill requires a court to provide notice to certain persons and the appropriate agency which provides child welfare services if a judgment of adoption of an Indian child is vacated and, unless the return of custody of the Indian child to a former parent or prior Indian custodian or the restoration of parental rights is not in the best interests of the child, return custody of the Indian child to the former parent or prior Indian custodian or restore parental rights.

Section 48 of this bill requires that access to the adoption records of an Indian child be given to the Indian child's tribe or the United States Secretary of the Interior not later than 14 days after the request for such records.

Section 49 of this bill requires the appropriate agency which provides child welfare services to file with the court in a proceeding for the adoption of a minor child a written compliance report that reflects the agency's review of the petition for adoption and advises the court on whether the petitioner submitted complete and sufficient documentation relating to the petitioner's compliance with the ~~[inquiry and]~~ notice requirements and placement preferences. Section 49 requires the Division of Child and Family Services of the Department of Health and Human Services (hereinafter "Division") to adopt regulations providing a nonexhaustive description of the documentation that may be submitted to the court as evidence of such compliance and any other regulations for the preparation of such compliance reports that are necessary for agencies which provide child welfare services to carry out their duties. Section 49 also authorizes the Court Administrator to prepare and make available to the public certain forms and information to assist petitioners and to design and offer trainings to courts having jurisdiction over adoption matters.

Section 50 of this bill establishes provisions governing tribal customary adoption, which is the adoption of an Indian child by and through the tribal custom, traditions or law of the child's tribe without the termination of parental rights. Section 50 requires the Division to adopt certain regulations concerning tribal customary adoption and authorizes: (1) the Supreme Court to adopt rules necessary for the court processes to implement the provisions relating to tribal customary adoption; and (2) the Court Administrator to prepare necessary forms for the implementation of the provisions relating to tribal customary adoption. Section 73 of this bill requires the Division to submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the implementation of tribal customary adoption as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

Section 41.5 of this bill provides that the provisions of sections 42-50 do not apply if: (1) in certain circumstances, a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) a family member within the third degree of consanguinity of an Indian child is adopting the Indian child; (3) an Indian child who was conceived by means of assisted reproduction is being adopted ~~; [after being born to a gestational carrier pursuant to a gestational agreement;]~~ or ~~[(3)]~~ (4) an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption. Section 57 of this bill similarly provides that provisions relating to proceedings that otherwise concern the termination of parental rights of the parent of an Indian child do

not apply in certain circumstances if a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent.

Section 65 of this bill requires the Division to adopt regulations necessary for the implementation of sections 2-38 and 42-50.

Section 67 of this bill requires an agency which provides child welfare services to provide training for its personnel regarding the requirements of sections 2-38 and 42-50.

Sections 40, 51-62 and 64-70 of this bill make conforming changes to provisions of existing law to reflect the changes made in sections 2-38. Section 78 of this bill repeals certain provisions of existing law that are no longer necessary because of the provisions of sections 2-38.

Section 72 of this bill requires the Division and the Court Administrator to submit biennial reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary containing certain data relating to Indian children in dependency proceedings. Section 76 of this bill authorizes the Court Administrator to adopt any rules necessary to implement sections 2-38 and 42-50.

WHEREAS, Current research shows that family, culture and community promote resiliency and health development in Indian children; and

WHEREAS, Congress, working with tribal nations, tribal leadership and advocates for Indian children, passed the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., in 1978 to stop the removal of Indian children from their homes, families and communities; and

WHEREAS, At the time Congress passed the Indian Child Welfare Act, Indian children were being removed by public and private agencies at rates as high as 25 percent to 35 percent; and

WHEREAS, Indian children continue to be removed from their homes at rates higher than other non-Indian children; and

WHEREAS, Despite requirements under the Indian Child Welfare Act, application of the Indian Child Welfare Act in Nevada courts is inconsistent; and

WHEREAS, Clearly addressing in state law the coordination between and respective roles of the state and tribes regarding the provision of child welfare services to Indian children will provide uniform and consistent direction to state courts, tribes and practitioners to prevent unlawful removals of Indian children from their families and promote the stable placement of Indian children in loving, permanent homes that are connected to family and culture; now, therefore,

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

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. *1. The Legislature hereby finds that the United States Congress recognizes the special legal status of Indian tribes and their members. It is the policy of this State to protect the health and safety of Indian children and the stability and security of Indian tribes and families by promoting practices designed to prevent the removal of Indian children from their families and, if removal is necessary and lawful, to prioritize the placement of an Indian child with the Indian child's extended family and tribal community.*

2. This State recognizes the inherent jurisdiction of Indian tribes to make decisions regarding the custody of Indian children and also recognizes the importance of ensuring that Indian children and Indian families receive appropriate services to obviate the need to remove an Indian child from the Indian child's home and, if removal is necessary and lawful, to effect the child's safe return home.

3. Sections 2 to 38, inclusive, of this act create additional safeguards for Indian children to address disproportionate rates of removal, to improve the treatment of and services provided to Indian children and Indian families in the child welfare system and to ensure that Indian children who must be removed are placed with Indian families, communities and cultures.

Sec. 3. *As used in sections 2 to 38, inclusive, of this act, the words and terms defined in sections 3.5 to 17, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3.5. *"Agency" means an agency which provides child welfare services, as defined in NRS 432B.030.*

Sec. 4. *"Child custody proceeding" means a matter in which the legal custody or physical custody of ~~[an Indian]~~ a child is an issue, including, without limitation, a matter arising under chapter 125A, 127, 128 or 432B of NRS. The term does not include an emergency proceeding.*

Sec. 5. *"Division" means the Division of Child and Family Services of the Department of Health and Human Services.*

Sec. 6. *"Emergency proceeding" means any court action that involves the emergency removal or emergency placement of an Indian child, with or without a protective custody order.*

Sec. 7. *"Extended family member" has the meaning given that term by the law or custom of an Indian child's tribe or, if that meaning cannot be determined, means a person who has attained 18 years of age and who is the Indian child's grandparent, aunt, uncle, brother, sister, sister-in-law, brother-in-law, niece, nephew, first cousin, second cousin, stepparent or another person determined by the Indian child's tribe, clan or band member.*

Sec. 8. *"Indian" means a person who is a member of an Indian tribe or who is an Alaska Native and a member of a regional corporation as defined in section 7 of the Alaska Native Claims Settlement Act, 43 U.S.C. § 1606.*

Sec. 9. *"Indian child" means any unmarried person who has not attained 18 years of age and is:*

1. A member or citizen of an Indian tribe; or

2. Eligible for membership or citizenship in an Indian tribe and is the biological child of a member of an Indian tribe.

Sec. 10. *"Indian custodian" means an Indian, other than the Indian child's parent, who has custody, as described in subsection 1 of section 18 of this act, of the Indian child, or to whom temporary physical care, custody and control has been transferred by the Indian child's parent.*

Sec. 11. *"Indian tribe" or "tribe" means any Indian tribe, band, nation or other organized group or community of Indians federally recognized as eligible for the services provided to Indians by the United States Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. § 1602(c).*

Sec. 12. *"Juvenile court" has the meaning ascribed to it in NRS 62A.180.*

Sec. 13. *"Member" or "membership" means a determination by an Indian tribe that a person is a member or citizen in that Indian tribe.*

Sec. 14. *"Parent" means:*

1. A biological parent of an Indian child;

2. An Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom; or

3. A person who has established a parent and child relationship with an Indian child pursuant to the laws of this State.

Sec. 15. *"Party" means a party to a proceeding.*

Sec. 16. *"Reservation" means Indian country as defined in 18 U.S.C. § 1151 and any lands not covered under that section, the title to which is held by the United States in trust for the benefit of an Indian tribe or person or held by an Indian tribe or person subject to a restriction by the United States against alienation.*

Sec. 17. *"Tribal court" means a court with jurisdiction over child custody proceedings involving an Indian child that is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe or any other administrative body of a tribe that is vested with authority over child custody proceedings ~~[.]~~ involving an Indian child.*

Sec. 17.5. *1. Notwithstanding any other provision of law, the provisions of sections 2 to 38, inclusive, of this act do not apply if:*

(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;

(b) A family member related within the third degree of consanguinity to an Indian child is adopting the Indian child;

(c) An Indian child who was conceived by means of assisted reproduction is being adopted ; ~~[after being born to a gestational carrier pursuant to a gestational agreement;]~~ or

~~[(c)]~~ (d) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.

2. As used in this section:

(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.

(b) "Confirmatory adoption" means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co-parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent.

~~*[(b) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.*~~

~~*(c) "Gestational carrier" has the meaning ascribed to it in NRS 126.580.]*~~

Sec. 18. *1. A person has custody of an Indian child under sections 2 to 38, inclusive, of this act if the person has physical custody or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.*

2. An Indian child's parent has continued custody of the Indian child if the parent currently has, or previously had, custody of the Indian child.

Sec. 19. (Deleted by amendment.)

Sec. 20. *In a child custody proceeding involving an Indian child, when making a determination regarding the best interests of the child in accordance with sections 2 to 38, inclusive, of this act, chapter 125A, 127, 128 or 432B of NRS, the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., or any applicable regulations or rules regarding sections 2 to 38, inclusive, of this act, chapter 125A, 127, 128 or 432B of NRS or the Indian Child Welfare Act, the court shall, in consultation with the Indian child's tribe, consider the following:*

1. The protection of the safety, well-being, development and stability of the Indian child;

2. The prevention of unnecessary out-of-home placement of the Indian child;

3. The prioritization of placement of the Indian child in accordance with the placement preferences under section 37 of this act;

4. The value to the Indian child of establishing, developing or maintaining a political, cultural, social and spiritual relationship with the Indian child's tribe and tribal community; and

5. The importance to the Indian child of the Indian tribe's ability to maintain the tribe's existence and integrity in promotion of the stability and security of Indian children and families.

Sec. 21. *For purposes of sections 2 to 38, inclusive, of this act:*

1. A person's domicile is the place the person regards as home, where the person intends to remain or to which, if absent, the person intends to return.

2. An Indian child's domicile is, in order of priority, the domicile of:

(a) The Indian child's parents or, if the Indian child's parents do not have the same domicile, the Indian child's parent who has physical custody of the Indian child;

(b) The Indian child's Indian custodian; or

(c) The Indian child's guardian.

Sec. 22. *1. Unless an Indian child's parent objects, the appropriate agency shall provide assistance with enrolling an Indian child within the jurisdiction of the juvenile court under NRS 432B.410 in a tribe with which the child is eligible for enrollment.*

2. In any child custody proceeding under chapter 432B of NRS ~~[,]~~ *involving an Indian child, if the appropriate agency reasonably believes that the Indian child is eligible for enrollment in a tribe, the agency shall notify the Indian child's parents of their right to object to the agency's assistance under subsection 1. The provision of notice pursuant to this subsection is deemed to be satisfied by sending the notice to the last known mailing address of each of the Indian child's parents.*

Sec. 23. *1. In a child custody proceeding in which an Indian child is alleged to be within the jurisdiction of the court, the Indian child's tribe is:*

(a) If the Indian child is a member of or is eligible for membership in only one tribe, the tribe of which the Indian child is a member or eligible for membership.

(b) If the Indian child is a member of one tribe but is eligible for membership in one or more other tribes, the tribe of which the Indian child is a member.

(c) If the Indian child is a member of more than one tribe or if the Indian child is not a member of any tribe but is eligible for membership with more than one tribe:

(1) The tribe designated by agreement between the tribes of which the Indian child is a member or in which the Indian child is eligible for membership; or

(2) If the tribes are unable to agree on the designation of the Indian child's tribe, the tribe designated by the court.

2. When designating an Indian child's tribe under subparagraph (2) of paragraph (c) of subsection 1, the court shall, after a hearing, designate the tribe with which the Indian child has the more significant contacts, taking into consideration the following:

(a) The preference of the Indian child's parent;

(b) The duration of the Indian child's current or prior domicile or residence on or near the reservation of each tribe;

(c) The tribal membership of the Indian child's custodial parent or Indian custodian;

(d) The interests asserted by each tribe;

(e) Whether a tribe has previously adjudicated a case involving the Indian child; and

(f) If the court determines that the Indian child is of sufficient age and capacity to meaningfully self-identify, the self-identification of the Indian child.

3. If an Indian child is a member of or is eligible for membership in more than one tribe, the court may, in its discretion, permit a tribe, in addition to

the Indian child's tribe, to participate in a proceeding under chapter 432B of NRS involving the Indian child in an advisory capacity or as a party.

Sec. 24. *In any child custody proceeding involving an Indian child that is based on allegations that ~~[an]~~ the Indian child is within the jurisdiction of the court, the court must determine the residence and domicile of the Indian child and whether the Indian child is a ward of tribal court. The court shall communicate with any tribal courts to the extent necessary to make a determination under this section.*

Sec. 25. *1. Agencies shall make a good faith effort to enter into a tribal state agreement with any Indian tribe within the borders of this State. Agencies may also enter into a tribal-state agreement with any Indian tribe outside of this State having significant numbers of member children or membership-eligible children residing in this State.*

2. The purposes of a tribal-state agreement are to promote the continued existence and integrity of the Indian tribe as a political entity and to protect the vital interests of Indian children in securing and maintaining political, cultural and social relationships with their tribe.

3. A tribal-state agreement may include agreements regarding default jurisdiction over cases in which the state courts and tribal courts have concurrent jurisdiction, the transfer of cases between state courts and tribal courts, the assessment, removal, placement, custody and adoption of Indian children and any other child welfare services provided to Indian children.

4. A tribal-state agreement must:

(a) Provide for the cooperative delivery of child welfare services to Indian children in this State, including, without limitation, the utilization, to the extent available, of services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population to implement the terms of the tribal-state agreement; and

(b) If services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population are unavailable, provide for an agency's use of community services and resources developed specifically for Indian families that have the demonstrated experience and capacity to provide culturally relevant and effective services to Indian children.

Sec. 26. *1. Except as otherwise provided in this section, the court's jurisdiction in a child custody proceeding involving an Indian child is concurrent with the Indian child's tribe.*

2. The tribe has exclusive jurisdiction in a child custody proceeding involving an Indian child if:

(a) The Indian child is a ward of a tribal court of the tribe; or

(b) The Indian child resides or is domiciled within the reservation of the tribe.

3. Communications between the court and a tribal court regarding calendars, court records and similar matters may occur without informing the parties or creating a record of the communications.

4. Notwithstanding the provisions of this section, the juvenile court has temporary exclusive jurisdiction over an Indian child who is placed in protective custody pursuant to chapter 432B of NRS.

5. As used in this section, "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.

Sec. 27. *1. Except as otherwise provided in subsection 4, the court shall transfer a child custody proceeding involving an Indian child if, at any time during the proceeding, the Indian child's parent, Indian custodian or tribe petitions the court to transfer the proceeding to the tribal court.*

2. Upon receipt of a transfer motion, the court shall contact the Indian child's tribe and request a timely response regarding whether the tribe intends to decline the transfer.

3. If a party objects to the transfer motion for good cause, the court shall fix the time for hearing on objections to the motion. At the hearing, the objecting party has the burden of proof of establishing by clear and convincing evidence that good cause exists to deny the transfer. If the Indian child's tribe contests the assertion that good cause exists to deny the transfer, the court shall give the tribe's argument substantial weight. When making a determination whether good cause exists to deny the transfer motion, the court may not consider:

(a) Whether the proceeding is at an advanced stage;

(b) Whether there has been a prior proceeding involving the Indian child in which a transfer motion was not filed;

(c) Whether the transfer could affect the placement of the Indian child;

(d) The cultural connections of the Indian child with the tribe or the tribe's reservation; or

(e) The socioeconomic conditions of the Indian child's tribe or any negative perception of tribal or United States Bureau of Indian Affairs' social services or judicial systems.

4. The court shall deny the transfer motion if:

(a) The tribe declines the transfer orally on the record or in writing;

(b) The Indian child's parent objects to the transfer; or

(c) The court finds by clear and convincing evidence, after hearing, that good cause exists to deny the transfer.

5. Notwithstanding paragraph (b) of subsection 4, the objection of the Indian child's parent does not preclude the transfer if:

(a) The objecting parent dies or the objecting parent's parental rights are terminated and have not been restored; and

(b) The Indian child's remaining parent, Indian custodian or tribe files a new transfer motion subsequent to the death of the objecting parent or the termination of the parental rights of the objecting parent.

6. If the court denies a transfer under this section, the court shall document the basis for the denial in a written order.

Sec. 28. *Upon granting a transfer motion under section 27 of this act, the court shall expeditiously:*

1. Notify the tribal court of the pending dismissal of the child custody proceeding;

2. Transfer all information regarding the proceeding, including, without limitation, pleadings and court records, to the tribal court;

3. If the Indian child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, direct the appropriate agency to:

(a) Coordinate with the tribal court and the Indian child's tribe to ensure that the transfer of the proceeding and the transfer of custody of the Indian child is accomplished with minimal disruption of services to the Indian child and the Indian child's family; and

(b) Provide the Indian child's tribe with documentation related to the Indian child's eligibility for state and federal assistance and information related to the Indian child's social history, treatment diagnosis and services and other relevant case and service related data; and

4. Dismiss the proceeding upon confirmation from the tribal court that the tribal court received the transferred information.

Sec. 29. ~~[*Notwithstanding any other provision of law and in addition to any other requirements, in any child custody proceeding:*~~

~~*1. Each petitioner and every other person otherwise required by the court or by any applicable law shall:*~~

~~*(a) Determine whether there is reason to know that the child is an Indian child; and*~~

~~*(b) Demonstrate to the court that he or she made efforts to determine whether a child is an Indian child.*~~

~~*2. The court shall:*~~

~~*(a) Make a finding regarding whether there is reason to know that the child is an Indian child, unless the court has previously found that the child is an Indian child; and*~~

~~*(b) Not enter a custody order in the matter until all applicable inquiry and notice requirements set forth in sections 2 to 38, inclusive, of this act have been met.]~~ (Deleted by amendment.)

Sec. 30. *1.* ~~*[Except if the person already knows that a child is an Indian child, whenever a person is required in a child custody proceeding to determine whether there is reason to know that the child is an Indian child, the person shall make a good faith effort to determine whether the child is an Indian child, including, without limitation, by consulting with:*~~

~~*(a) The child;*~~

~~*(b) The child's parent or parents;*~~

~~*(c) Any person having custody of the child or with whom the child resides;*~~

~~*(d) Extended family members of the child;*~~

~~*(e) Any other person who may reasonably be expected to have information regarding the child's membership or eligibility for membership in an Indian tribe; and*~~

~~(f) Any Indian tribe of which the child may be a member or of which the child may be eligible for membership.]~~ At the commencement of any child custody proceeding, the court must ask each party whether the party knows or has reason to know that the child is an Indian child. All responses to such an inquiry must be made on the record. The court must instruct the parties to inform the court if they subsequently receive information that provides reason to know the child is an Indian child.

2. If there is reason to know that a child in a child custody proceeding is an Indian child but the court does not have sufficient evidence to determine whether the child is an Indian child, the court must:

(a) Confirm, by way of a report, declaration or testimony included in the record that an agency or party used due diligence to identify and work with all of the tribes of which there is reason to know the child may be a member or is eligible for membership to verify whether the child is a member or the child's parent is a member and the child is eligible for membership; and

(b) Treat the child as an Indian child, unless and until it is determined on the record that the child is not an Indian child.

3. A court ~~[or person]~~ , upon conducting the inquiry required pursuant to subsection 1, has reason to know that a child in a child custody proceeding is an Indian child if:

(a) ~~[The person knows that the child is an Indian child;~~

~~(b) The court has found that the child is an Indian child or that there is reason to know that the child is an Indian child;~~

~~(c)]~~ Any ~~[person present in the proceeding,]~~ party, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court ~~[or the person]~~ that the child is an Indian child ~~[or]~~ ;

(b) Any party, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court that it has discovered information ~~[has been discovered]~~ indicating that the child is an Indian child;

~~[(d)]~~ (c) The child ~~[indicates to]~~ who is the subject of the proceeding gives the court ~~[or the person]~~ reason to know that the child is an Indian child;

~~[(e)]~~ (d) The court ~~[or the person]~~ is informed that the domicile or residence of the child, the child's parent or the child's Indian custodian is on a reservation or in an Alaska Native village;

~~[(f)]~~ (e) The court ~~[or the person]~~ is informed that the child is or has been a ward of a tribal court;

~~[(g)]~~ or

(f) The court ~~[or the person]~~ is informed that the child or the child's parent possesses an identification card ~~[or other record]~~ indicating membership in an Indian tribe . ~~[;~~

~~(h) Testimony or documents presented to the court indicate in any way that the child may be an Indian child; or~~

~~(i) Any other indicia provided to the court or the person, or within the knowledge of the court or the person, indicates that the child is an Indian child.~~

~~*3. Except as otherwise provided in section 49 of this act, whenever a person is required to demonstrate to the court in a child custody proceeding that the person made efforts to determine whether a child is an Indian child, the court shall make written findings regarding whether the person satisfied the inquiry requirements under subsection 1 and whether the child is an Indian child or whether there is reason to know that the child is an Indian child. At the commencement of any hearing in an emergency proceeding or a child custody proceeding, unless the court previously found that the child is an Indian child, the court shall ask, on the record, each person present on the matter whether the person has reason to know that the child is an Indian child and shall make a finding regarding whether there is reason to know that the child is an Indian child.*~~

~~*4. If the court finds under subsection 3 that there is:*~~

~~*(a) Reason to know that the child is an Indian child but the court does not have sufficient evidence to find that the child is an Indian child, the court shall order that the inquiry as to whether the child is an Indian child continue until the court finds that the child is not an Indian child.*~~

~~*(b) Not reason to know that the child is an Indian child, the court shall order each party to immediately inform the court if the party receives information providing reason to know that the child is an Indian child.*~~

~~*5. If the court finds under subsection 3 that there is reason to know that the child is an Indian child but the court does not have sufficient evidence to make a finding that the child is or is not an Indian child, the court shall require the appropriate agency or other party to submit a report, declaration or testimony on the record that the agency or other party used due diligence to identify and work with all of the tribes of which the child may be a member or in which the child may be eligible for membership to verify whether the child is a member or is eligible for membership.*~~

~~*6. A person making an inquiry under this section shall request that any tribe receiving information under this section keep documents and information regarding the inquiry confidential if the proceeding arises under chapter 432B of NRS or a consenting parent in an adoption proceeding requests anonymity.]*~~

4. In seeking verification of a child's status in a child custody proceeding in which there is a consenting parent who evidences, by written request or statement in the record, a desire for anonymity, the court must keep relevant documents pertaining to the inquiry required under this section confidential and under seal. A request ~~[from a consenting parent]~~ for anonymity does not relieve the court , an agency or any party ~~[in an adoption proceeding]~~ from ~~[the]~~ any duty of compliance with the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., including, without limitation, the duty to verify whether the child is an Indian child. A tribe receiving information related to this inquiry must keep documents and information confidential.

Sec. 31. *1. In an emergency proceeding, the person taking a child into protective custody must make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know*

that the child is an Indian child and the nature of the emergency allows, the appropriate agency shall notify by telephone, electronic mail, facsimile or other means of immediate communication any tribe of which the child is or may be a member. Notification under this subsection must include the basis for the child's removal, the time, date and place of the initial hearing and a statement that the tribe has the right to participate in the proceeding as a party or in an advisory capacity.

2. Except as provided in subsection 1, if there is reason to know that a child in a child custody proceeding who is alleged to be within the court's jurisdiction is an Indian child and notice is required, the party providing notice shall:

(a) Promptly send notice of the proceeding as described in subsection 3; and

(b) File a copy of each notice sent pursuant to this section with the court, together with any return receipts or other proof of service.

3. Notice under subsection 2 must be:

(a) Sent to:

(1) Each tribe of which the child may be a member or of which the Indian child may be eligible for membership; or

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's tribe cannot be ascertained.

(b) Sent by registered or certified mail, return receipt requested.

(c) In clear and understandable language and include the following:

(1) The child's name, date of birth and, if known, place of birth;

(2) To the extent known:

(I) All names, including maiden, married and former names or aliases, of the child's parents, the places of birth of the child's parents' and tribal enrollment numbers; and

(II) The names, dates of birth, places of birth and tribal enrollment information of other direct lineal ancestors of the child;

(3) The name of each Indian tribe of which the child is a member or in which the Indian child may be eligible for membership;

(4) If notice is required to be sent to the appropriate Regional Director of the United States Bureau of Indian Affairs under subparagraph (2) of paragraph (a), to the extent known, information regarding the child's direct lineal ancestors, an ancestral chart for each biological parent, and the child's tribal affiliations and blood quantum;

(5) In a child custody proceeding, a copy of the petition or motion initiating the proceeding and, if a hearing has been scheduled, information on the date, time and location of the hearing;

(6) The name of the petitioner and the name and address of the attorney of the petitioner;

(7) In a proceeding under chapter 432B of NRS:

(I) A statement that the child's parent or Indian custodian has the right to participate in the proceeding as a party to the proceeding;

(II) A statement that the child's tribe has the right to participate in the proceeding as a party or in an advisory capacity;

(III) A statement that if the court determines that the child's parent or Indian custodian is unable to afford counsel, the parent or Indian custodian has the right to court-appointed counsel; and

(IV) A statement that the child's parent, Indian custodian or tribe has the right, upon request, to up to 20 additional days to prepare for the proceeding;

(8) A statement that the child's parent, Indian custodian or tribe has the right to petition the court to transfer the child custody proceeding to the tribal court;

(9) A statement describing the potential legal consequences of the proceeding on the future parental and custodial rights of the parent or Indian custodian;

(10) The mailing addresses and telephone numbers of the court and contact information for all parties to the proceeding; and

(11) A statement that the information contained in the notice is confidential and that the notice should not be shared with any person not needing the information to exercise rights under sections 2 to 38, inclusive, of this act.

4. If there is a reason to know that the Indian child's parent or Indian custodian has limited English proficiency, the court must provide language access services as required by Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and other applicable federal and state laws. If the court is unable to secure translation or interpretation support, the court shall contact or direct a party to contact the Indian child's tribe or the local office of the United States Bureau of Indian Affairs for assistance identifying a qualified translator or interpreter.

5. If a child is known to be an Indian child, a hearing may not be held until at least 10 days after the receipt of the notice by the Indian child's tribe or, if applicable, the United States Bureau of Indian Affairs. Upon request, the court shall grant the Indian child's parent, Indian custodian or tribe up to 20 additional days from the date upon which notice was received by the tribe to prepare for participation in the hearing. Nothing in this subsection prevents a court at an emergency proceeding before the expiration of the waiting period described in this subsection from reviewing the removal of an Indian child from the Indian child's parent or Indian custodian to determine whether the removal or placement is no longer necessary to prevent imminent physical damage or harm to the Indian child.

Sec. 32. *1. In any child custody proceeding <u>involving an Indian child</u> that requires the testimony of a qualified expert witness, the petitioner shall contact the Indian child's tribe and request that the tribe identify one or more persons meeting the criteria described in subsection 3 or 4. The petitioner may*

also request the assistance of the United States Bureau of Indian Affairs in locating persons meeting the criteria described in subsection 3 or 4.

2. At a hearing in a child custody proceeding, if the court has found that a child is an Indian child, at least one qualified expert witness must testify regarding whether the continued custody of the Indian child by the child's parent or custody by the child's Indian custodian is likely to result in serious emotional or physical damage to the Indian child.

3. A person is a qualified expert witness under this section if the Indian child's tribe has designated the person as being qualified to testify to the prevailing social and cultural standards of the tribe.

4. If the Indian child's tribe has not identified a qualified expert witness, the following persons, in order of priority, may testify as a qualified expert witness:

(a) A member of the Indian child's tribe or another person who is recognized by the tribe as knowledgeable about tribal customs regarding family organization or child rearing practices;

(b) A person having substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or

(c) Any person having substantial experience in the delivery of child and family services to Indians and knowledge of prevailing social and cultural standards and child rearing practices in Indian tribes with cultural similarities to the child's tribe.

5. In addition to testimony from a qualified expert witness, the court may hear supplemental testimony regarding information described in subsection 2 from a professional having substantial education and experience in the area of the professional's specialty.

6. No petitioning party, employees of the petitioning party or an employee of an agency may serve as a qualified expert witness or a professional under this section.

Sec. 33. *1. If a child in a child custody proceeding is an Indian child and active efforts are required, the court must determine whether active efforts have been made to prevent the breakup of the family or to reunite the family.*

2. Active efforts require a higher standard of conduct than reasonable efforts.

3. Active efforts must:

(a) Be documented in detail in writing and on the record;

(b) If the child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, include assisting the Indian child's parent or parents or Indian custodian through the steps of a case plan;

(c) Include, to the extent possible, providing assistance with the cooperation of the Indian child's tribe;

(d) Be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians and tribe; and

(e) Be tailored to the facts and circumstances of the case.

4. As used in this section, "active efforts" means efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family.

Sec. 34. *1. Notwithstanding the provisions of NRS 7.285, a tribe that is a party to a child custody proceeding involving an Indian child may be represented by any person, regardless of whether the person is licensed to practice law.*

2. An attorney who is not barred from practicing law in this State may appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that:

(a) The attorney will appear in a court in this State for the limited purpose of participating in a proceeding under chapter 432B of NRS subject to the provisions of sections 2 to 38, inclusive, of this act;

(b) The attorney represents an Indian child's parent, Indian custodian or tribe; and

(c) The Indian child's tribe has affirmed the Indian child's membership or eligibility for membership under tribal law.

3. An Indian custodian or tribe may notify the court, orally on the record or in writing, that the Indian custodian or tribe withdraws as a party to the proceeding.

Sec. 35. *1. If a child in a proceeding under chapter 432B of NRS is an Indian child:*

(a) The court shall appoint counsel to represent the Indian child.

(b) If the Indian child's parent or Indian custodian requests counsel to represent the parent or Indian custodian but is without sufficient financial means to employ suitable counsel possessing skills and experience commensurate with the nature of the petition and the complexity of the case, the court shall appoint suitable counsel to represent the Indian child's parent or Indian custodian if the parent or Indian custodian is determined to be financially eligible for the appointment of such counsel.

2. Except as otherwise provided in this subsection, upon presentation of the order of appointment under this section by the attorney for the Indian child, any agency, hospital, school organization, division or department of this State, doctor, nurse or other health care provider, psychologist, psychiatrist, law enforcement agency or mental health clinic shall permit the attorney for the Indian child to inspect and copy any records of the Indian child involved in the case, without the consent of the Indian child or the Indian child's parent or Indian custodian. This subsection does not apply to records of a law enforcement agency relating to an ongoing investigation before bringing charges.

Sec. 36. *1. In any child custody proceeding, if the child is an Indian child, each party has the right to timely examine all reports or other documents*

held by an agency that are not otherwise subject to a discovery exception or precluded under state or federal law.

2. The preservation of confidentiality under this section does not relieve the court or any petitioners in an adoption proceeding from the duty to comply with the placement preferences under section 37 of this act if the child is an Indian child.

Sec. 37. *1. Except as otherwise provided in subsection 3, if the parental rights of an Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care, the child must be placed in the least restrictive setting that:*

(a) Most closely approximates a family, taking into consideration sibling attachment;

(b) Allows the Indian child's special needs, if any, to be met;

(c) Is in reasonable proximity to the Indian child's home, extended family or siblings; and

(d) Is in accordance with the order of preference established by the Indian child's tribe or, if the Indian child's tribe has not established placement preferences, is in accordance with the following order of preference:

(1) A member of the Indian child's extended family;

(2) A foster home licensed, approved or specified by the Indian child's tribe;

(3) A foster home licensed or approved by a licensing authority in this State and in which one or more of the licensed or approved foster parents is an Indian; or

(4) An institution for children that has a program suitable to meet the Indian child's needs and is approved by an Indian tribe or operated by an Indian organization.

2. Except as otherwise provided in subsection 3, if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement, the Indian child shall be placed:

(a) In accordance with the order of preference established by the Indian child's tribe; or

(b) If the Indian child's tribe has not established placement preferences, according to the following order of preference:

(1) With a member of the Indian child's extended family;

(2) With other members of the Indian child's tribe; or

(3) With other Indian families.

3. If an Indian child is placed outside of the placement preferences set forth in subsection 1 or 2, the party placing the child shall file a motion requesting that the court make a finding that good cause exists for placement outside of such placement preferences. If the court determines that the moving party has established, by clear and convincing evidence, that there is good cause to depart from the placement preferences under this section, the court may authorize placement in an alternative placement. The court's determination under this subsection:

(a) Must be in writing and be based on:

(1) The preferences of the Indian child;

(2) The presence of a sibling attachment that cannot be maintained through placement consistent with the placement preferences established by subsection 1 or 2;

(3) Any extraordinary physical, mental or emotional needs of the Indian child that require specialized treatment services if, despite active efforts, those services are unavailable in the community where families who meet the placement preferences under subsection 1 or 2 reside; or

(4) Whether, despite a diligent search, a placement meeting the placement preferences under this section is unavailable, as determined by the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.

(b) Must, in applying the placement preferences under this subsection, give weight to a parent's request for anonymity if the placement is an adoptive placement to which the parent has consented.

(c) May be informed by but not determined by the placement request of a parent of the Indian child, after the parent has reviewed the placement options, if any, that comply with the placement preferences under this section.

(d) May not be based on:

(1) The socioeconomic conditions of the Indian child's tribe;

(2) Any perception of the tribal or United States Bureau of Indian Affairs social services or judicial systems;

(3) The distance between a placement meeting the placement preferences under this section that is located on or near a reservation and the Indian child's parent; or

(4) The ordinary bonding or attachment between the Indian child and a nonpreferred placement arising from time spent in the nonpreferred placement.

Sec. 38. *1. A petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights may be filed in a pending child custody proceeding involving the Indian child or, if none, in any court of competent jurisdiction by:*

(a) The Indian child who was alleged to be within the jurisdiction of the court;

(b) The Indian child's parent or Indian custodian from whose custody such child was removed or whose parental rights were terminated; or

(c) The Indian child's tribe.

2. The court shall vacate an order or judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights if the court determines that any provision of section 26 or 27, subsection 2 or 5 of section 31, paragraph (a) or (b) of subsection 3 of section 31, subsection 1 of section 35 or section 36 of this act or, if required,

subsection 2 of section 32 or section 33 or 37 of this act has been violated and the court determines it is appropriate to vacate the order or judgment.

3. If the vacated order or judgment resulted in the removal or placement of the Indian child, the court shall order the child immediately returned to the Indian child's parent or Indian custodian and the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

4. If the vacated order or judgment terminated parental rights, the court shall order the previously terminated parental rights to be restored.

5. If the State or any other party affirmatively asks the court to reconsider the issues under the vacated order or judgment, the court's findings or determinations must be readjudicated.

6. As used in this section, "termination of parental rights" includes, without limitation, the involuntary termination of parental rights under chapter 128 or 432B of NRS.

Sec. 39. (Deleted by amendment.)

Sec. 40. NRS 125A.215 is hereby amended to read as follows:

125A.215 1. ~~[A child custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., is not subject to the provisions of this chapter to the extent that the proceeding is governed by the Indian Child Welfare Act.~~

~~2.]~~ A court of this state shall treat ~~[a]~~ *an Indian* tribe as if it were a state of the United States for the purpose of applying NRS 125A.005 to 125A.395, inclusive.

~~[3.]~~ *2.* A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of the provisions of this chapter must be recognized and enforced pursuant to NRS 125A.405 to 125A.585, inclusive.

Sec. 41. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 41.5 to 50, inclusive, of this act.

Sec. 41.5. *1. Notwithstanding any other provision of law, the provisions of sections 42 to 50, inclusive, of this act, do not apply if:*

(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;

(b) A family member related within the third degree of consanguinity to an Indian child is adopting the Indian child;

(c) An Indian child who was conceived by means of assisted reproduction is being adopted ; ~~[after being born to a gestational carrier pursuant to a gestational agreement;]~~ or

~~[(c)]~~ (d) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.

2. As used in this section:

(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.

(b) "Confirmatory adoption" means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co-parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent.

~~[(b)]~~ (c) "Extended family member" has the meaning ascribed to it in section 7 of this act.

~~[(c) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.~~

~~(d) "Gestational carrier" has the meaning ascribed to it in NRS 126.580.]~~

Sec. 42. *1. In addition to the requirements set forth in NRS 127.110, a petition for adoption of a child must contain:*

(a) ~~[A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, of the petitioner's good faith efforts described in subsection 1 of section 30 of this act, to determine whether there is reason to know that the child is an Indian child;~~

~~(b)]~~ A statement as to whether the petitioner has reason to know that the child is an Indian child; and

~~[(c)]~~ (b) If the petitioner has reason to know that the child is an Indian child:

(1) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, showing that the proposed adoptive placement complies with the requirements under section 37 of this act; or

(2) A statement that the petitioner is moving the court under subsection 3 of section 37 of this act for a finding, by clear and convincing evidence, that good cause exists for alternative adoptive placement and a statement describing the details supporting the assertion of the petitioner that good cause exists for the alternative placement, as described in subsection 3 of section 37 of this act.

2. A petition for adoption of a child must, if applicable, request the following:

(a) ~~[A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act;~~

~~(b)]~~ A finding of whether there is reason to know that the child is an Indian child;

~~[(c)]~~ and

(b) If the court finds that the child is an Indian child:

(1) The determinations required under section 24 of this act regarding the Indian child's residence, domicile and wardship status;

(2) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act; and

(3) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if not, that upon the petitioner's

motion under subsection 3 of section 37 of this act, good cause exists for placement contrary to the placement preferences in section 37 of this act.

3. If the petitioner has reason to know that the child is an Indian child, within 30 days after filing the petition, the petitioner shall:

(a) Serve copies of the petition by registered or certified mail, return receipt requested, together with the notice of proceeding in the form required under subsection 3 of section 31 of this act, to:

(1) Each tribe of which the Indian child may be a member or in which the Indian child may be eligible for membership;

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained; and

(3) The appropriate agency which provides child welfare services.

(b) File a declaration of compliance with the court, including a copy of each notice sent, together with any return receipts or other proof of service.

Sec. 43. *1. If a petition for adoption of a child concerns the adoption of an Indian child, except as otherwise provided in subsection 4 and unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.*

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the judgment of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of a judgment of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws his or her consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in section 14 of this act.

Sec. 44. (Deleted by amendment.)

Sec. 45. *1. If, upon a petition for adoption of a child duly presented and consented to, the court is satisfied as to the identity and relations of the persons, that the petitioner is of sufficient ability to bring up the child and furnish suitable nurture and education, having reference to the degree and condition of the parents, and that it is fit and proper that such adoption be effected, a judgment shall be made setting forth the facts and ordering that from the date of the judgment, the child, for all legal intents and purposes, is the child of the petitioner.*

2. A judgment entered under this section must include ~~*[:*~~

~~*(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act to determine whether there is reason to know that the child is an Indian child; and*~~

~~*(b) A]*~~ *a finding that the child is or is not an Indian child.*

3. In an adoption of an Indian child, the judgment must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the biological parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under section 24 of this act;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act;

(h) If the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if the placement does not comply with the placement preferences under section 37 of this act, a finding upon the petitioner's motion under subsection 3 of section 37 of this act that good cause exists for placement contrary to the placement preferences.

4. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

5. Upon entry of the judgment of adoption of an Indian child, the court shall provide to the United States ~~*[Secretary of the Interior]*~~ *Bureau of Indian Affairs copies of the judgment entered under this section* , ~~*[and]*~~ *any* ~~*[document]*~~ *affidavit signed by a consenting parent requesting anonymity* ~~*[.]*~~ *, and all other required information in accordance with 25 C.F.R. § 23.140.*

Sec. 46. *1. A petition to vacate a judgment of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.*

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the judgment of adoption if:

(a) The petition is filed not later than 2 years following the date of the judgment; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates a judgment of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 47. *1. If a judgment of adoption of an Indian child under this chapter is vacated, the court vacating the judgment must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate agency which provides child welfare services.*

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of a judgment of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If a judgment of adoption of an Indian child under this chapter is vacated other than as provided in section 38 of this act, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of section 31 of this act to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the child's best interests, as described in section 20 of this act. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the legal parent of an Indian child subject to a judgment of adoption under this chapter and whose parental rights have not been restored under section 46 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to a judgment of adoption of the child under this chapter.

Sec. 48. *1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.*

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceeding, the complete record of the placement finding and, if the placement departs from the placement preferences under section 37 of this act, detailed documentation of the efforts to comply with the placement preferences.

Sec. 49. *1. In a proceeding for the adoption of a minor child, within 90 days after service of a petition upon the appropriate agency which provides child welfare services as required pursuant to section 42 of this act, the agency shall file with the court an ICWA compliance report, which must reflect the agency's review of the petition and advise the court on whether the documentation submitted by the petitioner is sufficient and complete for the court to make the ~~[findings]~~ finding required pursuant to subsection 2. Nothing in this section requires the agency to make a determination of law regarding the documentation provided by the petitioner.*

2. ~~[Upon]~~ Except as otherwise provided in this subsection, upon receiving an ICWA compliance report, the court shall order the matter to proceed . ~~[if]~~ If notice is required, the court shall not order the matter to proceed unless the court finds that the petitioner satisfied ~~[the inquiry requirements under subsection 1 of section 30 of this act and, if applicable,]~~ the notice requirements under subsection 2 of section 31 of this act. If the court finds that:

(a) ~~[Subject to the procedures under subsection 3 of section 30 of this act, the]~~ The child is an Indian child, the court's order under this subsection must include a finding regarding whether the proposed adoptive placement complies with the preferences under section 37 of this act. If the court finds that the proposed adoptive placement does not comply with such preferences or that the documentation provided by the petitioner is insufficient for the court to make a finding, the court shall direct the petitioner to amend the petition to cure the deficiency or file a motion under subsection 3 of section 37 of this act, for authority to make the placement contrary to the placement preferences under section 37 of this act.

(b) The petitioner failed to satisfy , ~~[the inquiry requirements under subsection 1 of section 30 of this act or,]~~ if applicable, the notice requirements under subsection 2 of section 31 of this act, or if the documentation supplied by the petitioner is insufficient for the court to make ~~[those findings,]~~ that finding, the court shall direct the petitioner to cure the ~~[inquiry or]~~ notice deficiency and file an amended petition. If the court directs the petitioner to file an amended petition pursuant to this subsection or a motion and the petitioner fails to do so within a reasonable amount of time, the court shall order the petitioner to appear and show cause why the court should not dismiss the petition.

3. The Division shall adopt regulations providing a nonexhaustive description of the documentation that petitioners or moving parties in proceedings under this chapter may submit to the court to document compliance with the ~~[inquiry requirements under subsection 1 of section 30 of this act and]~~ notice requirements under subsection 2 of section 31 of this act and the placement preferences under section 37 of this act, including, without limitation:

(a) Descriptions of the consultations the petitioner or moving party made with the persons described in ~~[subsection 1 of section 30 of this act and]~~ subsection 3 of section 31 of this act and the responses the petitioner or moving party obtained;

(b) Descriptions of any oral responses and copies of any written responses the petitioner or moving party obtained from the persons described in ~~[subsection 1 of section 30 of this act and]~~ subsection 3 of section 31 of this act;

(c) Copies of any identification cards or other records indicating the membership of the child or the child's parent in an Indian tribe;

(d) Copies of any tribal court records regarding the Indian child;

(e) Any reports, declarations or testimony on the record documenting the due diligence of the petitioner or moving party to identify and work with all of the tribes of which the petitioner or moving party has reason to know that the child may be a member or in which the child may be eligible for membership; and

(f) The declaration of compliance regarding the notices the petitioner sent, as described in section 42 of this act.

4. The Division shall adopt any other regulations for the preparation of ICWA compliance reports that are necessary for agencies which provide child welfare services to carry out their duties under this chapter.

5. The Court Administrator may prepare and make available to the public forms and information to assist petitioners to comply with the requirements under this section and sections ~~[30,]~~ 31, 37 and 42 of this act and any related rules or regulations, including, without limitation:

(a) Forms of petitions required under section 42 of this act, motions to request a deviation from the placement preferences under subsection 3 of section 37 of this act and notices required under subsection 3 of section 31 of this act; and

(b) Worksheets and checklists to assist petitioners with ~~[the inquiry required under subsection 1 of section 30 of this act]~~ the notices required under subsection 2 of section 31 of this act, and assessing whether proposed adoptive placements satisfy the preferences under section 37 of this act.

6. The Court Administrator may design and offer trainings to courts having jurisdiction over adoption matters regarding the application of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act to adoptions of minor children, including, without limitation, identifying when there is reason to know that the child is an Indian child and making

findings regarding the sufficiency of ~~[inquiry and]~~ notice and the appropriateness of adoptive placements.

7. As used in this section, "ICWA compliance report" means a written report prepared by an agency which provides child welfare services concerning compliance with the Indian Child Welfare Act.

Sec. 50. *1. If the court determines that tribal customary adoption is in the best interests, as described in section 20 of this act, of a ward who is an Indian child and the Indian child's tribe consents to the tribal customary adoption:*

(a) The appropriate agency which provides child welfare services shall provide the Indian child's tribe and proposed tribal customary adoptive parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child's parents, and the Indian child's educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.

(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child's tribe if the home study:

(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;

(2) Uses the prevailing social and cultural standards of the Indian child's tribe as the standards for evaluation of the proposed adoptive placement;

(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child's needs; and

(4) Except where the proposed adoptive placement is the Indian child's current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.

(c) Notwithstanding subsection 2, the court may not accept the tribe's order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or a crime involving violence. The Division shall, by regulation, define "crime involving violence" for the purposes of this paragraph. The definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.

2. The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child's tribe if:

(a) The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;

(b) The court finds that the tribal customary adoption is in the Indian child's best interests, as described in section 20 of this act; and

(c) The order or judgment:

(1) Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;

(2) Includes a description of the Indian child's legal relationship with the tribe; and

(3) Does not include any child support obligation from the Indian child's parents or Indian custodian.

➥ *The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.*

3. A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.

4. After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in section 45 of this act and enter a judgment of adoption. In addition to the requirements under section 45 of this act, the judgment of adoption must include a statement that any parental rights or obligations not specified in the judgment are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the parents and Indian child and the Indian child's legal relationship with the child's tribe.

5. A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.

6. Upon the court's entry of a judgment of adoption under this section, the court's jurisdiction over the Indian child terminates.

7. Any parental rights or obligations not specifically retained by the Indian child's parents in the judgment of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.

8. This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 et seq.

9. The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary adoption as a permanency option. The Supreme Court may adopt rules necessary for the court processes to implement the provisions of this section,

and the Court Administrator may prepare necessary forms for the implementation of this section.

10. As used in this section, "tribal customary adoption" means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.

Sec. 51. NRS 127.003 is hereby amended to read as follows:

127.003 As used in this chapter, unless the context otherwise requires:

1. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Indian child" has the meaning ascribed to it in ~~[25 U.S.C. § 1903.~~

~~4. "Indian Child Welfare Act" means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.]~~ *section 9 of this act.*

Sec. 51.5. (Deleted by amendment.)

Sec. 52. NRS 127.010 is hereby amended to read as follows:

127.010 Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ *as otherwise provided in section 26 of this act,* the district courts of this State have original jurisdiction in adoption proceedings.

Sec. 53. NRS 127.018 is hereby amended to read as follows:

127.018 1. ~~[Unless the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ *Except as otherwise provided in sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act,* a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

➥ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 54. NRS 127.053 is hereby amended to read as follows:

127.053 No consent to a specific adoption executed in this State, or executed outside this State for use in this State, is valid unless it:

1. Identifies the child to be adopted by name, if any, sex and date of birth.

2. Is in writing and signed by the person consenting to the adoption as required in this chapter.

3. Is acknowledged by the person consenting and signing the consent to adoption in the manner and form required for conveyances of real property.

4. Contains, at the time of execution, the name of the person or persons to whom consent to adopt the child is given.

5. *Indicates whether the person giving the consent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the judgment of adoption under section 45 of this act, the person receives information that provides reason to know that the child is an Indian child.*

6. Is attested by at least two competent, disinterested witnesses who subscribe their names to the consent in the presence of the person consenting. If neither the petitioner nor the spouse of a petitioner is related to the child within the third degree of consanguinity, then one of the witnesses must be a social worker employed by:

(a) An agency which provides child welfare services;

(b) An agency licensed in this state to place children for adoption;

(c) A comparable state or county agency of another state; or

(d) An agency authorized under the laws of another state to place children for adoption, if the natural parent resides in that state.

Sec. 55. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) Their desire that the name of the child be changed, together with the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to consent to adoption.

(h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive.

(i) Whether the *petitioners have reason to know that the* child is ~~[known to be]~~ an Indian child.

(j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

3. ~~[No]~~ *Except as otherwise provided in sections 17.5 and 41.5 of this act, no* order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive ~~[.]~~ *, and the provisions of*

sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 56. NRS 128.020 is hereby amended to read as follows:

128.020 Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ *as otherwise provided in section 26 of this act,* the district courts have jurisdiction in all cases and proceedings under this chapter. The jurisdiction of the district courts extends to any child who should be declared free from the custody and control of either or both of his or her parents.

Sec. 57. NRS 128.023 is hereby amended to read as follows:

128.023 1. ~~[If]~~ *Except as otherwise provided in subsection 3, if* proceedings pursuant to this chapter involve the termination of parental rights of the parent of an Indian child, the court shall ~~[:~~

~~(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~(c) If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.]~~ *require that notice of the proceedings and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.*

2. If the court determines that the parent of an Indian child for whom termination of parental rights is sought is indigent, the court:

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

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

➥ as provided in the Indian Child Welfare Act.

3. The provisions of this section do not apply if a parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child. As used in this subsection, "extended family member" has the meaning ascribed to it in section 7 of this act.

Sec. 58. NRS 128.050 is hereby amended to read as follows:

128.050 1. The proceedings must be entitled, "In the matter of the parental rights as to ....., a minor."

2. A petition must be verified and may be upon information and belief. It must set forth plainly:

(a) The facts which bring the child within the purview of this chapter.

(b) The name, age and residence of the child.

(c) The names and residences of the parents of the child.

(d) The name and residence of the person or persons having physical custody or control of the child.

(e) The name and residence of the child's legal guardian, if there is one.

(f) The name and residence of the child's nearest known relative, if no parent or guardian can be found.

(g) Whether the *petitioner has reason to know that the* child is ~~[known to be]~~ an Indian child.

3. If any of the facts required by subsection 2 are not known by the petitioner, the petition must so state.

4. If the petitioner is a mother filing with respect to her unborn child, the petition must so state and must contain the name and residence of the father or putative father, if known.

5. If the petitioner or the child is receiving public assistance, the petition must so state.

Sec. 59. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.,]~~ *as otherwise provided in section 26 of this act,* in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 433A.335 to 433A.345, inclusive, to require a person to receive assisted outpatient treatment.

(k) Brought pursuant to NRS 441A.505 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to

NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 60. NRS 7.285 is hereby amended to read as follows:

7.285 1. ~~[A]~~ *Except as otherwise provided in section 34 of this act, a* person shall not practice law in this state if the person:

(a) Is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this state pursuant to the rules of the Supreme Court; or

(b) Is suspended or has been disbarred from membership in the State Bar of Nevada pursuant to the rules of the Supreme Court.

2. A person who violates any provision of subsection 1 is guilty of:

(a) For a first offense within the immediately preceding 7 years, a misdemeanor.

(b) For a second offense within the immediately preceding 7 years, a gross misdemeanor.

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

3. The State Bar of Nevada may bring a civil action to secure an injunction and any other appropriate relief against a person who violates this section.

Sec. 61. NRS 62A.160 is hereby amended to read as follows:

62A.160 "Indian child" has the meaning ascribed to it in ~~[25 U.S.C. § 1903.]~~ *section 9 of this act.*

Sec. 62. NRS 62D.210 is hereby amended to read as follows:

62D.210 1. If a proceeding conducted pursuant to the provisions of this title involves the placement of an Indian child into foster care, the juvenile court shall ~~[:~~

~~(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act or, if a tribe declines or is unable to exercise jurisdiction, exercise jurisdiction as provided in the Indian Child Welfare Act.]~~ *require that notice of the proceeding and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.*

2. If the juvenile court determines that the parent of an Indian child for whom foster care is sought is indigent, the juvenile court, as provided in the Indian Child Welfare Act:

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

(b) May appoint an attorney to represent the Indian child; and

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

Sec. 63. (Deleted by amendment.)

Sec. 64. NRS 432B.067 is hereby amended to read as follows:

432B.067 "Indian child" has the meaning ascribed to it in ~~[25 U.S.C.~~

~~§ 1903.~~] *section 9 of this act.*

Sec. 65. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➥ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for ~~[the]~~ *:*

(a) The administration of NRS 432B.010 to 432B.606, inclusive.

(b) The implementation of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 66. (Deleted by amendment.)

Sec. 67. NRS 432B.397 is hereby amended to read as follows:

432B.397 1. The agency which provides child welfare services for a child that is taken into custody pursuant to this chapter shall make all necessary inquiries ~~*[in accordance with subsection 1 of section 30 of this act]*~~ to

determine whether *there is reason to know that* the child is an Indian child. The agency shall report that determination to the court.

2. An agency which provides child welfare services pursuant to this chapter shall provide training for its personnel regarding the requirements of the Indian Child Welfare Act ~~[.]~~ *, sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.*

Sec. 68. NRS 432B.410 is hereby amended to read as follows:

432B.410 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ *as otherwise provided in section 26 of this act,* the court has exclusive original jurisdiction in proceedings concerning any child domiciled, living or found within the county who is a child in need of protection or may be a child in need of protection.

2. Action taken by the court because of the abuse or neglect of a child does not preclude the prosecution and conviction of any person for violation of NRS 200.508 based on the same facts.

Sec. 69. NRS 432B.425 is hereby amended to read as follows:

432B.425 If proceedings pursuant to this chapter involve the protection of an Indian child, the court shall ~~[:~~

~~1. Cause the Indian child's tribe to be notified in writing at the beginning of the proceedings in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~2. Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~3. If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.]~~ *require that notice of the proceedings and any other notice required by this chapter be provided in accordance with section 31 of this act.*

Sec. 70. NRS 432B.5902 is hereby amended to read as follows:

432B.5902 1. After a motion for the termination of parental rights is filed pursuant to NRS 432B.5901, unless a party to be served voluntarily appears and consents to the hearing, and except as otherwise provided in subsection 3, a copy of the motion and notice of the hearing must be served, either together or separately, upon all parties to the proceeding by personal service or, if the whereabouts of the person are unknown, obtaining an order from the court that service may be made by publication in accordance with the procedure set forth in subsections 1, 4 and 5 of NRS 128.070 and subsection 2.

2. If a court orders that service be made by publication pursuant to subsection 1 and the person to be served by publication has a last known address, personal service must also be attempted before service of the notice is deemed to be complete. The court order must direct the publication to be made in a newspaper designated by the court at least once every week for a period of 4 weeks. If personal service is also attempted, service of the notice shall be deemed to be complete at the expiration of such a period. The

provisions of this subsection and subsection 1 must not be construed to preclude personal service and service by publication from being attempted simultaneously.

3. Service shall be deemed to be complete if a party to be served appears in court for a hearing held pursuant to this chapter and the court provides the party with a copy of the motion, notifies the party of the date of the hearing on the motion and records such service.

4. Except as otherwise provided in subsection 5, a copy of the motion and notice of the hearing on the motion must be sent by certified mail to:

(a) The attorneys and any guardians ad litem for the child and the parent of the child who is the subject of the motion;

(b) If ~~[applicable, each Indian tribe of]~~ the child who is ~~[the]~~ subject ~~[of]~~ *to* the ~~[motion, in accordance with NRS 128.023;]~~ *motion is known to be an Indian child, the child's Indian tribe;* and

(c) Any known relative of the child who is the subject of the motion within the fifth degree of consanguinity who is residing in this State.

5. If an attorney has consented to electronic service, a copy of the motion and notice of the hearing on the motion may be sent to the attorney electronically instead of by certified mail.

6. The court shall ensure that any prospective adoptive parent of the child who is the subject of the motion is provided with a copy of the notice of the hearing on the motion. Except as otherwise provided in NRS 432B.5904 or another provision of law, the name and address of the prospective adoptive parent must be kept confidential.

7. Any party to the proceeding may file a written response to the motion.

Sec. 71. The provisions of subsection 3 of section 25 of this act apply to tribal-state agreements entered into or renewed on or after January 1, 2024.

Sec. 72. Not later than September 15, 2024, and each even-numbered year thereafter, the Division of Child and Family Services of the Department of Health and Human Services and the Court Administrator shall report to the Chairs of the Senate and Assembly Standing Committees on Judiciary regarding, as applicable:

1. The number of Indian children involved in dependency proceedings during the prior 2-year period.

2. The average duration Indian children were in protective custody.

3. The ratio of Indian children to non-Indian children in protective custody.

4. Which tribes the Indian children in protective custody were members of or of which they were eligible for membership.

5. The number of Indian children in foster care who are in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

6. The number of Indian children placed in adoptive homes in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

7. The number of available placements and common barriers to recruitment and retention of appropriate placements.

8. The number of times the court found that good cause existed to deviate from the statutory placement preferences under section 37 of this act, when making a finding regarding the placement of a child in a dependency proceeding.

9. The number of cases that were transferred to tribal court under section 28 of this act.

10. The number of times the court found good cause to decline to transfer jurisdiction of a dependency proceeding to tribal court upon request and the most common reasons the court found good cause to decline a transfer petition.

11. The efforts the Division and the Court Administrator have taken to ensure compliance with the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act in dependency proceedings.

12. The number of ICWA compliance reports in which an agency which provides child welfare services reported the petitioner's documentation was insufficient for the court to make a finding regarding whether the petitioner complied with the ~~[inquiry requirements under subsection 1 of section 30 of this act and]~~ notice requirements under subsection 2 of section 31 of this act. As used in this subsection:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "ICWA compliance report" has the meaning ascribed to it in section 49 of this act.

Sec. 73. Not later than March 15, 2025, the Division of Child and Family Services of the Department of Health and Human Services shall submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the Division's implementation of tribal customary adoption as described in section 50 of this act as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

Sec. 74. 1. A court shall give full faith and credit to the public acts, records and judicial proceedings of an Indian tribe applicable to an Indian child in a child custody proceeding.

2. As used in this section, "child custody proceeding" has the meaning ascribed to it in section 4 of this act.

Sec. 75. 1. If any provision of sections 2 to 38, inclusive, of this act or sections 42 to 50, inclusive, of this act is found to provide a lower standard of protection to the rights of an Indian child or the Indian child's parent, Indian custodian or tribe than that provided in the Indian Child Welfare Act:

(a) The higher standard of protection in the Indian Child Welfare Act controls; and

(b) It shall not serve to render inoperative any remaining provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this

act that may be held to provide a higher standard of protection than that provided in the Indian Child Welfare Act.

2. As used in this section, "Indian Child Welfare Act" means the federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., and any related regulations.

Sec. 76. The Court Administrator may adopt any rules necessary to implement the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 77. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 78. NRS 62D.200, 127.013, 127.017, 128.027, 432B.451 and 432B.465 are hereby repealed.

Sec. 79. This act becomes effective:

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

2. On January 1, 2024, for all other purposes.

LEADLINES OF REPEALED SECTIONS

62D.200 Full faith and credit given to proceedings of Indian tribe.

127.013 Transfer of proceedings to Indian tribe.

127.017 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

128.027 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

432B.451 Qualified expert witness required in proceeding to place Indian child in foster care.

432B.465 Full faith and credit to judicial proceedings of Indian tribe.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 730 to Assembly Bill No. 444 adds language providing that certain provisions of the bill do not apply if a family member within the third degree of consanguinity is adopting an Indian child. It revises provisions concerning gestational agreements to instead reference a child who was conceived by means of assisted reproduction. It revises provisions in section 30 to require a court to ask each party at the commencement of an adoption proceeding whether they know or have reason to know that a child is an Indian child and sets forth requirements for a court when there is reason to know the child is an Indian child, but the court does not have sufficient evidence to make such a determination.

Amendment adopted.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 444 establishes various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights to provide additional protections for Indian children in state law. The bill requires the Court Administrator and the Division of Child and Family Services of the Department of Health and Human Services to submit reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary containing certain data relating to Indian children in dependency proceedings.

Roll call on Assembly Bill No. 444:
YEAS—20.
NAYS—None.
EXCUSED—Hammond.

Assembly Bill No. 444 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 465.

Bill read third time.

The following amendment was proposed by Senator Spearman:

Amendment No. 747.

SUMMARY—Revises provisions governing the state militia. (BDR 36-1192)

AN ACT relating to the state militia; revising the age requirements for enlisted personnel and commissioned officers; revising provisions governing the Adjutant General of the Office of the Military; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the position of the Adjutant General as an appointed member of the military staff of the Governor and grants the Adjutant General the authority to appoint two Assistant Adjutants General that are selected from the commissioned officers of the Armed Forces of the United States. (NRS 412.042, 412.044) Section 2 of this bill requires that the two Assistant Adjutants General are instead selected from the commissioned officers of the Nevada National Guard.

Existing law further provides that to be eligible for appointment to the office of Adjutant General or Assistant Adjutant General, a person must be an officer of the Armed Forces of the United States and be federally recognized in the grade of colonel or higher. (NRS 412.044, 412.054) Sections 3 and 4 of this bill require instead that to be eligible for appointment to the office of Adjutant General or Assistant Adjutant General, a person must be an officer of the Nevada National Guard, federally recognized in the grade of colonel or higher and must have completed at least 4 years of service in the Nevada National Guard as a federally recognized officer.

Existing law establishes the Nevada National Guard as an organized body of enlisted personnel between the ages of 17 and 64 years and commissioned officers between the ages of 18 and 64 years. (NRS 412.026) Section 1 of this bill instead provides that enlisted personnel and commissioned officers serve in accordance with the age requirements set forth under federal law and any applicable regulations.

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

Section 1. NRS 412.026 is hereby amended to read as follows:

412.026 1. The militia of the State is composed of the Nevada National

Guard and, when called into active service by the Governor, reservists to the Nevada National Guard and any volunteer military organizations licensed by the Governor.

2. The Nevada National Guard is an organized body of enlisted personnel ~~[between the ages of 17 and 64 years]~~ and commissioned officers ~~[between the ages of 18 and 64 years,]~~ *who serve in accordance with the age requirements set forth under federal law and any applicable regulations adopted pursuant thereto,* divided into the Nevada Army National Guard and the Nevada Air National Guard.

3. If a volunteer military organization is formed and becomes licensed by the Governor, it shall consist of an organized body of able-bodied residents of the State between the ages of 17 and 64 years who are not serving in any force of the Nevada National Guard and who are or who have declared their intention to become citizens of the United States.

Sec. 2. NRS 412.042 is hereby amended to read as follows:

412.042 1. The military staff of the Governor consists of the Adjutant General and not more than two Assistant Adjutants General selected from the commissioned officers of the ~~[Armed Forces of the United States.]~~ *Nevada National Guard.*

2. The military staff of the Governor shall perform such ceremonial functions and duties as the Governor may prescribe.

Sec. 3. NRS 412.044 is hereby amended to read as follows:

412.044 1. The Governor shall appoint an Adjutant General who shall serve at the pleasure of the Governor or until relieved by reason of resignation, withdrawal of federal recognition or for cause to be determined by a court-martial. The service of the Adjutant General shall continue while such Adjutant General is serving in a federal active duty status under an order or call by the President of the United States.

2. To be eligible for appointment to the office of Adjutant General, a person must be an officer of the ~~[Armed Forces of the United States]~~ *Nevada National Guard* and federally recognized in the grade of colonel or higher ~~[.]~~ *and must have completed at least 4 years of service in the Nevada National Guard as a federally recognized officer.*

3. The Adjutant General may be appointed in the grade of colonel or higher, but not exceeding that of major general. If appointed in a lower grade, the Adjutant General may be promoted by the Governor to any grade not exceeding that of major general.

Sec. 4. NRS 412.054 is hereby amended to read as follows:

412.054 1. The Adjutant General may appoint two Assistant Adjutants General, one each from the Nevada Army National Guard and the Nevada Air National Guard, who may serve as Chief of Staff for Army and Chief of Staff for Air, respectively, at the pleasure of the Adjutant General or until relieved by reason of resignation, withdrawal of federal recognition or for cause to be determined by a court-martial.

2. To be eligible for appointment to the office of Assistant Adjutant General, a person must be an officer of the ~~[Armed Forces of the United States]~~ *Nevada National Guard* and be federally recognized in the grade of colonel or higher ~~[.]~~ *and must have completed at least 4 years of service in the Nevada National Guard as a federally recognized officer*.

3. An Assistant Adjutant General may be appointed in the grade of colonel or higher, but not exceeding that of brigadier general. An Assistant Adjutant General may be promoted by the Governor to any grade not exceeding that of brigadier general.

4. The Assistant Adjutants General shall perform such duties as may be assigned by the Adjutant General.

5. Whoever serves as Chief of Staff for Army is in the unclassified service of the State and, except as otherwise provided in NRS 284.143, shall not hold any other city, county, state or federal office of profit.

6. In the event of the absence or inability of the Adjutant General to perform his or her duties, the Adjutant General shall designate by Office regulations:

(a) One of the Assistant Adjutants General to perform the duties of his or her office as Acting Adjutant General.

(b) If neither Assistant Adjutant General is available, any national guard officer to be the Acting Adjutant General.

➥ The designated Assistant Adjutant General or designated officer may continue to receive his or her authorized salary while so serving as Acting Adjutant General, and shall so serve until the Adjutant General is again able to perform the duties of the office, or if the office is vacant, until an Adjutant General is regularly appointed and qualified.

Sec. 5. This act becomes effective on July 1, 2023.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 747 to Assembly Bill No. 465 does one thing. It adds Senator Spearman as a joint sponsor.

Amendment adopted.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 465 revises the eligibility for the appointment to the office of Adjutant General or Assistant Adjutant General to require a person to be an officer of the Nevada National Guard, be federally recognized in the grade of colonel or higher and have completed at least four years of service in the Nevada National Guard as a federally recognized officer. The bill also requires the two Assistant Adjutants Generals to be selected from the commissioned officers of the Nevada National Guard. Finally, Assembly Bill No. 465 provides that enlisted personnel and commissioned officers in the Nevada National Guard serve in accordance with the age requirements set forth under federal law and any applicable regulations.

Effective date, July 1, 2023. It truly makes our National Guard the state militia.

Roll call on Assembly Bill No. 465:
YEAS—20.
NAYS—None.
EXCUSED—Hammond.

Assembly Bill No. 465 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 10:25 p.m.

SENATE IN SESSION

At 10:50 p.m.
President Anthony presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bill No. 188 be taken from its position on the General File and placed on the Secretary's Desk.
Motion carried.

Assembly Bill No. 175.
Bill read third time.
The following amendment was proposed by Senator Lange:
Amendment No. 789.
Sec. 1.5. NRS 386.165 is hereby amended to read as follows:
386.165 1. In each county school district in which more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees. The districts must be:
(a) As nearly equal in population as practicable; and
(b) Composed of contiguous territory.
2. The board of trustees in each county school district in which more than 75,000 pupils are enrolled is composed of 11 members, of whom:
(a) Seven voting members must be elected in election districts established pursuant to subsection 1 by the board of trustees.
(b) One nonvoting member must be appointed by the board of county commissioners of the county in which the school district is located. The member appointed pursuant to this paragraph must reside in the county in which the school district is located.
(c) Three nonvoting members must be appointed by the governing bodies of the three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member. Each member appointed pursuant to this paragraph must reside in the city in which the governing body is required to make the appointment.

~~[2.]~~ *3.* In each county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees, as follows:

(a) Five districts which are as nearly equal in population as practicable, each of which includes approximately one-fifth of the population of the county; and

(b) Two districts which are as nearly equal in population as practicable, each of which includes approximately one-half of the population of the county.

➥ The districts must be composed of contiguous territory.

3. Each *elected* trustee of a school district to which this section applies must reside in the election district which the trustee represents and be elected by the voters of that election district.

4. In each school district in which more than 25,000 pupils *but not more than 75,000 pupils* are enrolled, the *board of trustees is composed of seven members who must be elected in an election district established pursuant to subsection 3 by the board of trustees.*

5. The appointing authority shall make an appointment pursuant to subsection 2 at least 30 days but not more than 90 days before the expiration of the term of office of the incumbent member.

6. The term of *office of* a school trustee is 4 years ~~[. Three trustees must be elected at the general election of 1982 and four trustees must be elected at the general election of 1984.]~~ *, commencing on the first Monday of January thereafter next following the election of the trustee.*

7. Each trustee shall hold office until his or her successor is appointed or elected and qualified.

8. The nonvoting members of the board of trustees appointed pursuant to subsection 2:

(a) Except as otherwise provided in paragraph (b), shall have the same rights and responsibilities as voting members of the board of trustees, including, without limitation, being involved in any briefings, interviews, evaluations, closed-door sessions and policy and operational discussions;

(b) Do not have voting rights for the election of officers or the authority to serve as an officer of the board of trustees.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 789 to Assembly Bill No. 175 does one thing. It says that each trustee of a school district to which the section applies must reside in the election district in which a trustee represents and be elected by the voters in that district.

Amendment adopted.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 175 adds four appointed, nonvoting members to the board of trustees of a county school district with more than 75,000 students, currently Clark County School District. The bill specifies the appointment process and certain roles and responsibilities of these four members and further provides for quorum requirements and filling of a vacancy of the board.

Roll call on Assembly Bill No. 175:
YEAS—16.
NAYS—Hansen, Krasner, Neal, Titus—4.
EXCUSED—Hammond.

Assembly Bill No. 175 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

WAIVERS AND EXEMPTIONS

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Cannizzaro.
For: Assembly Bill No. 285.
To Waive:
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: Friday, May 26, 2023.

NICOLE CANNIZZARO
Senate Majority Leader

STEVE YEAGER
Speaker of the Assembly

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 404 and 415 and Assembly Bills Nos. 520 and 522.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Doñate, the privilege of the floor of the Senate Chamber for this day was extended to Braydan Issermoyer.

On request of Senator Flores, the privilege of the floor of the Senate Chamber for this day was extended to Frank Perez and Mariano Perez.

Senator Cannizzaro moved that the Senate adjourn until Saturday, May 27, 2023, at 1:00 p.m.

Motion carried.

Senate adjourned at 10:54 p.m.

Approved:

STAVROS ANTHONY
President of the Senate

Attest: BRENDAN BUCY
Secretary of the Senate