AGENDA
TRUCKEE MEADOWS WATER AUTHORITY
Board of Directors
Wednesday, June 18, 2025 at 10:00 a.m.
Sparks Council Chambers, 745 4th Street, Sparks, NV
MEETING VIA TELECONFERENCE & IN-PERSON

MEMBERS OF THE PUBLIC MAY ATTEND VIA THE WEB LINK, OR
TELEPHONICALLY BY CALLING THE NUMBER, LISTED BELOW.
(be sure to keep your phones or microphones on mute, and do not place the call on hold)
Please click the link below to join the webinar:
https://tmwa.zoom.us/j/89110512999?pwd=9d_RtYZbsIqIdTYlbUf_eHiyLK2VIw.GjiPvgdr9D35cFrr
Passcode: 771487
Or call:
Phone: (888) 788-0099
Webinar ID: 891 1051 2999

Board Members

Chair Naomi Duerr – City of Reno
Paul Anderson – City of Sparks
Kathleen Taylor – City of Reno
Dian VanderWell – City of Sparks
Vice Chair Clara Andriola – Washoe County
Alexis Hill – Washoe County
Miguel Martinez – City of Reno

NOTES:

1. The announcement of this meeting has been posted at the following locations: Truckee Meadows Water Authority (1355 Capital Blvd., Reno), at http://www.tmwa.com, and State of Nevada Public Notice Website, https://notice.nv.gov/.
2. TMWA meetings are streamed online at https://www.youtube.com/@tmwaboardmeetings6598.
3. In accordance with NRS 241.020, this agenda closes three working days prior to the meeting. We are pleased to make reasonable accommodations for persons who are disabled and wish to attend meetings. If you require special arrangements for the meeting, please call (775) 834-8002 at least 24 hours before the meeting date.
4. Staff reports and supporting material for the meeting are available at TMWA and on the TMWA website at http://www.tmwa.com/meeting/. Supporting material is made available to the general public in accordance with NRS 241.020(6).
5. The Board may elect to combine agenda items, consider agenda items out of order, remove agenda items, or delay discussion on agenda items. Arrive at the meeting at the posted time to hear item(s) of interest.
6. Asterisks (*) denote non-action items.
7. Public comment during the meeting is limited to three minutes and is allowed during the two public comment periods. In addition to the public comment periods, the Chair has the discretion to allow public comment on any individual agenda item, including any item on which action is to be taken. and each action item. The public may sign-up to speak during the public comment period or on a specific agenda item by completing a "Request to Speak" card and submitting it to the clerk.
8. Written public comment may be provided by submitting written comments online on TMWA's Public Comment Form (tmwa.com/PublicComment) or by email sent to boardclerk@tmwa.com prior to the Board opening the public comment period during the meeting. In addition, public comments may be provided by leaving a voicemail at (775)834-0255 prior to 4:00 p.m. the day before the scheduled meeting. Voicemail messages received will be noted during the meeting and summarized for entry into the record.
9. In the event the Chair and Vice-Chair are absent, the remaining Board members may elect a temporary presiding officer to preside over the meeting until the Chair or Vice-Chair are present (**Standing Item of Possible Action**).
10. Notice of possible quorum of Western Regional Water Commission: Because several members of the Truckee Meadows Water Authority Board of Directors are also Trustees of the Western Regional Water Commission, it is possible that a quorum of the Western Regional Water Commission may be present, however, such members will not deliberate or take action at this meeting in their capacity as Trustees of the Western Regional Water Commission.
11. The Board may attend and participate in the meeting by means of remote technology system. Members of the public wishing to attend and/or participate by providing public comment may do so either in person at the physical location of the meeting listed above or virtually. To attend this meeting virtually, please log into the meeting using the link and/or phone number noted above. To request to speak, please use the "raise hand" feature or, if on the phone, press *9 to "raise your hand" and *6 to unmute/mute your microphone.

[1] The Board may adjourn from the public meeting at any time during the agenda to receive information and conduct labor-oriented discussions in accordance with NRS 288.220 or receive information from legal counsel regarding potential or existing litigation and to deliberate toward a decision on such matters related to litigation or potential litigation.

1. Roll call*
2. Pledge of Allegiance*
3. Public comment — limited to no more than three minutes per speaker*
4. Possible Board comments or acknowledgements*
5. Approval of the agenda **(For Possible Action)**
6. Approval of the minutes of the May 22, 2025 meeting of the TMWA Board of Directors **(For Possible Action)**
7. Overview of the General Manager employment agreement and evaluation process — Jessica Atkinson and Justina Caviglia* **(10min)**
8. Discussion and possible authorization to enter into Second Amendment to the Joint Funding Agreement with the State of Nevada, Washoe County, and the Cities of Reno, Sparks, and Fernley to fund Nevada's share of the Federal Water Master's annual Truckee River Operating Agreement expenses for 2025, 2026, 2027, 2028, and 2029 — Kara Steeland **(For Possible Action) (5min)**
9. Customer Service Update — Marci Westlake and Amanda Filut* **(10min)**
10. Presentation of results of 2025 legislative activities and bills — Stefanie Morris and Leo Drozdoff* **(5min)**
11. Discussion and action on nomination and election of Chair and Vice Chair and request for Board adoption of Resolution No. 336 appointing a Chair and Vice Chair for Fiscal Year 2026 — Justina Caviglia **(For Possible Action) (5min)**
12. General Manager's Report* **(5min)**
13. Public comment — limited to no more than three minutes per speaker*
14. Board comments and requests for future agenda items*
15. Adjournment*

[1.] The Board may adjourn from the public meeting at any time during the agenda to receive information and conduct labor-oriented discussions in accordance with NRS 288.220 or receive information from legal counsel regarding potential or existing litigation and to deliberate toward a decision on such matters related to litigation or potential litigation.

TRUCKEE MEADOWS WATER AUTHORITY
DRAFT MINUTES OF THE MAY 22, 2025 MEETING OF THE BOARD OF DIRECTORS

The Board of Directors met on Thursday, May 22, 2025 at Sparks Council Chambers. Chair Duerr called the meeting to order at 10:00 a.m.

1. ROLL CALL

Directors Present: Paul Anderson, Clara Andriola, Naomi Duerr, Alexis Hill, Miguel Martinez, Kathleen Taylor, and *Dian VanderWell.

A quorum was present.

**Director VanderWell attended the meeting virtually.*

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Director Anderson.

3. PUBLIC COMMENT

Tammy Holt-Still provided Board Members a pamphlet with results of a study she conducted at Swan Lake where Reno Transportation Commission (RTC) is putting a newly aligned Lemmon Vally Drive which indicates the water quality is negatively impacted by effluent being discharged into Swan Lake (Attachment A).

4. POSSIBLE BOARD COMMENTS OR ACKNOWLEDGEMENTS

Chair Duerr praised staff on another successful Smart About Water Day and mentioned that six Board Members attended throughout the day and it was great to see partner agencies there as well.

At this time, the Board all agreed with the Chair and appreciated learning all about the organization on a more personal level.

Director Martinez said he appreciated that there was a Spanish speaking employee at the event and also thanked Will Raymond, Director of Operations, and Danny Rotter, Assistant General Manager, for the tour of Chalk Bluff Water Treatment Plant.

5. APPROVAL OF THE AGENDA

Upon motion by Director Anderson, second by Director Andriola, which motion duly carried by unanimous consent of the Directors present, the Board approved the agenda as modified by removing item 9.

6. APPROVAL OF THE MINUTES OF THE APRIL 16, 2025 MEETING OF THE TMWA BOARD OF DIRECTORS

Upon motion by Director Andriola, second by Director Hill, which motion duly carried by unanimous consent of the Directors present, the Board approved the April 16, 2025 minutes.

7. PUBLIC HEARING ON ADOPTION OF BUDGET

A. DISCUSSION, AND ACTION ON REQUEST FOR ADOPTION OF RESOLUTION NO. 334: A RESOLUTION TO ADOPT THE FINAL BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2026 AND THE 2026 – 2030 FIVE-YEAR CAPITAL IMPROVEMENT PLAN (CIP)

Matt Bowman, Chief Financial Officer, presented the final FY 2026 budget and FY 2026-2030 CIP. Mr. Bowman informed the Board that the budget was changed per the discussion and motion at the March meeting by adding $250k to the Truckee River Fund to be used to add a Portland Loo type facility at Mayberry Park. He added that there are 14 positions in the budget, but they were able to defer two positions (without impacting quality of service) to fund the additional $250k to the Truckee River Fund and there was no increase in the budget.

Board Members discussed the reason for increased staffing (due to the expansion of TMWA's service area), deferring two positions to allot funding for a Portland Loo (no significant impact as departments can manage by prioritizing projects, especially with the ongoing HR/Payroll project), and for TMWA staff to consider the financial burden on residents due to rising rates across jurisdictions (discussion of the 3.5% rate increase scheduled for May 2026 will be discussed at the October Strategic Planning Session).

Upon motion by Director Andriola, second by Director Martinez, which motion duly carried by unanimous consent of the Directors present, the Board adopted Resolution No. 334: A resolution to adopt the final budget for the Fiscal Year ending June 30, 2026 and the 2026 – 2030 Five-Year Capital Improvement Plan.

B. PUBLIC COMMENT — LIMITED TO NO MORE THAN THREE MINUTES PER SPEAKER

There was no public comment.

CLOSE PUBLIC HEARING

8. DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF RESOLUTION NO. 335 OF THE BOARD OF DIRECTORS OF THE TRUCKEE MEADOWS WATER AUTHORITY, NEVADA: A RESOLUTION PROVIDING FOR THE ISSUANCE OF ITS WATER REVENUE BOND (AMERICAN FLAT APWF PROJECT), SERIES

2025A IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $57,850,000, SERIES 2025B IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $150,000 AND SERIES 2025C IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $6,000,000; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF; AND PROVIDING OTHER MATTERS RELATING THERETO

Mr. Bowman informed the Board that this is continued from last year to borrow State Revolving Funds (SRF) at 1% in the amount of $57.8M to fund the American Flat project.

Director Taylor commented and wanted to confirm that this does not mean the money is being spent yet, and that there are other factors being considered before the project is approved for construction, including whether or not additional grant funding is received.. Mr. Bowman confirmed that this resolution does not require the funding to be spent at this time. .

9. INFORMATIONAL UPDATE REGARDING TMWA'S HYDROELECTRIC FACILITIES AND OPERATIONS

This agenda item was deferred to a future meeting.

10. PRESENTATION OF FISCAL YEAR 2025 Q3 YEAR-TO-DATE FINANCIAL RESULTS

Mr. Bowman presented the staff report.

The Board discussed if the services and supplies budget was reduced for FY 2026 was intentional (the budget is conservative so that it would be difficult to overspend and remain below budget, while being efficient), if the operation sales increased (TMWA sells energy production from the three hydroelectric power plants to NV Energy; the plants are kept online when river flows are high), the Orr Ditch Hydroelectric Plant (this power plant is behind the meter which will generate power for Chalk Bluff Water Treatment Plant through November-April), and there is a planned rate increase of 3.5% in May 2026, but the funding plan will be developed and presented to the Board for review at the October meeting.

11. DISCUSSION AND POSSIBLE ACTION, AND DIRECTION TO STAFF REGARDING 2025 LEGISLATIVE ACTIVITIES, CURRENT BILLS, AND TMWA RECOMMENDED POSITIONS ON LEGISLATIVE PROPOSALS

Dan Nubel, Staff Attorney, presented on the status of bills TMWA is tracking, including a change in position on AB392 (relates to county's, or agency thereof, ability to enter into cooperative agreements and forbids a requirement of the tribe to waive sovereign immunity) was amended and the Legislative Subcommittee voted to support.

No motion taken.

12. GENERAL MANAGER'S REPORT

Mr. Zimmerman thanked members of the Board who attended Smart About Water Day and staff did another great job putting it all together. Mr. Zimmerman requested Marci Westlake, Customer Service Manager, introduce and recognize Amanda Filut, Field & Meter Supervisor, for her work on the Advanced Metering Infrastructure (AMI) project. Ms. Filut reported that the project has been underway since before the pandemic and they now have about 8k meters left to install.

Mr. Zimmerman noted that a more detailed Customer Service update will be provided at the June Board meeting.

13. PUBLIC COMMENT

There was no public comment.

14. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

There were no Board comments.

15. ADJOURNMENT

With no further discussion, Chair Duerr adjourned the meeting at 10:59 a.m.

Approved by the TMWA Board of Directors in session on _____.

Sonia Folsom, Board Clerk.

Arsenic Metals **0.0426**PPM

EXCEEDS HGL BY 0.0426 PPM
HGL = 0 PPM

0.000054 PPM
Minimum Detection Limit (MDL)

0.000162 PPM
Reporting Limit (RL) **EPA 200.8**
Testing Method **12 Feb 2025** Date of Analysis

Arsenic is a naturally occurring element that has elemental, organic, and inorganic forms. The two forms of arsenic commonly found in drinking water that present a health risk are inorganic: arsenic III, or arsenite, and arsenic V, or arsenate. Inorganic forms of arsenic are considered highly toxic while most organic forms are considered to be essentially non-toxic. Certain organic arsenic compounds, including various methyl and phenyl derivatives, may pose a toxicity risk. Inorganic arsenic was previously used in the production of copper chromated arsenate, a wood preservative, while organic forms were primarily used as pesticides. Safer alternatives have now mostly replaced arsenic in these applications, but arsenic is persistent in the environment so past contamination sources remain relevant. Organic arsenic was also previously used as an additive in animal feed before the FDA withdrew approval for arsenic-based animal drugs. Elemental arsenic is primarily used in the production of arsenic alloys, which are often used in lead-acid batteries, as well as in semiconductors and light-emitting diodes. These are the primary applications of arsenic in the current day. Arsenic has been found in surface water, groundwater, and drinking water throughout the US, though higher levels of arsenic tend to be found in groundwater sources than in surface water.

Where could this be coming from?

Arsenic is a common element in the earth's crust and is present in its different inorganic forms in minerals and soil. Arsenic can enter groundwater via the erosion of arsenic-containing mineral deposits. It can also enter water via runoff from commercial and industrial sources such as mining and smelting, petroleum production, and semiconductor manufacture. It previously entered the environment and drinking water sources through contamination from sites producing wood preservatives, pesticide applications, and animal feed additives before these applications were discontinued.

The EPA drinking water limits for arsenic are based on adverse effects to the skin and circulatory systems, as well as an increased risk of cancer. Long-term exposures to low levels of arsenic concentrations in drinking water are associated with an increased risk for several types of cancer including bladder, gastrointestinal tract, kidney, liver, lung, pancreas, and skin. In addition to skin and circulatory impacts, other non-cancerous health effects of long-term exposure to arsenic found in epidemiological studies include developmental effects, cardiovascular effects, pulmonary disease, gastrointestinal effects, ocular effects, impaired immune response, neurotoxicity, and diabetes. Human studies also show that arsenic is genotoxic. High doses of arsenic can be lethal, and lower (yet still elevated) levels of arsenic exposure can result in acute health effects. The first signs of arsenic exposure may include a metallic taste in the mouth or a garlicky odor on the breath. This is followed by health effects including abdominal pain, nausea, vomiting, diarrhea, muscle cramps, weakness, tingling, and numbness. These impacts are unlikely at concentrations found in drinking water.

CarcinogensCardiovascularDevelopmentalEyesGastrointestinalImmune System Nervous System Respiratory

Uranium Metals 0.01PPM

EXCEEDS HGL BY 0.01 PPM

HGL = 0 PPM 0.000026 PPM

Minimum Detection Limit (MDL) 0.000077 PPM

Reporting Limit (RL) EPA 200.8

Testing Method 12 Feb 2025 Date of Analysis

Laboratory terminology

Uranium is a weakly radioactive heavy metal found naturally in bedrock and used in nuclear weapons, some ceramics, electron microscopy, photography, and certain fertilizers. Uranium is weakly radioactive because all of its isotopes (Uranium-234, Uranium-235, and Uranium-238) are unstable. Ninety-nine percent of naturally existing uranium is in the isotope form uranium-238. The EPA has established a maximum contaminant level for uranium in drinking water in response to human and animal studies indicating kidney toxicity.

Common Sources

Where could this be coming from?

Uranium is found widely in nature, and most often enters source waters through the leaching of mineral deposits like granite. Higher levels are usually found in groundwater that runs through bedrock as opposed to in surface water. Uranium may also be released into water through human sources including mill tailings, emissions from the nuclear industry, fuel combustion, and the use of certain phosphate fertilizers.

Learn more

Health protective benchmarks for uranium are based on adverse kidney system effects observed in both humans and animals. Animal studies have also shown female reproductive system and developmental toxicity related to uranium exposure.

Kidneys

Aluminum Metals

1.26 PPM EXCEEDS HGL BY 110%

HGL = 0.6 PPM 0.00974 PPM

Minimum Detection Limit (MDL) 0.02922 PPM

Reporting Limit (RL)EPA 200.7

Testing Method 12 Feb 2025 Date of Analysis

Laboratory terminology

Aluminum is a naturally occurring metal found in the Earth's crust with multiple industrial uses, including the construction of buildings and powerlines, and the manufacture of vehicles, consumer electronics, household appliances, and kitchenware. It is also frequently used in municipal water treatment to clarify water from lakes and reservoirs. Health effects of aluminum exposure are inconclusive but actively researched.

Common Sources

Where could this be coming from?

Aluminum may enter water sources through leaching from soil or rock, or from industrial activities like metal refining and mining operations. Elevated aluminum levels in drinking water can also result from municipal treatment processes that use aluminum-based coagulants.

Much of the current research on the health effects of aluminum in drinking water is still inconclusive and controversial. Health protective benchmarks for aluminum in drinking water set by the California Office of Environmental Health Hazard Assessment are based on potential neurotoxicity and developmental toxicity in premature infants. People more susceptible to aluminum impacts include infants and people with impaired kidney function.

Developmental Nervous System

Antimony Metals

0.00251 PPM EXCEEDS HGL BY 150%

HGL = 0.001 PPM 0.000139 PPM

Minimum Detection Limit (MDL) 0.000417 PPM

Reporting Limit (RL) EPA 200.8

Testing Method

12 Feb 2025 Date of Analysis

Laboratory terminology

Antimony is a metal most commonly used as a flame retardant and occasionally as solder in plumbing. High levels of antimony in drinking water are rare. However, antimony levels can be elevated if drinking water sources are exposed to industrial discharges, contaminated by wastewater, or potentially leachate from antimony-containing solder. Health protective levels of antimony in drinking water are based on animal studies that show long term exposure may result in adverse health effects, including liver damage and reduced longevity.

Common Sources

Where could this be coming from?

The main sources of antimony in drinking water are discharge from petroleum refineries and leaching from metal plumbing and fittings. Antimony also enters the environment through natural weathering and a variety of human-made sources including mining wastes, manufacturing of flame retardants, ceramics, and electronics, runoff from fertilizers, leaching from landfills, and fossil fuel combustion.

Lead Metals

0.000578 PPM

EXCEEDS HGL BY 0.000578 PPM

HGL = 0 PPM 0.00002 PPM

Minimum Detection Limit (MDL) 0.000059 PPM

Reporting Limit (RL) EPA 200.8

Testing Method

12 Feb 2025 Date of Analysis

Laboratory terminology

Lead is a naturally occuring heavy metal commonly found in tap water. While lead is now a regulated substance, it was widely used in the past in many household products including gasoline, paint, pipes, and plumbing materials. Corrosion of plumbing is the largest source of lead in drinking water. Homes built before 1986 are more likely to have lead plumbing, and an estimated 6 to 10 million lead service lines are still in use by homes throughout the United States. Even low levels of lead exposure can result in significant health impacts, especially developmental effects on children exposed to lead through dust, soil or water.

Where could this be coming from?

Lead enters drinking water primarily through the corrosion of pipes, fixtures, solder and service lines. Erosion of natural lead deposits and industrial waste streams can also increase levels of lead in drinking water.

Health protective benchmarks for oral exposure to lead are based on delays in physical or mental development for children and infants, and impacts to the kidneys and high blood pressure for adults. Children are especially susceptible to the effects of lead. Even low levels of lead can damage the brain and nervous system, slow development, and lead to problems with learning, behavior, hearing, and speech. In adults, lead can lead to hypertension, reproductive problems, neurological disorders, decreased kidney function and muscle and joint pain. Exposure to lead can also cause anemia and impact the immune system for both children and adults. The EPA classifies lead as a probable human carcinogen.

Carcinogens Cardiovascular Developmental Blood Immune System Kidneys Nervous System Reproductive (F) Reproductive (M)

Total Coliform

Bacteria Detected

SM 9223B

Testing Method

12 Feb 2025 Date of Analysis

Laboratory terminology

Coliforms are a group of common bacteria found in soil, water, and the gut and fecal waste of humans and other warm-blooded animals. It is common practice to report total coliform results as "presence" or "absence" rather than an exact concentration as their mere presence is enough to trigger further testing or corrective action. Presence of coliform bacteria is used as an indicator to identify when water is contaminated with human or animal waste. The presence of fecal coliforms indicates inadequate water treatment or a problem with the local water distribution system. While most coliform bacteria are harmless, some strains cause illness.

Where could this be coming from?

Most coliform bacteria are harmless and widely present in the environment. However, a subset of coliform bacteria, called fecal coliforms, are found exclusively in the digestive tracts of humans and other animals. Agriculture and livestock waste, as well as poorly maintained septic tanks or sewage disposal systems, can lead to fecal coliform contamination in source water.

While not all coliform bacteria cause illness, these bacteria can indicate the presence of other harmful pathogens in water. Additionally, certain strains of E. coli, a species of coliform bacteria, can cause severe illness impacting gastrointestinal, blood system, and renal endpoints. These health effects are primarily a danger to young children, the elderly, and people with compromised immune systems.

Gastrointestinal Kidneys

Boron Inorganics

0.563 PPM

EXCEEDS HGL BY 12.6%

HGL = 0.5 PPM 0.00348 PPM

Minimum Detection Limit (MDL) 0.01043 PPM

Reporting Limit (RL) EPA 200.7

Testing Method

12 Feb 2025 Date of Analysis

Laboratory terminology

Boron is an element that occurs naturally in the earth's crust as borate minerals. It can be found in food, consumer products and some water sources, including some bottled water and groundwater from highly mineralized aquifers. While evidence suggests it is likely an essential nutrient for human health, animal studies have shown that exposure to high levels of boron can cause adverse developmental and reproductive effects.

Common Sources

Where could this be coming from?

The most significant sources of boron in drinking water are the natural erosion rocks and soils, manufacturing plants that use boron (like glass manufacturing and coal-burning power plants), wastewater, and agricultural activity (fertilizers/pesticides).

Health protective levels of boron in drinking water have been established based on potential reproductive and developmental toxicity. Animal studies based on consumption of boron at high levels indicate harmful outcomes to the male reproductive system, but these levels are not typically seen in drinking water.

Developmental Reproductive (M)

Fluoride Inorganics

0.57 PPM

0.004 PPM Minimum Detection Limit (MDL)

0.2 PPM Reporting Limit (RL) EPA 300.1

Testing Method

12 Feb 2025 Date of Analysis

Laboratory terminology

Fluoride is a naturally occuring mineral in the environment and an essential element of tooth enamel. Public health agencies endorse adding fluoride to drinking water–a process called fluoridation–as an effective method of protecting against dental decay, especially in children. High levels of fluoride exposure, common in groundwater around the world, can result in debilitating dental and skeletal fluorosis. Such elevated concentrations are not found in adequately managed water systems.

Where could this be coming from?

Fluoride is commonly added to public water systems as a public health intervention to protect against dental cavities. Fluoride can also enter the environment through its use in aluminum intensive industries, fertilizer production, and the natural erosion of soil and rock deposits.

Elevated levels of fluoride in drinking water can lead to dental fluorosis in children, which is the discoloration and molting away of tooth enamel. Evidence on low-dose, chronic exposure to fluoride is not definitive but has been indicated as having potential neurological impacts. Studies have clearly established that long-term exposure to high doses of fluoride, higher than typically found in US drinking water, can have adverse effects on skeletal tissue (bones and teeth), which may cause higher risk of bone fractures in seniors. Skeletal fluorosis is a debilitating condition caused by high fluoride exposure during bone development in children.

Developmental Skeletal

Molybdenum Metals

0.019 PPM

0.000012 PPM Minimum Detection Limit (MDL)

0.00005 PPM Reporting Limit (RL)

EPA 200.8

Testing Method

12 Feb 2025 Date of Analysis

Laboratory terminology

Molybdenum is a naturally occurring metal and essential nutrient for most living organisms. It is also used in metallurgy and as a component in fertilizers to prevent molybdenum deficiency in plants. Exposure to elevated concentrations of molybdenum beyond what is necessarily for nutrition may lead to adverse kidney effects.

Common Sources

Where could this be coming from?

Molybdenum is a naturally-occurring metal used widely in industry for metallurgical applications, production of tungsten, electrical contacts, and as a component of solar panels and wind turbines. Ground- and surface water contamination from molybdenum can occur in areas with industry, mining, or milling operations.

Health protective benchmarks for molybdenum are based on adverse kidney effects in animal studies.

Kidneys

Cobalt Metals

0.00138 PPM

0.000004 PPM Minimum Detection Limit (MDL)

0.00005 PPM Reporting Limit (RL)

EPA 200.8

Testing Method

12 Feb 2025 Date of Analysis

Cobalt is a natural element used in pigment manufacture as well as to produce superalloys, which have various industrial and military applications. There are many unstable or radioactive isotopes of cobalt used for commercial and medical purposes, however these are rarely encountered in drinking water. Cobalt is essential to human health as a component of vitamin B12, though there is some evidence of adverse health effects following chronic oral exposure.

Common Sources

Where could this be coming from?

Natural erosion, volcanic eruptions, seawater spray, and forest fires may release cobalt into the environment. Anthropogenic sources of cobalt that can contaminate source waters include coal-fired power plants and incinerators, vehicular exhaust, phosphate fertilizers, sewage, the mining and processing of cobalt-containing ores, and the production and use of cobalt alloys and chemicals.

Cobalt is essential to human health as a component of vitamin B12. According to the CDC, there are no adequate studies available on the oral toxicity of cobalt or cobalt compounds in humans and animals over a long time period. Health protective levels for cobalt in drinking water are therefore based on insight from acute exposure studies that found adverse effects on thyroid functioning and blood system effects (polycythemia). Allergic dermatitis is an additional sensitive endpoint in acute exposure studies.

Blood Thyroid

Vanadium Metals

0.0264 PPM 0.000166 PPM

Minimum Detection Limit (MDL) 0.000498 PPM

Reporting Limit (RL) EPA 200.8

Testing Method

12 Feb 2025 Date of Analysis

Laboratory terminology

AboutHealthTreatment

Vanadium is a rare earth metal that is widely distributed in the earth's crust. The primary uses of vanadium are the steel manufacturing industry and oil refineries and power plants using vanadium-rich fuels. Other manufacturing uses of vanadium include the production of pesticides, dyes, inks, and other chemicals. Humans are primarily exposed to low concentrations of vanadium in food. Vanadium may be an essential element for human nutrition, but there is no consensus in the scientific literature. Potential adverse health effects due to chronic exposure are primarily thought to be developmental based on animal studies, but there is limited evidence.

Common Sources

Where could this be coming from?

The main source of vanadium in source waters is manufacturing contamination. Drinking water may also become contaminated with vanadium through pipe corrosion by-products (e.g. iron or lead complexed vanadium compounds).

Health protective benchmarks for vanadium in drinking water are based on animal studies that have shown oral exposure to vanadium can lead to adverse developmental outcomes (e.g. low birth weight in offspring). Evidence for vanadium toxicity from oral exposure at concentrations relevant to drinking water is low.

Developmental

All copied directly from the report to a word document to be printed

EKE6K5

simplelab

CLIENT INFORMATION

Client: ********
Requested On: Jan 28, 2025
Phone: ********
Email: ********

Kitting, Logistics, and Support provided by: SimpleLab, Inc.

Questions? For fastest assistance:
support@mytapscore.com
Do not contact facility technicians directly.

TESTING PERFORMED

Testing Requested: Ultimate Home Water Test
Matrix: Drinking Water
Testing / Report ID: EKE6K5
Testing Facility: Symbio Laboratories
Facility Location: 8312 Miramar Mall
San Diego, California 92121

SAMPLE INFORMATION

Collection Date: Jan 28, 2025
Collected By: ********
Received Date: Jan 29, 2025
Reported On: Feb 12, 2025
Sample Location: Swan Lake playa
Sample Address: ********

TESTING NOTES

There were no problems with analytical events associated with this report unless noted. Quality control data is within laboratory defined or method specified acceptance limits except where noted. If you have any questions regarding these test results, please contact support@mytapscore.com

SUMMARY ANALYSIS

ANALYTE	UNIT	RESULT	METHOD	EVALUATION
pH	pH	**8.25**	EPA 150.1	OK
Total Dissolved Solids	mg/L	**1726.4**	SM 2510 B	
Turbidity	NTU	**11.8**	SM 2130 B	
Conductivity	umhos/cm	**2688.9**	SM 2510 B	
Hardness (Ca,Mg)	mg/L	**206.29**		
Hardness (Total)	mg/L	**213.83**		
Grains per gallon	Grains	**12.49**		
Alkalinity (as CaCO3)	mg/L	**491.32**	SM 2320 B	
Langelier Saturation Index		**0.77**		
Sodium Adsorption Ratio		**19.55**		
Total THMs	µg/L	NOT DETECTED		

TEST RESULTS

1,1 Dichloroethane	µg/L	NOT DETECTED	0.112	0.506	EPA 524.4	
1,1 Dichloroethylene	µg/L	NOT DETECTED	0.119	0.506	EPA 524.4	
1,1 Dichloropropene	µg/L	NOT DETECTED	0.108	0.507	EPA 524.4	
1,2,3 Trichlorobenzene	µg/L	NOT DETECTED	0.075	0.507	EPA 524.4	
1,2,3 Trichloropropane	µg/L	NOT DETECTED	0.067	0.508	EPA 524.4	
1,2,4 Trichlorobenzene	µg/L	NOT DETECTED	0.082	0.507	EPA 524.4	
1,2,4 Trimethylbenzene	µg/L	NOT DETECTED	0.106	0.507	EPA 524.4	
1,2 Dichlorobenzene	µg/L	NOT DETECTED	0.089	0.506	EPA 524.4	
1,2 Dichloroethane	µg/L	NOT DETECTED	0.077	0.506	EPA 524.4	
1,2 Dichloropropane	µg/L	NOT DETECTED	0.085	0.506	EPA 524.4	
1,3,5 Trimethylbenzene	µg/L	NOT DETECTED	0.119	0.509	EPA 524.4	
1,3 Dichlorobenzene	µg/L	NOT DETECTED	0.091	0.506	EPA 524.4	
1,3 Dichloropropane	µg/L	NOT DETECTED	0.08	0.507	EPA 524.4	
1,4 Dichlorobenzene	µg/L	NOT DETECTED	0.091	0.506	EPA 524.4	
2,2 Dichloropropane	µg/L	NOT DETECTED	0.091	0.487	EPA 524.4	
3 Hydroxycarbofuran	mg/L	NOT DETECTED	6.0E-5	0.00031	EPA 538	
Acephate	mg/L	NOT DETECTED	2.0E-5	5.0E-5	EPA 538	
Acetamiprid	µg/L	NOT DETECTED	0.0425	0.2125	EPA 538	
Aldicarb	mg/L	NOT DETECTED	0.00016	0.00082	EPA 538	
Aldicarb sulfone	mg/L	NOT DETECTED	4.0E-5	0.00021	EPA 538	
Aldicarb sulfoxide	mg/L	NOT DETECTED	5.0E-5	0.00026	EPA 538	
Aluminum	mg/L	1.26004	0.00974	0.02922	EPA 200.7	> HGL (0.6)
Ametryn	µg/L	NOT DETECTED	0.0059	0.0297	EPA 538	
Aminocarb	µg/L	NOT DETECTED	0.0081	0.0405	EPA 538	
Antimony	mg/L	0.0025167	0.00014	0.00042	EPA 200.8	> HGL (0.001)
Arsenic	mg/L	0.0426289	5.0E-5	0.00016	EPA 200.8	> HGL (0)
Azoxystrobin	µg/L	NOT DETECTED	0.008	0.0402	EPA 538	
Barium	mg/L	**0.1084**	9.0E-5	0.00027	EPA 200.7	< HGL
Benalaxyl	µg/L	NOT DETECTED	0.0083	0.0414	EPA 538	
Bendiocarb	mg/L	NOT DETECTED	3.0E-5	0.00016	EPA 538	
Benzene	µg/L	NOT DETECTED	0.105	0.508	EPA 524.4	
Benzoximate	µg/L	NOT DETECTED	0.0649	0.3247	EPA 538	
Beryllium	mg/L	NOT DETECTED	1.0E-5	5.0E-5	EPA 200.8	
Bifenazate	µg/L	NOT DETECTED	0.0169	0.0843	EPA 538	
Bitertanol	µg/L	NOT DETECTED	0.0343	0.1717	EPA 538	
Boron	mg/L	0.56368	0.00348	0.01043	EPA 200.7	> HGL (0.5)
Boscalid	µg/L	NOT DETECTED	0.0128	0.0641	EPA 538	
Bromobenzene	µg/L	NOT DETECTED	0.087	0.506	EPA 524.4	
Bromochloromethane	µg/L	NOT DETECTED	0.122	0.507	EPA 524.4	
Bromodichloromethane	µg/L	NOT DETECTED	0.08	0.506	EPA 524.4	
Bromoform	µg/L	NOT DETECTED	0.072	0.506	EPA 524.4	

Cadmium	mg/L	NOT DETECTED	0	1.0E-5	EPA 200.8	
Calcium	mg/L	**35.02339**	0.00319	0.00956	EPA 200.7	
Carbaryl	mg/L	NOT DETECTED	0	2.0E-5	EPA 538	
Carbendazim	mg/L	NOT DETECTED	2.0E-5	0.0001	EPA 538	
Carbetamide	µg/L	NOT DETECTED	0.0319	0.1593	EPA 538	
Carbofuran	mg/L	NOT DETECTED	9.0E-5	0.00046	EPA 538	
Carbon Tetrachloride	µg/L	NOT DETECTED	0.091	0.506	EPA 524.4	
Carboxin	µg/L	NOT DETECTED	0.0275	0.1374	EPA 538	
Carfentrazone-Ethyl	µg/L	NOT DETECTED	0.0144	0.0722	EPA 538	
Chlorantraniliprole	µg/L	NOT DETECTED	0.0116	0.0579	EPA 538	
Chloride	mg/L	**312.53**	0.007	0.2	EPA 300.1	
Chlorobenzene	µg/L	NOT DETECTED	0.116	0.506	EPA 524.4	
Chloroethane	µg/L	NOT DETECTED	0.157	0.485	EPA 524.4	
Chloroform	µg/L	NOT DETECTED	0.106	0.506	EPA 524.4	
Chloromethane	µg/L	NOT DETECTED	0.185	0.555	EPA 524.4	
Chlorotoluene 2	µg/L	NOT DETECTED	0.091	0.507	EPA 524.4	
Chlorotoluene 4	µg/L	NOT DETECTED	0.085	0.507	EPA 524.4	
Chlorotoluron	µg/L	NOT DETECTED	0.0265	0.1325	EPA 538	
Chloroxuron	µg/L	NOT DETECTED	0.0106	0.0532	EPA 538	
Chromium (Total)	mg/L	**0.000185**	0.00019	0.00056	EPA 200.8	< HGL
cis 1,2 Dichloroethylene	µg/L	NOT DETECTED	0.089	0.507	EPA 524.4	
cis 1,3 Dichloropropene	µg/L	NOT DETECTED	0.064	0.506	EPA 524.4	
Clethodim	mg/L	NOT DETECTED	1.0E-5	5.0E-5	EPA 538	
Clofentezine	µg/L	NOT DETECTED	0.0186	0.0931	EPA 538	
Clothianidin	µg/L	NOT DETECTED	0.022	0.1098	EPA 538	
Cobalt	mg/L	**0.0013824**	0	5.0E-5	EPA 200.8	< HGL
Copper	mg/L	**0.00494**	0.00039	0.00117	EPA 200.7	< HGL
Cyazofamid	µg/L	NOT DETECTED	0.0102	0.0512	EPA 538	
Cycluron	µg/L	NOT DETECTED	0.095	0.4751	EPA 538	
Cyromazine	µg/L	NOT DETECTED	0.0069	0.0344	EPA 538	
Desmedipham	µg/L	NOT DETECTED	0.0094	0.0469	EPA 538	
Dibromochloromethane	µg/L	NOT DETECTED	0.068	0.506	EPA 524.4	
Dibromochloropropane	µg/L	NOT DETECTED	0.069	0.506	EPA 524.4	
Dibromomethane	µg/L	NOT DETECTED	0.074	0.506	EPA 524.4	
Dichlorodifluoromethane	µg/L	NOT DETECTED	0.094	0.496	EPA 524.4	
Dichloromethane	µg/L	NOT DETECTED	0.142	0.506	EPA 524.4	
Dicrotophos	mg/L	NOT DETECTED	2.0E-5	7.0E-5	EPA 538	
Diethofencarb	µg/L	NOT DETECTED	0.0169	0.0845	EPA 538	
Difenoconazole	µg/L	NOT DETECTED	0.0155	0.0777	EPA 538	
Diflubenzuron	mg/L	NOT DETECTED	2.0E-5	9.0E-5	EPA 538	
Diisopropyl methylphosphonate	mg/L	NOT DETECTED	3.0E-5	0.00014	EPA 538	

E. coli	P/A	NOT DETECTED			SM 9223B	
Epoxiconazole	µg/L	NOT DETECTED	0.0118	0.0592	EPA 538	
Etaconazol	µg/L	NOT DETECTED	0.0186	0.0928	EPA 538	
Ethiprole	µg/L	NOT DETECTED	0.0152	0.0758	EPA 538	
Ethirimol	µg/L	NOT DETECTED	0.0286	0.1432	EPA 538	
Ethofumesate	µg/L	NOT DETECTED	0.014	0.07	EPA 538	
Ethylbenzene	µg/L	NOT DETECTED	0.11	0.508	EPA 524.4	
Ethylene dibromide	µg/L	NOT DETECTED	0.072	0.506	EPA 524.4	
Etoxazole	µg/L	NOT DETECTED	0.0217	0.1083	EPA 538	
Fenamidone	µg/L	NOT DETECTED	0.006	0.0299	EPA 538	
Fenamiphos sulfone	mg/L	NOT DETECTED	0	2.0E-5	EPA 538	
Fenamiphos sulfoxide	mg/L	NOT DETECTED	1.0E-5	4.0E-5	EPA 538	
Fenarimol	µg/L	NOT DETECTED	0.0292	0.1462	EPA 538	
Fenbuconazole	µg/L	NOT DETECTED	0.0312	0.1561	EPA 538	
Fenobucarb	µg/L	NOT DETECTED	0.035	0.1752	EPA 538	
Fenoxycarb	µg/L	NOT DETECTED	0.0059	0.0297	EPA 538	
Fenpyroximate	µg/L	NOT DETECTED	0.0221	0.1105	EPA 538	
Fenuron	mg/L	NOT DETECTED	4.0E-5	0.00019	EPA 538	
Flonicamid	µg/L	NOT DETECTED	0.0496	0.2479	EPA 538	
Flufenacet	µg/L	NOT DETECTED	0.0053	0.0263	EPA 538	
Fluoride	mg/L	**0.57**	0.004	0.2	EPA 300.1	< HGL
Fluoxastrobin	µg/L	NOT DETECTED	0.0084	0.042	EPA 538	
Fluquinconazole	µg/L	NOT DETECTED	0.0164	0.0819	EPA 538	
Flusilazole	µg/L	NOT DETECTED	0.0244	0.1222	EPA 538	
Flutolanil	µg/L	NOT DETECTED	0.0094	0.047	EPA 538	
Flutriafol	µg/L	NOT DETECTED	0.0117	0.0586	EPA 538	
Forchlorfenuron	µg/L	NOT DETECTED	0.0049	0.0247	EPA 538	
Formetanate	µg/L	NOT DETECTED	0.0074	0.0372	EPA 538	
Fuberidazole	µg/L	NOT DETECTED	0.0144	0.0718	EPA 538	
Furalaxyl	µg/L	NOT DETECTED	0.0049	0.0247	EPA 538	
Hexachlorobutadiene	µg/L	NOT DETECTED	0.122	0.508	EPA 524.4	
Hexythiazox	µg/L	NOT DETECTED	0.017	0.0849	EPA 538	
Imazalil	µg/L	NOT DETECTED	0.029	0.1449	EPA 538	
Imidacloprid	µg/L	NOT DETECTED	0.0312	0.1559	EPA 538	
Indoxacarb (racemic)	µg/L	NOT DETECTED	0.0396	0.1979	EPA 538	
Iprovalicarb	µg/L	NOT DETECTED	0.0212	0.1059	EPA 538	
Iron	mg/L	**1.1685**	0.00072	0.00215	EPA 200.7	< HGL
Isocarbophos	µg/L	NOT DETECTED	0.0044	0.0222	EPA 538	
Isoprocarb	µg/L	NOT DETECTED	0.0305	0.1523	EPA 538	
Isopropylbenzene	µg/L	NOT DETECTED	0.104	0.507	EPA 524.4	
Isoproturon	µg/L	NOT DETECTED	0.0039	0.0197	EPA 538	

Magnesium	mg/L	**28.8589**	0.00037	0.0011	EPA 200.7	
Mandipropamid	µg/L	NOT DETECTED	0.0127	0.0634	EPA 538	
Manganese	mg/L	**0.03716**	7.0E-5	0.00021	EPA 200.7	< HGL
Mefenacet	µg/L	NOT DETECTED	0.009	0.0448	EPA 538	
Mepanipyrim	µg/L	NOT DETECTED	0.0038	0.0191	EPA 538	
Mepronil	µg/L	NOT DETECTED	0.0057	0.0285	EPA 538	
Mercury	mg/L	NOT DETECTED	1.0E-5	4.0E-5	EPA 200.8	
Metalaxyl	mg/L	NOT DETECTED	0	1.0E-5	EPA 538	
Methabenzthiazuron	µg/L	NOT DETECTED	0.0059	0.0297	EPA 538	
Methamidophos	mg/L	NOT DETECTED	0	2.0E-5	EPA 538	
Methiocarb	mg/L	NOT DETECTED	1.0E-5	4.0E-5	EPA 538	
Methomyl	mg/L	NOT DETECTED	0.00017	0.00085	EPA 538	
Methoprotryne	µg/L	NOT DETECTED	0.0018	0.0091	EPA 538	
Methoxyfenozide	µg/L	NOT DETECTED	0.0672	0.336	EPA 538	
Methyl Tertiary Butyl Ether	µg/L	NOT DETECTED	0.074	0.509	EPA 524.4	
Metobromuron	µg/L	NOT DETECTED	0.0123	0.0614	EPA 538	
Metribuzin	µg/L	NOT DETECTED	0.0525	0.2625	EPA 538	
Mexacarbate	mg/L	NOT DETECTED	1.0E-5	7.0E-5	EPA 538	
Molybdenum	mg/L	**0.0190654**	1.0E-5	5.0E-5	EPA 200.8	< HGL
Monocrotophos	mg/L	NOT DETECTED	0.00022	0.00109	EPA 538	
Monolinuron	µg/L	NOT DETECTED	0.0083	0.0415	EPA 538	
m,p Xylene	µg/L	NOT DETECTED	0.233	0.995	EPA 524.4	
Myclobutanil	mg/L	NOT DETECTED	3.0E-5	0.00014	EPA 538	
Naphthalene	µg/L	NOT DETECTED	0.066	0.506	EPA 524.4	
n Butylbenzene	µg/L	NOT DETECTED	0.096	0.506	EPA 524.4	
Neburon	mg/L	NOT DETECTED	3.0E-5	0.00015	EPA 538	
Nickel	mg/L	**0.0030207**	0.0001	0.00031	EPA 200.8	< HGL
Nitrate (as N)	mg/L	**0.006**	0.006	0.2	EPA 300.1	< HGL
Nitrite (as N)	mg/L	**0.006**	0.006	0.2	EPA 300.1	< HGL
Novaluron	µg/L	NOT DETECTED	0.0831	0.4155	EPA 538	
n Propylbenzene	µg/L	NOT DETECTED	0.095	0.506	EPA 524.4	
Nuarimol	µg/L	NOT DETECTED	0.0375	0.1874	EPA 538	
Omethoate	µg/L	NOT DETECTED	0.0096	0.048	EPA 538	
Oxadixyl	µg/L	NOT DETECTED	0.0231	0.1154	EPA 538	
Oxydemeton methyl	mg/L	NOT DETECTED	1.0E-5	4.0E-5	EPA 538	
o Xylene	µg/L	NOT DETECTED	0.114	0.508	EPA 524.4	
Penconazole	µg/L	NOT DETECTED	0.0295	0.1473	EPA 538	
Pencycuron	µg/L	NOT DETECTED	0.0266	0.1331	EPA 538	
Phosphorus	mg/L	**0.5534**	0.00587	0.01762	EPA 200.7	
Picoxystrobin	µg/L	NOT DETECTED	0.0222	0.111	EPA 538	
Piperonyl Butoxide	µg/L	NOT DETECTED	0.0305	0.1527	EPA 538	

Propamocarb	µg/L	NOT DETECTED	0.0127	0.0633	EPA 538	
Propargite	mg/L	NOT DETECTED	2.0E-5	0.0001	EPA 538	
Propoxur	mg/L	NOT DETECTED	9.0E-5	0.00043	EPA 538	
Prothioconazole	µg/L	NOT DETECTED	0.0635	0.3175	EPA 538	
Pyracarbolid	µg/L	NOT DETECTED	0.0062	0.031	EPA 538	
Pyraclostrobin	µg/L	NOT DETECTED	0.0067	0.0337	EPA 538	
Pyrimethanil	µg/L	NOT DETECTED	0.0269	0.1344	EPA 538	
Pyriproxyfen	µg/L	NOT DETECTED	0.0036	0.0178	EPA 538	
Quinoline	µg/L	NOT DETECTED	0.0116	0.0579	EPA 538	
Rotenone	µg/L	NOT DETECTED	0.0293	0.1466	EPA 538	
sec Butylbenzene	µg/L	NOT DETECTED	0.103	0.508	EPA 524.4	
Selenium	mg/L	**0.000406**	0.00041	0.00122	EPA 200.8	< HGL
Siduron	mg/L	NOT DETECTED	0	3.0E-5	EPA 538	
Silica	mg/L	**13.81566**	0.00618	0.01855	EPA 200.7	
Silver	mg/L	NOT DETECTED	1.0E-5	2.0E-5	EPA 200.8	
Simetryn	µg/L	NOT DETECTED	0.0253	0.1265	EPA 538	
Sodium	mg/L	**646.0258**	0.00017	0.0005	EPA 200.7	
Spirodiclofen	µg/L	NOT DETECTED	0.0166	0.083	EPA 538	
Spirotetramat	µg/L	NOT DETECTED	0.016	0.08	EPA 538	
Spiroxamine	µg/L	NOT DETECTED	0.0267	0.1337	EPA 538	
Strontium	mg/L	**0.49791**	4.0E-5	0.00011	EPA 200.7	< HGL
Styrene	µg/L	NOT DETECTED	0.087	0.506	EPA 524.4	
Sulfate	mg/L	**242.01**	0.009	0.2	EPA 300.1	< HGL
Tebufenozide	mg/L	NOT DETECTED	2.0E-5	0.0001	EPA 538	
Tebuthiuron	µg/L	NOT DETECTED	0.0123	0.0613	EPA 538	
tert Butylbenzene	µg/L	NOT DETECTED	0.106	0.508	EPA 524.4	
Tetrachloroethylene	µg/L	NOT DETECTED	0.106	0.506	EPA 524.4	
Tetraconazole	µg/L	NOT DETECTED	0.0341	0.1704	EPA 538	
Thallium	mg/L	**2.0E-6**	0	1.0E-5	EPA 200.8	< HGL
Thiacloprid	µg/L	NOT DETECTED	0.0231	0.1157	EPA 538	
Thiamethoxam	µg/L	NOT DETECTED	0.0152	0.0761	EPA 538	
Thidiazuron	mg/L	NOT DETECTED	2.0E-5	0.0001	EPA 538	
Thiobencarb	mg/L	NOT DETECTED	1.0E-5	4.0E-5	EPA 538	
Thiofanox	mg/L	NOT DETECTED	0.0001	0.0002	EPA 538	
Thiofanox Sulfoxide	µg/L	NOT DETECTED	0.1	0.2	EPA 538	
Thiophanate-Methyl	µg/L	NOT DETECTED	0.0231	0.1155	EPA 538	
Tin	mg/L	NOT DETECTED	0.0034	0.01019	EPA 200.7	
Titanium	mg/L	**0.04388**	0.00028	0.00084	EPA 200.7	
Toluene	µg/L	**0.05**	0.031	0.507	EPA 524.4	< HGL
Total Coliform	P/A	DETECTED			SM 9223B	
trans-1,3-Dichloropropene	µg/L	NOT DETECTED	0.091	0.506	EPA 524.4	

Trifloxystrobin	µg/L	NOT DETECTED	0.0036	0.0178	EPA 538	
Triflumizole	µg/L	NOT DETECTED	0.0096	0.0478	EPA 538	
Triflumuron	µg/L	NOT DETECTED	0.017	0.0852	EPA 538	
Uranium	mg/L	0.0100255	3.0E-5	8.0E-5	EPA 200.8	> HGL (0)
Vamidothion	µg/L	NOT DETECTED	0.0068	0.0339	EPA 538	
Vanadium	mg/L	**0.0264479**	0.00017	0.0005	EPA 200.8	< HGL
Vinyl Chloride	µg/L	NOT DETECTED	0.156	0.496	EPA 524.4	
Zinc	mg/L	**0.02581**	0.00044	0.00132	EPA 200.7	< HGL
Zoxamide	µg/L	NOT DETECTED	0.0077	0.0383	EPA 538	

How To Read Your SimpleLab PDF Report

Your results are being evaluated with the Health Guidance Level.
This is a health protective, non-enforceable drinking water benchmark. HGL is based on the most protective human health benchmark used among public health agencies for a contaminant. Drinking water at or near the HGL over the course of your lifetime is thought to be safe.

MDL: Method Detection Limit. MDL is the lowest concentration of an analyte which testing instrumentation and the analysis team is configured to measure.

TMWA

Overview of the General Manager Employment Agreement & Evaluation Process

June 18, 2025

Truckee Meadows Water Authority

Quality. Delivered.

Agenda

- Market Step Increases
- Performance-Based Pay Increases
- Performance Evaluation Timelines
- Snapshot of This Year's Evaluation Timelines
- Term of GM Employment Agreement
- Next Steps Related to the Term of the Agreement

Truckee Meadows Water Authority

Salary Adjustments

Market Step Increases – Non-Performance

- Base salary shall automatically adjust in incrementing steps on July 1, 2023, and each July 1 thereafter until he reaches the "Market" step of the GM Wage Band.

Merit Increases – Performance

- The Board shall evaluate Zimmerman's performance and in its sole discretion may determine a performance award
  - To base salary, or
  - In the form of a lump sum, or
  - As a combination of the two
- Total award may be up to 10% of Base Salary

Truckee Meadows Water Authority

History of Increases

Market Increases (Non-Performance Related)

- Start Step 3.5 - $223,297
- 7/23 Step 4.5 $245,925 (10%)
- 7/24 Step 5.5 $268,237 (9%)
- 7/25 Step 6 $283,368 (4.75%)
- 7/26 N/A

Performance-Based Increases

- Start
- 10/23 (0%)
- 10/24 (1%)
- 09/25 (TBD up to 5.25%)
- October 2026 (TBD)

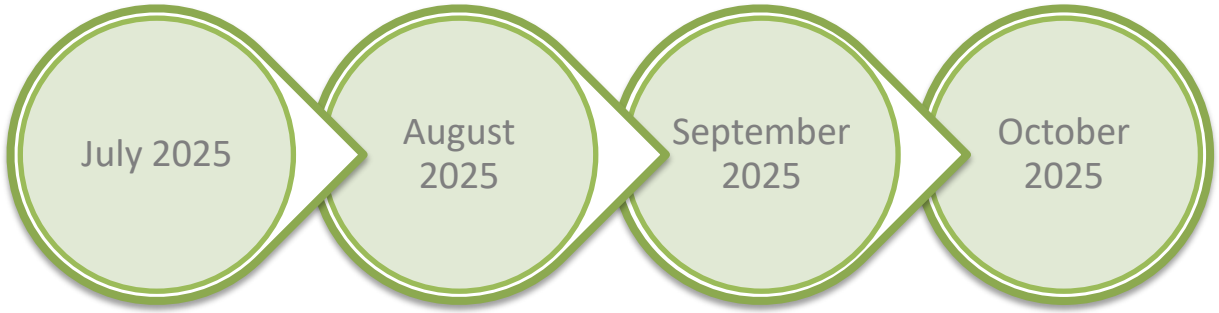
Notes

- July 2025 Mr. Zimmerman reaches the “Market” step.
- 10/15/2026 Mr. Zimmerman’s employment agreement terminates unless an amendment is negotiated.

Truckee Meadows Water Authority

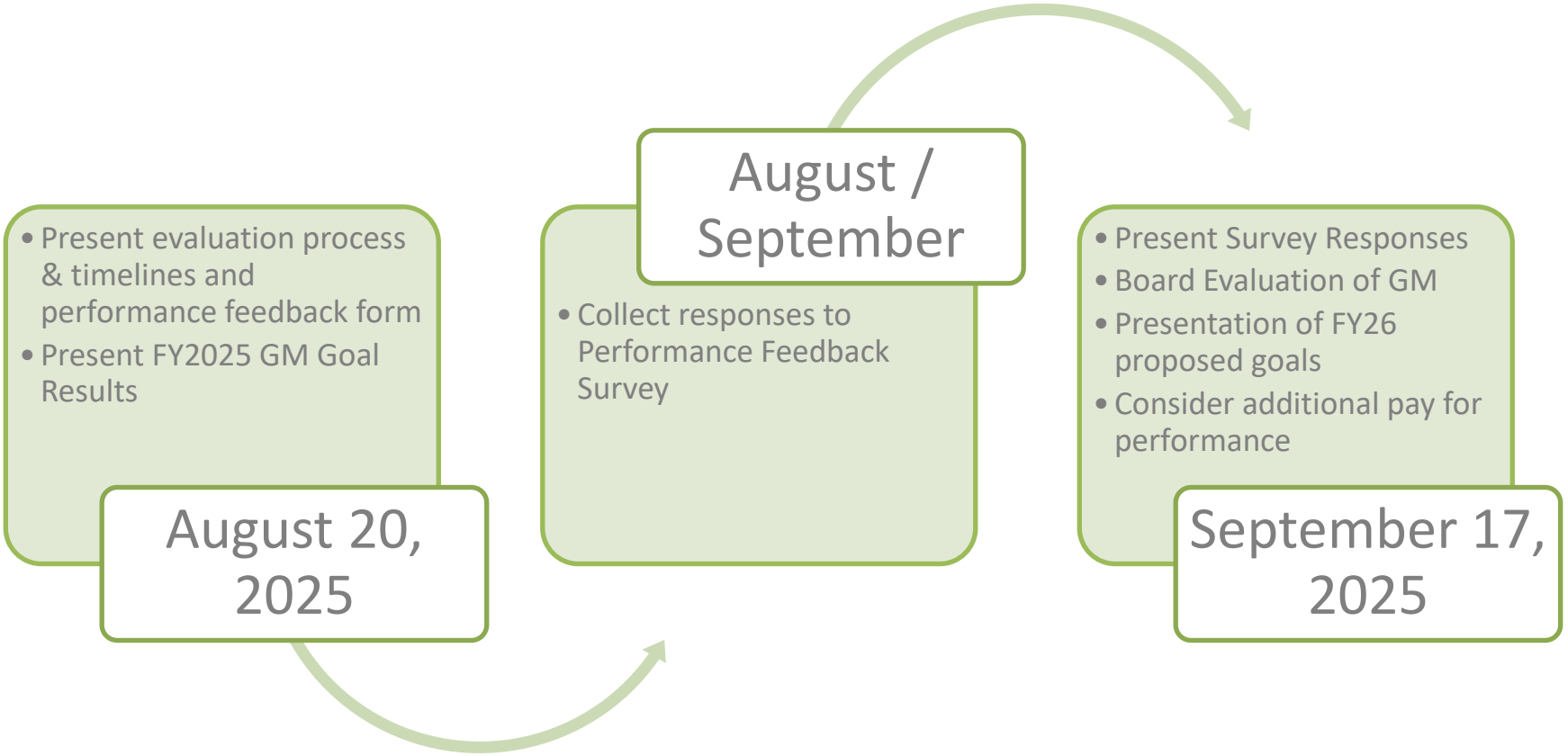
Evaluation Timelines

The Board shall evaluate Mr. Zimmerman's performance at least once annually ***on or within four months after the end of the fiscal year.***



Truckee Meadows Water Authority

FY2025 Evaluation Timelines



Truckee Meadows Water Authority

Term of Agreement

- **Initial Term**
  - 2 Years 10/15/2022 – 10/15/2024
- **Extension**
  - 2 Years 10/15/2024 – 10/15/2026
- **Renewal**
  - 05/31/2026 - If the extension term is exercised, parties agree to meet and confer no later than May 31, 2026, to decide if Parties will negotiate an amendment.

Term of Agreement Next Steps

April/May 2026

- Board to determine next steps
  - Negotiate amendment
  - Pursue other options

May/June 2026

- Seek Board Input on:
  - Terms
  - Length of agreement
  - Performance Evaluation
  - Increases
  - Timelines

June/July 2026

- Negotiate amendment
- Executive search

Truckee Meadows Water Authority

Questions?

Jessica Atkinson, Human Resources Director

Truckee Meadows Water Authority

Truckee Meadows Water Authority

STAFF REPORT

TO: Board of Directors
THRU: John R. Zimmerman, General Manager
FROM: Kara Steeland, Sr. Hydrologist & Watershed Coordinator
DATE: June 9, 2025
SUBJECT: **Discussion and possible approval of the Second Amendment of the Joint Funding Agreement with the State of Nevada, Washoe County, and the Cities of Reno, Sparks, and Fernley to fund Nevada's share of the Federal Water Master's annual Truckee River Operating Agreement expenses for 2025, 2026, 2027, 2028, and 2029**

RECOMMENDATION

Staff recommends the TMWA Board approve the proposed Joint Funding Agreement (JFA) among TMWA, the State of Nevada, Washoe County, the Cities of Reno, Sparks, and Fernley to cover Nevada's annual share of TROA administration expenses for fiscal years beginning October 1, 2025, 2026, 2027, 2028, and 2029.

DISCUSSION

Per TROA Section 2.C.2, Nevada's Share of administration expenses is 40% of the total, which is $775,000 for the fiscal year starting October 1, 2025. Nevada cannot provide funding for TROA expenses because it requires certain expenses associated with administration of interstate river systems be paid by the beneficiaries of those expenses. Accordingly, the Nevada TROA Parties (TMWA, Washoe County, and the Cities of Reno, Sparks, and Fernley) are responsible for the Nevada share of TROA expenses.

The Nevada Parties entered the JFA in August 2019 to cover funding for 2019, 2020, and 2021 and a First Amendment to the JFA to cover funding for 2022, 2023, and 2024. In both contracts, TMWA agreed to pay 60%, and the other Nevada Parties agreed to pay 10%, of Nevada's share.

Staff recommended TMWA continue to pay 60% of Nevada's share of the expenses, which is $465,000 for 2025. Each of the remaining Parties have agreed to pay 10% or $75,500 for 2025. The estimated costs and proposed budget provided by the TROA Administrator for the next two fiscal years are attached. The Second Amendment to the JFA covers the next five fiscal years and obligates TMWA to pay 60% of Nevada's share.

Recommended Motion: Move to approve the Second Amendment to the TROA Joint Funding Agreement.

SECOND AMENDMENT TO JOINT FUNDING AGREEMENT

This Second Amendment to Joint Funding Agreement is made and entered effective as of June 30, 2025 by and among the State of Nevada, the Department of Conservation and Natural Resources, Division of Water Resources (hereinafter "Nevada"), Truckee Meadows Water Authority (hereinafter "TMWA"), the County of Washoe (hereinafter "Washoe County"), the City of Reno (hereinafter "Reno"), the City of Sparks (hereinafter "Sparks"), and the City of Fernley (hereinafter "Fernley"), and collectively referred to as the "Parties."

R E C I T A L S

1. On or about August 8, 2019, the Parties entered into a Joint Funding Agreement (the "JFA") providing for the manner in which the State of Nevada's share of the expenses of administration of the Truckee River Operating Agreement (the "Nevada Share") would be apportioned among them and by when and how those payments would be made.

2. The JFA covered payments of the Nevada Share for the fiscal years beginning October 1, 2019, October 1, 2020 and October 1, 2021.

3. On or about January 3, 2022, the Parties entered into a First Amendment to Joint Funding Agreement (the "First Amendment to JFA").

4. The First Amendment to JFA covered payments of the Nevada Share for the fiscal years October 1, 2022, October 1 2023 and October 1, 2024.

5. The Parties desire to provide for the manner in which the Nevada Share will be apportioned among them for the fiscal years beginning October 1, 2025, October 1, 2026, October 1, 2027, October 1, 2028 and October 1, 2029, and to amend the JFA, as amended, accordingly.

6. Since the JFA was entered into the Washoe County Water Conservation District has imposed the annual fee allowed by Section 7.A.2(b)(3) of the Operating Agreement, which fee

is an expense of administration of the Operating Agreement and is apportioned among the United States, California and Nevada as provided in Section 2.C.2 of the Operating Agreement (the "Conservation District Fee").

7. The Conservation District Fee was imposed beginning in fiscal year October 1, 2021.

8. The Parties confirm that Nevada's Share of the Conservation District Fee will be apportioned among them as provided herein.

NOW, THEREFORE, the Parties hereto, intending to be legally bound hereby, and in consideration of the mutual covenants and promises herein contained, agree as follows:

1. Article III of the JFA, as amended by the First Amendment to JFA, is hereby amended to read as follows:

ARTICLE III

Apportionment of Nevada Share of Operating Agreement Administration Expenses

> For the fiscal years beginning October 1, 2025, October 1, 2026, October 1, 2027, October 1, 2028 and October 1, 2029, Nevada's share of the administration expenses of the Operating Agreement, including the Conservation District Fee, as finally approved in accordance with the Operating Agreement, which approval, includes, ratification by order of the Orr Ditch Court, will be paid 60% by TMWA, 10% by Washoe County, 10% by Reno, 10% by Sparks, and 10% by Fernley. Each party will pay its share of those expenses to Nevada by no later than September 1st prior to the beginning of the next fiscal year. The payments will be made to Nevada by means of an electronic payment as directed by Nevada. Nevada will timely transmit the Nevada Share to the Administrator as required by the Operating Agreement and approved budget.

2. Article IV of the JFA, as amended by the First Amendment to JFA, is hereby amended to read as follows:

ARTICLE IV

Apportionment of Nevada Share for Fiscal Years After October 1, 2029

Through their respective representatives, TMWA, Washoe County, Reno, Sparks, and Fernley agree to in good faith consider and attempt to reach agreement on how the Nevada Share should be apportioned among them for fiscal years after the year commencing October 1, 2029. Those representatives will complete that consideration on or before June 30, 2030. If an agreement is reached on such apportionment by June 30, 2030, the Parties will memorialize that agreement by an amendment to this Agreement. Until such time as TMWA, Washoe County, Reno, Sparks, and Fernley reach a different agreement concerning such apportionment, they will apportion and pay the Nevada Share as provided in Article III. If an agreement on apportionment of the Nevada Share is not reached by June 30, 2030, the apportionment shall be resolved as provided in Article V.

3. Article V of the JFA, as amended by the First Amendment to JFA, is hereby amended to read as follows:

ARTICLE V

Resolution of Apportionment of Nevada Share After October 1, 2029

If TMWA, Washoe County, Reno, Sparks, and Fernley are unable to agree on apportionment of the Nevada Share among them by June 30, 2030, then upon notice by any party to the others, the apportionment shall be finally resolved by binding arbitration by the Truckee River Special Hearing Officer acting as the selected arbitrator. The rules and procedures of the Truckee River Special Hearing Officer shall be the rules for the arbitration. The decision of the Truckee River Special Hearing Officer shall be final. The costs and fees associated with the arbitration shall be determined and assessed by the Truckee River Special Hearing Officer as provided in Section 2.C.4 of the Truckee River Operating Agreement. If the Truckee River Special Hearing Officer cannot or will not serve as the selected arbitrator, representatives of TMWA, Washoe County, Reno, Sparks and Fernley will select an alternate arbitrator approved by all of them. TMWA, Washoe County, Reno, Sparks and Fernley shall adjust payments made by them under this Agreement between October 1, 2030 and the final decision of the arbitrator to conform to that decision.

4. This Second Amendment to Joint Funding Agreement may be executed in counterparts, all of which will constitute one and the same agreement.

5. Except as expressly modified herein, the JFA shall remain in full force and effect and the Parties shall be bound by all the terms and conditions thereof.

IN WITNESS WHEREOF, the Parties hereto have executed and delivered this Second Amendment to Joint Funding Agreement effective as of June 30, 2025.

STATE OF NEVADA

By: _____
State Engineer, Division of Water Resources

Date: _____

Approved as to Form:

_____
Deputy Attorney General

TRUCKEE MEADOWS WATER AUTHORITY

By: _____
Chair, Board of Directors

Date: _____

CITY OF RENO

By: _____
Mayor

Date: _____

Approved as to Form:

_____
Deputy City Attorney

Attest: _____
City Clerk

COUNTY OF WASHOE

By: _____
Chair, Board of County Commissioners

Date: _____

Approved as to Form:

_____
Deputy District Attorney

Attest: _____
County Clerk

CITY OF SPARKS

By: _____
Mayor

Date: _____

Approved as to Form:

_____
Deputy City Attorney

Attest: _____
City Clerk

CITY OF FERNLEY

By: _____
Mayor

Date: _____

Approved as to Form:

_____
Deputy City Attorney

Attest: _____
City Clerk

Exhibit "B"

In Equity 3:73-cv-0003-MMD

U.S. District Court - Chad J Blanchard, TROA Administrator

Truckee River Operating Agreement Administration

Tentative Budget

Statements of Revenues, Expenses and Retained Earnings

Fiscal Year ending September 30, 2026

Budgeted Revenues	
Administrative Fees - United States	$775,000
Administrative Fees - State of Nevada	$775,000
Administrative Fees - State of California	$387,500
Total Budgeted Revenue	**$1,937,500**
Budgeted Expenses	
Computer Consulting, Software & Licensing	$59,230
Depreciation	$53,504
Habitat Restoration Fund	$79,584
Hearing Officer	$2,750
Payroll Taxes	$73,264
Professional, Legal & Audit Fees	$70,400
Rent, Supplies & Overhead	$122,386
RiverWare Modeling & Technical Consulting	$5,250
Stream Gaging & Telemetry Data Retrieval	$139,227
Travel & Conference	$23,713
TROA Administration Staff & Benefits	$1,339,176
Total Budgeted Operating Expenses	**$1,968,483**
Budgeted Net Income (Loss)	**-$30,983**
Item Not Affecting Working Capital (Depreciation)	$53,504
Total Budgeted Working Capital Provided	**$22,520**
Working Capital Applied To Budgeted Equipment Acquisitions	-$30,000
Budgeted Increase (Decrease) in Working Capital	**-$7,480**

Exhibit "C"

In Equity 3:73-cv-0003-MMD

U.S. District Court - Chad J Blanchard, TROA Administrator

Truckee River Operating Agreement Administration

Tentative Budget

Statements of Revenues, Expenses and Retained Earnings

Fiscal Year ending September 30, 2027

Budgeted Revenues	
Administrative Fees - United States	$800,000
Administrative Fees - State of Nevada	$800,000
Administrative Fees - State of California	$400,000
Total Budgeted Revenue	**$2,000,000**
Budgeted Expenses	
Computer Consulting, Software & Licensing	$62,191
Depreciation	$56,179
Habitat Restoration Fund	$85,950
Hearing Officer	$2,888
Payroll Taxes	$76,927
Professional, Legal & Audit Fees	$73,920
Rent, Supplies & Overhead	$125,174
RiverWare Modeling & Technical Consulting	$5,513
Stream Gaging & Telemetry Data Retrieval	$146,188
Travel & Conference	$24,899
TROA Administration Staff & Benefits	$1,367,619
Total Budgeted Operating Expenses	**$2,027,447**
Budgeted Net Income (Loss)	**-$27,447**
Item Not Affecting Working Capital (Depreciation)	$56,179
Total Budgeted Working Capital Provided	**$28,731**
Working Capital Applied To Budgeted Equipment Acquisitions	-$33,000
Budgeted Increase (Decrease) in Working Capital	**-$4,269**

TMWA

Customer Service Update

June 18, 2025

Truckee Meadows Water Authority

Quality. Delivered.

Service Line Warranties of America

Customer Participation in the Service Line Warranty Program

- **10,010 customers** covered for water service line repairs.
  - **2,934 customers** have chosen multiple services (e.g., sewer line coverage, indoor plumbing).

Program Impact:

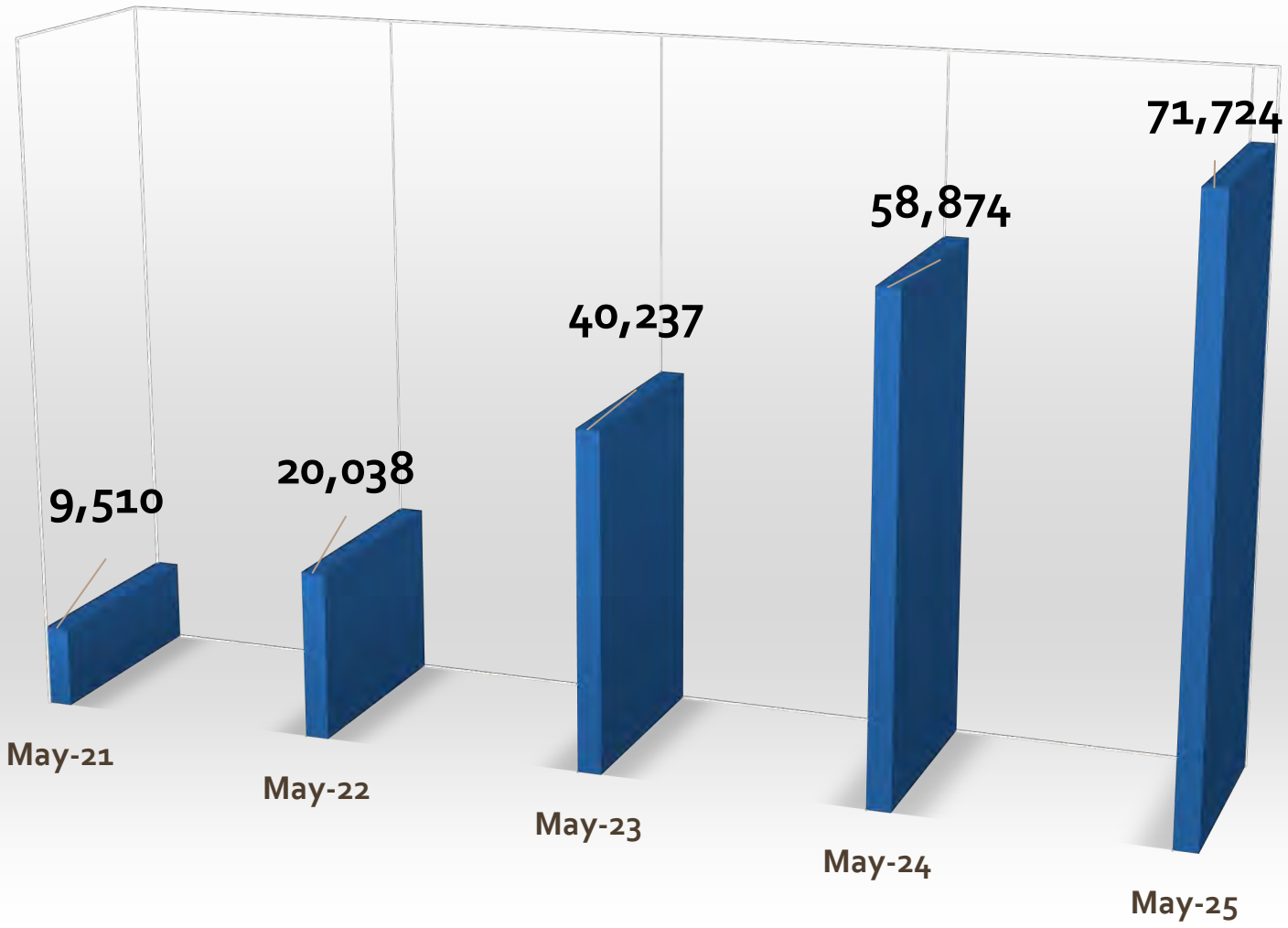
- **472 claims** processed (as of June 1st)
  - saving customers **$785,132.40**.

Truckee Meadows Water Authority

Paperless Billing

- 71,724 customers (51%) are now enrolled in paperless billing.
- Saving $559,447.20 per year in billing-related costs.
- Innovative strategies in the works to increase adoption:
  - Simplified opt-in process
  - Personalized digital communications
- Goal: Increase customer convenience and reduce operational costs.

Paperless Enrollment 2021-2025



Truckee Meadows Water Authority

Advanced Metering Infrastructure (AMI)

Completion in Fall 2025

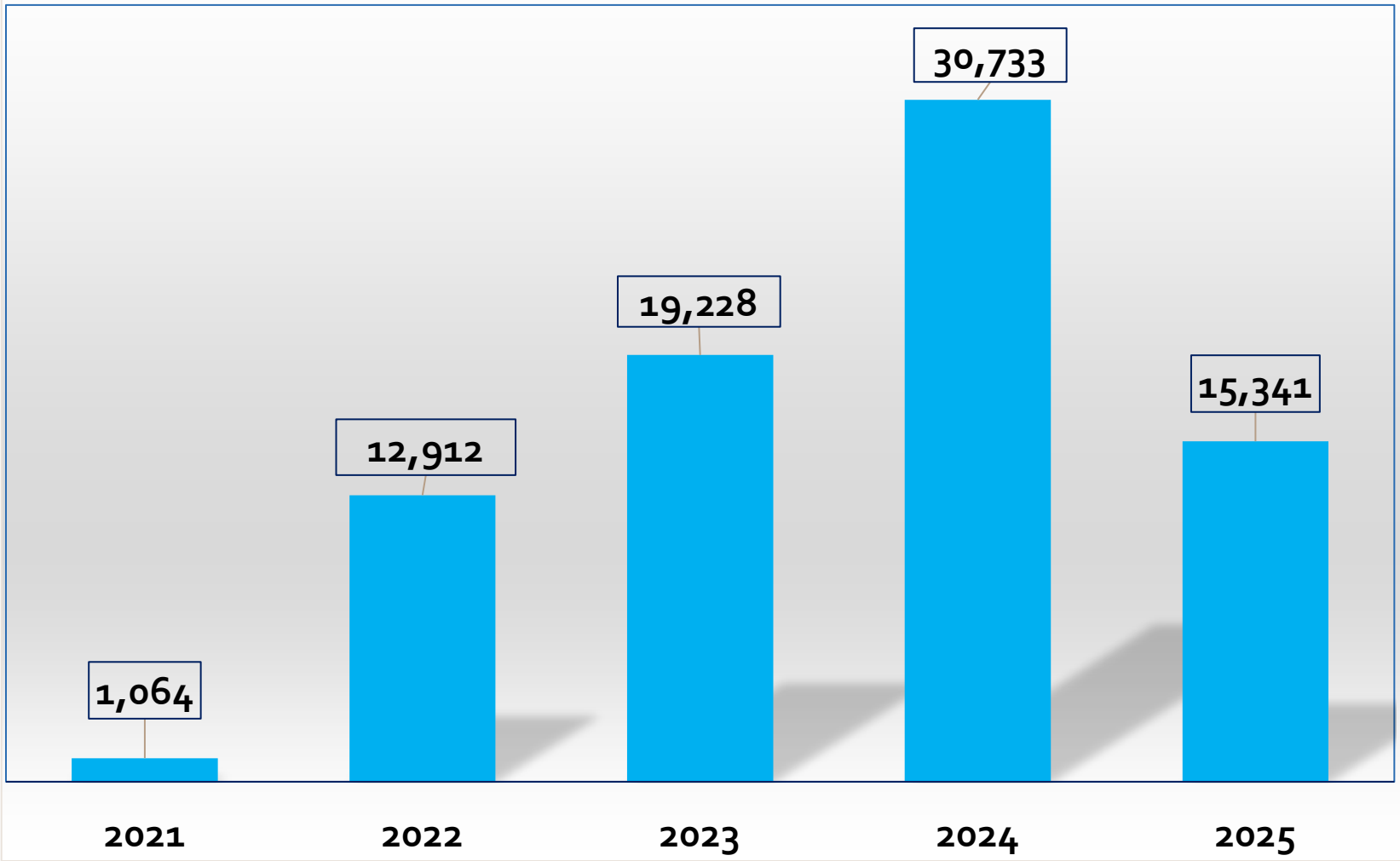
- Signed contract with Sensus in June of 2019.
- 3-year project turned into a 6-year project.
  - Covid
  - New CIS implementation
  - procurement of materials
- 132,000 AMI meters in the ground today.
- 6,700 drive by meters are left to change out.
- TMWA personnel have changed out approximately 18,000 meters during routine maintenance.

Goals

- Providing customers with the opportunity to monitor their water usage with the online portal.
- Conservation Efforts
  - Reducing water waste identified by continuous usage
- Improving efficiency by reducing truck rolls and ensuring accurate billing.

Truckee Meadows Water Authority

Concord AMI Installations by the year



Truckee Meadows Water Authority

Thank you!

Questions?

Truckee Meadows Water Authority

Truckee Meadows Water Authority

STAFF REPORT

TO: Board of Directors
THRU: John R. Zimmerman
FROM: Stefanie Morris, General Counsel
DATE: June 10, 2025
SUBJECT: **Presentation of results of 2025 legislative activities and bills**

Attached are the most relevant bills from the Nevada Legislature's 83rd regular session that were tracked throughout the session and enrolled into law. The table below summarizes the bills and resolution that are new laws and notes the effective date. The PDF attached includes the language for the bill as enrolled. Throughout the session, TMWA tracked fifty-one bills. Of those fifty-one bills, thirty-one became law, ten were vetoed by the Governor, and ten did not pass. Should you have any questions please let us know.

Bill No.	Summary	Effective Date	Notes:
AB 10 (BDR 22-407)	Authorizes any county, city, or town to repair a private water or sewer system that is owned by a common-interest community as part of a neighborhood improvement project. Amends existing law to include improvement or a water or sewer system in the definition of neighborhood improvement project	Upon passage	No impact on TMWA as it is not a county, city, or town. However, in the future it may allow the county or city to improve a water system, which could connect systems not currently connected to TMWA's water system to become connected.
AB 26 (BDR 48-261)	Exempts the State Engineer from liability for damages caused by dam failure arising from the result of any inspection, emergency response or enforcement of an order or regulation of the State Engineer.	Upon passage	No impact on TMWA.
AB 40 (BDR 46-265)	This bill is focused on mining reclamation. However, it does touch on solid waste management and hazardous waste handling in the state. It also provides the State Environmental Commission with adopting regulations for solid waste and hazardous waste management, including requirements for financial responsibility and operational standards. Recycling as Disposal: The bill includes recycling as a recognized method for hazardous waste disposal, subjecting it to the same regulations and penalties as other disposal methods. Financial Responsibility: Owners or operators of hazardous waste management facilities must	Upon passage	In the future as TMWA has to treat water that may remove hazardous materials, TMWA will need to comply with the handling and disposal for such material. TMWA staff will track the adoption of any regulations.

	demonstrate financial responsibility for closure, post-closure care, and remediation. Penalties: The bill establishes civil and criminal penalties for violations of hazardous waste management provisions		
AB 43 (BDR 28-465)	The bill establishes a program designed to gather data on the use of job order contracts for specific public works projects. This initiative aims to improve oversight and efficiency in how public works contracts are managed and executed in Nevada.	July 1, 2025	No impact on TMWA has the bill only applies to a county with a population of more than 700,000, a city whose population is 150,000 or more (currently the Cities of Henderson, Las Vegas and North Las Vegas), or a general improvement district in a county which is granted certain powers related to sanitary sewer systems.
AB 57 (BDR 36-263)	Revises provisions governing the Nevada Intrastate Mutual Aid System to require the State Forester Firewarden of the Division of Forestry of the State Department of Conservation and Natural Resources to administer the System as it relates to wildfire suppression; requiring the State Forester Firewarden to serve as Co-Chair of the Intrastate Mutual Aid Committee and appoint committee members jointly with the Chief of the Division of Emergency Management of the Office of the Military;	Upon passage	No impact on TMWA.

AB 64 (BDR 19-445)	This bill narrows the exception under Open Meeting Law in which certain meetings are exempt. Specifically, it changes the exemption to exclude from meeting gatherings by public bodies to receive legal advice from the attorney and deliberate on the legal advice provided. Finally, there are provisions that prohibit holding a meeting by a remote means unless there is a physical location.	October 1, 2025	This bill will not impact TMWA. TMWA already followed this interpretation of the meeting exemption. Additionally, TMWA always has a physical location available for public meetings.
AB 96 BDR 22-397)	Requires counties with population over 100,000 but less than 700,000 to include a heat mitigation plan in the conservation portion of a master plan and defines what the heat mitigation plan must include.	July 1, 2026	No impact on TMWA.
AB 104 (BDR 48-383	Require the State Engineer to retire certain groundwater rights, creates the Nevada Conservation and Recreation Program, establishes the Nevada Voluntary Water Rights Retirement Program; allows the State Environmental Commission to establish a water quality standard variance, revises certain provisions applicable to the Southern Nevada Water Authority, creates a state policy to encourage and promote water reuse in an appropriate manner and consistent with public health.	This section, sections 1 to 20, inclusive, and sections 21.3 to 24, inclusive, of this act become effective on July 1, 2025. 2. Sections 9, 11 and 12 of this act expire by limitation on June 30, 2035. 3. Section 21 of this act becomes effective on July 1, 2035.	Section 19 of this bill creates a policy to promote water reuse, including direct potable reuse. This policy could lead to the NDEP adopting direct potable reuse standards that may assist the region with new tools to address wastewater management.
AB 132 (BDR48-586)	A guzzler is defined in statute as any artificial basin that collects or is designed and constructed to collect precipitation specifically for wildlife. This bill increases the capacity of a guzzler to 40,000 gallons or less and pipe length of .5 miles or less.	October 1, 2025	This bill has no impact on TMWA as guzzlers cannot conflict with any existing water rights.

AB 192 (BDR 10-971)	The bill enacts two major uniform acts: The Uniform Easement Relocation Act and the The Uniform Mortgage Modification Act. These acts are designed to modernize and standardize certain aspects of real property law in Nevada. Key Provisions: Uniform Easement Relocation Act: This section allows property owners to relocate certain types of easements (legal rights to use another's land for a specific purpose) under defined conditions, aiming to balance the interests of landowners and easement holders. Uniform Mortgage Modification Act: This section provides a standardized process for modifying mortgages, which is intended to facilitate more efficient and consistent handling of mortgage changes between borrowers and lenders.	October 1, 2025	This bill is not likely to impact TMWA. TMWA does have and requires many easements to provide service. While this bill would allow a property owner to request moving an easement, it excludes this for easements for a publicly owned utility, like TMWA. TMWA staff will be watching to see how this is used but do not expect an impact on TMWA's existing practices.
AB 197 (BDR 19-136)	Prevents governmental entities from disclosing any person information that identifies a person as a donor, member, or volunteer of a non-profit organization and provides for penalties and remedies if the plaintiff can prove that the disclosure caused harm and the governmental entity or officer or employee know or should have known such actions violated the new sections. The bill also includes many exclusions	July 1, 2027	This section would apply to TMWA. However, many of the instances where TMWA has information from non-profit organizations, those instances fall into exclusions.

	for instances where the information is required to be released.		
AB 305 (BDR 28-112)	This bill limits the amount that a health care provider may charge for completing certain forms related to leaves of absence. The bill specifically targets forms required for several types of leave, such as medical or family leave, ensuring that patients are not subject to excessive fees for necessary documentation. The legislation aims to protect patients from high administrative costs when obtaining required paperwork for leave from work or other obligations, making the process more affordable and accessible.	October 1, 2025	No direct impact on TMWA.
AB 444 (BDR 18-772)	The bill revises multiple provisions related to governmental administration, specifically focusing on how regulations and fees are adopted by state and local agencies. Revises the process for the adoption of regulations by certain agencies within the Executive Department of Nevada's state government. Updates the procedures for local government bodies regarding the adoption of ordinances or actions related to business fees. Modifies rules concerning the imposition and management of impact fees, which are typically charges on developers to fund public infrastructure necessitated by new development.	October 1, 2025	The bill may affect how state agencies and local governments implement new regulations and fees, with implications for businesses, including small businesses, due to changes in fee structures and administrative procedures. TMWA is not subject to the Nevada Administrative Procedures Act.
AB 498 (BDR 23-1200)	Existing law requires every motor club to furnish to its members certain information about the address of the motor club, including	October 1, 2025	No impact on TMWA.

	the exact location of: (1) the home office of the motor club; and (2) the usual place of business of the motor club in this State. (NRS 696A.190) Section 1 of this bill removes the requirement for a motor club to provide information about the usual place of business of the motor club in this State. Existing law also requires, for an individual who is not a resident of this State to be licensed as a club agent, that the state in which the individual resides also permits a resident of this State to act as a club agent. (NRS 696A.280) Section 2 of this bill additionally authorizes an individual who is not a resident of this State to be licensed as a club agent if the state in which the individual resides does not require a license to act as a club agent.		
AB 502 (BDR 28-401)	Creates a public works compliance team for the Labor Commissioners office. Allows for assessing fines to public bodies not doing their due diligence.	1.This section becomes effective upon passage and approval. 2. Sections 1 to 10, 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, 2026, for all other purposes.	Little to no impact on TMWA daily operations. The bill allows for hiring staff for a dedicated compliance team, which may make the compliance process for TMWA and others more efficient.

AB 540 (BDR 25-1036)	This bill is a comprehensive housing reform law aimed at increasing affordable and attainable housing options for Nevada residents. AB 540 is designed to address Nevada's housing affordability crisis by making it easier and more financially feasible to build and access homes for middle-income families and essential workers. It introduces new funding, oversight, and streamlined processes to accelerate the development of attainable housing and expand eligibility beyond traditional low-income thresholds. The bill creates the Nevada Attainable Housing Account, funded with up to $200 million from the state's general fund, to support housing initiatives such as loans for builders, rebates, land purchases, and direct assistance to essential workers (e.g., teachers, police, nurses) to buy homes.	This section and sections 51 and 52 of this act become effective upon passage and approval. 2. Sections 1 to 46, inclusive, 48, 49, 49.5, 49.7, 50.5, 50.6 and 50.8 of this act become effective: (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and (b) On July 1, 2025, for all other purposes. 3. Section 50 of this act becomes effective on July 1, 2025. 4. Sections 39 to 46, inclusive, of this act expire by limitation on December 31, 2029. 5. Section 47 of this act becomes effective on January 1, 2030.	No direct impact on TMWA.
AJR6 (BDR R-32)	Resolution requesting that Congress extend the Social Security Fairness Act. The law that eliminated the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) reductions. These provisions affected nearly three million people receiving public pensions not subject to Social Security taxes; today they		No impact on TMWA as this resolution is not an action.

	see increased benefits and lump-sum retroactive payments.		
SB 6 (BDR S-389)	Makes an appropriation to the Desert Research Institute of the Nevada System of Higher Education to support the Nevada State Cloud Seeding Program.	July 1, 2025	No impact on TMWA. In the past TMWA has contributed funding to the Nevada State Cloud Seeding Program.
SB 36 (BDR 48-384)	This bill is focused on water conservation, specifically targeting the management and permanent retirement of certain groundwater rights in the state. Establishes the Nevada Water Buy-Back Initiative, a program designed to purchase and retire specific water rights, particularly groundwater rights, to address over-appropriation and protect Nevada's natural resources. Creates the Nevada Conservation and Recreation Program, which will oversee the administration of the water rights retirement process and related conservation efforts. The bill forms an Advisory Committee for the Nevada Water Buy-Back Initiative to provide guidance and oversight on the implementation of the program. Requires the Director of the State Department of Conservation and Natural Resources to administer the purchase and retirement of water rights.	Sections 1 to 15 and 17, inclusive, effective July 1, 2025. Section 10.5 expires by limitation June 30, 2035. Section 16 effective July 1, 2035.	This program will have insignificant impact on TMWA. The bill is attempting to address groundwater overuse and promote sustainability by retiring certain groundwater rights. The program is a voluntary, market-based approach.

SB 39 (BDR 36-269)	This bill does the following: Establishes the Nevada Hazard Mitigation Revolving Loan Account within the State General Fund. Directs the Division of Emergency Management (within the Office of the Military) to develop and administer a loan program for eligible recipients to fund hazard mitigation projects. Requires the Division to adopt regulations governing the loan program. Aims to support local governments and other eligible entities in financing projects that reduce risks from natural disasters and other hazards.	Section 12 effective June 5, 2025. Sections 1 to 11, inclusive, effective June 5, 2025, 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 January 1, 2026, for all other purposes.	May provide an opportunity for TMWA to apply for grant funding for a hazard mitigation project.
SB 43 (40-264)	This bill allows the Administrator of NDEP and Natural Resources to designate a district board of health of a health district to act as a solid waste management authority or as a solid waste management authority for carrying out limited purposes and upon certain findings. It also authorizes certain district boards of health to issue certain permits and administer and enforce certain provisions relating to public water systems under certain circumstances. Existing law also authorizes the State Environmental Commission to designate a district board of health to issue permits to an owner of a public water system to operate the system. (NRS	June 9, 2025	TMWA currently works with the District Board of Health for permits related to public water systems. If the County District Board of Health were to apply for and obtain authorization it may be able to enforce certain provisions rather than the NDEP.

	445A.860, 445A.885) This bill requires the State Environmental Commission to adopt regulations establishing certain criteria for a district board of health to demonstrate capability for certain purposes. Existing law defines the term "public swimming pool" for the purposes of provisions governing the sanitation of such structures and provides that the term does not include any such structure at any location if the structure is a privately owned pool used by members of a private club or invited guests of the members. (NRS 444.065) Section 4.5 of this bill instead provides that the term does not include any such structure at any location if the structure is a privately owned pool used by members of a private organization that is recognized as a social club exempt from taxation pursuant to certain provisions of the Internal Revenue Code or invited guests of members of such an organization.		
SB 83 (BDR S-376)	Requires the issuance of bonds for environmental improvement projects in the Lake Tahoe Basin	July 1, 2025	No direct impact on TMWA. Depending on the projects, it may improve water quality in Lake Tahoe.
SB 132 (BDR S-593)	This bill appropriates five million to the Nevada Clean Energy Fund for securing and implementing grants for qualified clean energy projects.	June 9, 2025	TMWA staff will evaluate if TMWA has any projects that may qualify for this grant funding.
SB 179 (BDR 18-35)	This bill is aimed at revising and strengthening provisions related to discrimination investigations conducted by the Nevada Equal Rights Commission (NERC) by adding antisemitism for purposes of existing law. The	October 1, 2025	This bill is not likely to have a direct impact on TMWA.

	bill adds and defined antisemitism for NERC investigates alleged unlawful discriminatory practices in areas such as housing, employment, and public accommodations.		
SB 258 (BDR 53-594)	Existing law provides for the payment of compensation under industrial insurance if, during employment, an employee is injured or killed by a workplace accident or occupational disease. This bill provides that the maximum amount that the industrial insurer or Administrator may recover for such a lien must be the lesser of: (1) the amount of the lien, minus an amount equal to one-half of the reasonable costs incurred by the injured employee or the dependents of the employee in procuring the recovery; or (2) one-third of the total amount of any recovery, inclusive of any attorney's fees or costs and the monetary value of any other property which is recovered, minus an amount equal to one-half of the reasonable costs incurred by the injured employee or the dependents of the employee in procuring the recovery.	May 31, 2025	Little to no impact on TMWA but may impact TMWA insurers.
SB 260 (BDR 53-961)	The bill establishes new requirements for employers to protect employees from exposure to poor air quality caused by wildfire smoke in the workplace. The bill mandates the Administrator of the Division of Industrial Relations within the Department of Business and Industry to adopt regulations that set standards for certain	1. This section and section 2 of this act become effective upon passage and approval. 2. Section 1 of this act becomes effective: (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory	TMWA staff will be establishing the requisite communication system once the regulations have been adopted.

	employers regarding employee exposure to wildfire smoke. Employers are required to establish a communication system to inform employees about hazardous air quality conditions and to allow employees to report symptoms related to smoke exposure without fear of retaliation. The legislation is focused on outdoor workers and aims to ensure that employers implement safety measures, including written safety programs and training, to address risks associated with wildfire smoke.	administrative tasks that are necessary to carry out the provisions of this act; and (b) On January 1, 2026, for all other purposes.	
SB 276 (BDR 40-750)	This bill creates provisions requiring any city, county, unincorporated town, general improvement district, wastewater district or water authority to notify NDEP of a discharge of sewage, industrial waste, or other unauthorized discharge. Additionally, an Indian Tribe may request public information relating to an incident or a policy of water treatment. The bill also requires NDEP requires NDEP, if notified, to notify any Indian tribe that may be affected by the discharge. Finally, the bill prohibits the same entities from entering into any agreements that would prevent the sharing of the information required to be produced in this bill.	October 1, 2025	This bill would require TMWA to notify NDEP on their website or telephone if TMWA is aware of an incident in TMWA's jurisdiction. This is common practice for information that TMWA is aware of.
SB 291 (BDR 43-39)	This bill requires the Department of Motor Vehicles to establish procedures by which a victim of identity theft may obtain a new driver's license number.	January 1, 2027	No impact on TMWA.

SB 298 (BDR 23-1031)	This bill relates to peace officers; revising the definition of "punitive action" as the term relates to certain peace officers; prohibiting a law enforcement agency from denying an increase in seniority or compensation to a peace officer under certain circumstances; and providing other matters properly relating thereto	Effective October 1, 2025	No impact on TMWA.
SB 317 (BDR 53-625)	The bill addresses several administrative, regulatory, and procedural aspects of how industrial insurance is managed and delivered in Nevada. SB 317 aims to modernize and streamline the administration of industrial insurance in Nevada, improving regulatory oversight, clarifying procedures, and updating requirements to reflect current practices in workers' compensation.	1. This section and sections 1 to 4.17, inclusive, 4.3 to 9.3, inclusive, 10 to 15, inclusive, 16 to 32.3, inclusive, 33, 33.5 and 34 of this act become effective upon passage and approval. 2. Section 4.2 of this act becomes effective: (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and (b) On October 1, 2026, for all other purposes. 3. Sections 9.5, 9.7, 15.5 and 32.7 of this act become effective: (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative	No direct impact on TMWA. Staff will ensure that TMWA insurers meet new requirements.

		tasks that are necessary to carry out the provisions of this act; and (b) On July 1, 2027, for all other purposes.	
SB 376 (BDR 53-629)	This bill revises provisions relating to industrial insurance, specifically for employees with occupational lung or heart diseases. This bill provides greater flexibility and access to care for workers suffering from occupational lung or heart diseases, while updating administrative processes for industrial insurance claims in Nevada.	October 1, 2025	No direct impact on TMWA.

Assembly Bill No. 10–Committee
on Government Affairs

CHAPTER.....

AN ACT relating to local improvement projects; authorizing any county, city or town to repair a private water or sewer system that is owned by a common-interest community as part of a neighborhood improvement project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any county, city or town to create an improvement district for the acquisition, improvement, equipment, operation and maintenance of certain local improvement projects, including a neighborhood improvement project, and to finance the cost of any such project through such methods as the issuance of certain bonds and the levy of assessments upon property in the improvement district. (NRS 271.265, 271.270, 271.325) **Section 1** of this bill amends the definition of "neighborhood improvement project" to include the improvement of a water or sewer system that is owned by a common-interest community.

Existing law authorizes, under certain circumstances, the governing body of any county, city or town to dissolve by resolution an improvement district that is created for the purposes of a neighborhood improvement project. (NRS 271.296) **Section 2** of this bill provides that the authority to dissolve an improvement district does not apply to a neighborhood improvement project that improves a water or sewer system that is owned by a common-interest community.

Existing law sets forth certain notice requirements for a hearing as to the propriety and advisability of an improvement project that has been provisionally ordered by the governing body of a county, city or town. For a neighborhood improvement project, the notice must state that: (1) a person who owns or resides within a tract in the proposed improvement district may file a protest to inclusion in the assessment plat; and (2) if written remonstrances by the owners of tracts constituting one-third or more of the basis for the computation of assessments for the neighborhood improvement project are presented to the governing body, the governing body is prohibited from proceeding with the project. (NRS 271.305, 271.306) **Section 3** of this bill provides that this prohibition does not apply to a neighborhood improvement project that improves a water or sewer system that is owned by a common-interest community. Instead, **section 4** of this bill provides that a neighborhood improvement project that improves a water or sewer system that is owned by a common-interest community will not be stayed or defeated or prevented by written complaints, protests and objections, unless the governing body deems such written complaints, protests and objections proper to cause the neighborhood improvement project to be stayed or prevented.

Section 5 of this bill makes a conforming change to authorize the governing body of a county, city or town to proceed with the improvement district after the hearing and after the governing body makes certain determinations, including a determination that an exception applies that authorizes the governing body to acquire or improve an improvement project despite certain complaints, protests and objections.

Existing law requires a governing body which has acquired or improved a neighborhood improvement project to annually: (1) prepare an amendment to the assessment roll for the district and an estimate of the expenditures for the next

fiscal year; (2) hold a public meeting to consider the amendment; and (3) provide certain notice to the owner of each tract being assessed. (NRS 271.377) **Section 6** of this bill makes these provisions inapplicable to a neighborhood improvement project that improves a water or sewer system that is owned by a common-interest community.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. NRS 271.147 is hereby amended to read as follows:

271.147 "Neighborhood improvement project" includes:

1. The beautification and improvement of the public portions of any area, including, without limitation:

(a) Public restrooms;

(b) Facilities for outdoor lighting and heating;

(c) Decorations;

(d) Fountains;

(e) Landscaping;

(f) Facilities or equipment, or both, to enhance protection of persons and property within the improvement district;

(g) Ramps, sidewalks and plazas; and

(h) Rehabilitation or removal of existing structures; ~~[and]~~

2. The improvement of an area by providing promotional activities ~~[.]~~ ***; and***

3. The improvement of a water or sewer system that is owned by a common-interest community.

Sec. 2. NRS 271.296 is hereby amended to read as follows:

271.296 1. The governing body may, by resolution, dissolve an improvement district that is created for the purposes of a neighborhood improvement project ***described in subsection 1 or 2 of NRS 271.147*** if property owners whose property is assessed for a combined total of more than 50 percent of the total amount of the assessments of all the property in the improvement district submit a written petition to the governing body that requests the dissolution of the district within the period prescribed in subsection 2.

2. The dissolution of an improvement district pursuant to this section may be requested within 30 days after:

(a) The first anniversary of the date the improvement district was created; and

(b) Each subsequent anniversary thereafter.

3. As soon as practicable after the receipt of the written petition of the property owners submitted pursuant to subsection 1, the

governing body shall pass a resolution of intention to dissolve the improvement district. The governing body shall give notice of a hearing on the dissolution. The notice must be provided and the hearing must be held in the manner set forth in NRS 271.380 and 271.385. If the governing body determines that dissolution of the improvement district is appropriate, it shall dissolve the improvement district by resolution, effective not earlier than the 30th day after the hearing.

4. If there is indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the improvement district, the portion of the assessment necessary to pay the indebtedness remains effective and must be continued in the following years until the debt is paid.

Sec. 3. NRS 271.305 is hereby amended to read as follows:

271.305 1. In the provisional order the governing body shall set a time, at least 20 days thereafter, and a place at which the owners of the tracts to be assessed, or any other interested persons, may appear before the governing body and be heard as to the propriety and advisability of acquiring or improving, or acquiring and improving, the project or projects provisionally ordered. If a mobile home park is located on one or more of the tracts to be assessed, the notice must be given to the owner of the tract and each tenant of that mobile home park.

2. Notice must be given:

(a) By publication.

(b) By mail.

(c) By posting.

3. Proof of publication must be by affidavit of the publisher.

4. Proof of mailing and proof of posting must be by affidavit of the engineer, clerk, or any deputy mailing the notice and posting the notice, respectively.

5. Proof of publication, proof of mailing and proof of posting must be maintained in the records of the municipality until all the assessments appertaining to the project have been paid in full, including principal, interest, any penalties, and any collection costs.

6. The notice may be prepared by the engineer and ratified by the governing body, and, except as otherwise provided in subsection 7, must state:

(a) The kind of project proposed.

(b) The estimated cost of the project, and the portion, if any, to be paid from sources other than assessments.

(c) The basis for apportioning the assessments, which assessments must be in proportion to the special benefits derived to

each of the several tracts comprising the assessable property and on a front foot, area, zone or other equitable basis.

(d) The number of installments and time in which the assessments will be payable.

(e) The maximum rate of interest on unpaid installments of assessments.

(f) The extent of the improvement district to be assessed, by boundaries or other brief description.

(g) The time and place of the hearing where the governing body will consider all objections to the project.

(h) That all written objections to the project must be filed with the clerk of the municipality at least 3 days before the time set for the hearing.

(i) If the project is not a neighborhood improvement project, that pursuant to NRS 271.306, if a majority of the property owners to be assessed for a project proposed by a governing body object in writing within the time stated in paragraph (h), the project must not be acquired or improved unless:

(1) The municipality pays one-half or more of the total cost of the project, other than a park project, with money derived from other than the levy or assessments; or

(2) The project constitutes not more than 2,640 feet, including intersections, remaining unimproved in any street, including an alley, between improvements already made to either side of the same street or between improvements already made to intersecting streets.

(j) That the description of the tracts to be assessed, the maximum amount of benefits estimated to be conferred on each such tract and all proceedings in the premises are on file and can be examined at the office of the clerk.

(k) Unless there will be no substantial change, that a substantial change in certain existing street elevations or grades will result from the project, without necessarily including any statement in detail of the extent or location of any such change.

(l) That a person should object to the formation of the district using the procedure outlined in the notice if the person's support for the district is based upon a statement or representation concerning the project that is not contained in the language of the notice.

(m) That if a person objects to the amount of maximum benefits estimated to be assessed or to the legality of the proposed assessments in any respect:

(1) The person is entitled to be represented by counsel at the hearing;

(2) Any evidence the person desires to present on these issues must be presented at the hearing; and

(3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.315.

(n) If the project is a neighborhood improvement project, that:

(1) A person who owns or resides within a tract in the proposed improvement district may file a protest to inclusion in the assessment plat pursuant to NRS 271.392; and

(2) Pursuant to NRS 271.306, if written remonstrances by the owners of tracts constituting one-third or more of the basis for the computation of assessments for ~~[the]~~ ***a*** neighborhood improvement project ***described in subsection 1 or 2 of NRS 271.147*** are presented to the governing body, the governing body shall not proceed with the neighborhood improvement project.

7. The notice need not state either or both of the exceptions stated in subsection 2 of NRS 271.306 unless either or both of the exceptions are determined by the governing body or the engineer to be relevant to the proposed improvement district to which the notice appertains.

8. All proceedings may be modified or rescinded wholly or in part by resolution adopted by the governing body, or by a document prepared by the engineer and ratified by the governing body, at any time before the passage of the ordinance adopted pursuant to NRS 271.325, creating the improvement district, and authorizing the project.

9. No substantial change in the improvement district, details, preliminary plans or specifications or estimates may be made after the first publication, posting or mailing of notice to property owners, whichever occurs first, except:

(a) As otherwise provided in NRS 271.640 to 271.646, inclusive; or

(b) For the deletion of a portion of a project and property from the proposed program and improvement district or any assessment unit.

10. The engineer may make minor changes in time, plans and materials entering into the work at any time before its completion.

11. If the ordinance is for a neighborhood improvement project, notice sent pursuant to this section must be sent by mail to each person who owns real property which is located within the proposed improvement district and to each tenant who resides or owns a business located within the proposed improvement district.

Sec. 4. NRS 271.306 is hereby amended to read as follows:

271.306 1. Regardless of the basis used for apportioning assessments, the amount apportioned to a wedge or V or any other irregularly shaped tract must be in proportion to the special benefits thereby derived.

2. Except as otherwise provided in subsections 3 ***,*** ~~[and]~~ 4 ~~[,]~~ ***and 5,*** if, within the time specified in the notice, complaints, protests and objections in writing, that is, all written remonstrances, against acquiring or improving the project proposed by initiation of the governing body are filed with the clerk, signed by the owners of tracts constituting a majority of the frontage, of the area, of the zone, or of the other basis for the computation of assessments, as the case may be, of the tracts to be assessed in the improvement district or in the assessment unit if the improvement district is divided into assessment units, the project therein must not be acquired or improved unless:

(a) The municipality pays one-half or more of the total cost of the project, other than a park project, with money derived from other than the levy of assessments; or

(b) The project constitutes not more than 2,640 feet, including intersections, remaining unimproved in any street, including an alley, between improvements already made to either side of the same street or between improvements already made to intersecting streets. In this case the governing body may on its own motion cause the intervening and unimproved part of the street to be improved. Such improvements will not be stayed or defeated or prevented by written complaints, protests and objections thereto, unless the governing body in its sole discretion, deems such written complaints, protests and objections proper to cause the improvement to be stayed or prevented.

3. Written remonstrances by the owners of tracts constituting 50 percent of the basis for the computation of assessments suffice to preclude the acquisition or improvement of a street beautification project or waterfront maintenance project.

4. Written remonstrances by the owners of tracts constituting at least one-third of the basis for the computation of assessments suffice to preclude the acquisition or improvement of a neighborhood improvement project ~~[.]~~ ***described in subsection 1 or 2 of NRS 271.147.*** For the purposes of this subsection, the property of a single owner may not be counted as constituting more than 10 percent of the basis.

5. A neighborhood improvement project described in subsection 3 of NRS 271.147 will not be stayed or defeated or

prevented by written complaints, protests and objections thereto, unless the governing body in its sole discretion, deems such written complaints, protests and objections proper to cause the neighborhood improvement project to be stayed or prevented.

Sec. 5. NRS 271.320 is hereby amended to read as follows:

271.320 1. After the hearing and after the governing body has:

(a) Disposed of all complaints, protests and objections, oral and in writing;

(b) Determined that it is not prevented from proceeding pursuant to subsection 3 or 4 of NRS 271.306; and

(c) Determined that:

(1) ~~[Either or both]~~ ***Any of the*** exceptions stated in ~~[subsection 2 of]~~ NRS 271.306 apply; or

(2) There were not filed with the clerk complaints, protests and objections in writing and signed by the owners of tracts constituting a majority of the frontage, of the area, of the zone, or of the other basis for the computation of assessments stated in the notice, of the tracts to be assessed in the improvement district or in the assessment unit, if any,

➥ and the governing body has jurisdiction to proceed, the governing body shall determine whether to proceed with the improvement district, and with each assessment unit, if any, except as otherwise provided in this chapter.

2. Except as otherwise provided in NRS 271.640 to 271.646, inclusive, if the governing body desires to proceed and desires any modification, by motion or resolution it shall direct the engineer to prepare and present to the governing body:

(a) A revised and detailed estimate of the total cost, including, without limiting the generality of the foregoing, the cost of acquiring or improving each proposed project and of each of the incidental costs. The revised estimate does not constitute a limitation for any purpose.

(b) Full and detailed plans and specifications for each proposed project designed to permit and encourage competition among the bidders, if any project is to be acquired by construction contract.

(c) A revised map and assessment plat showing respectively the location of each project and the tracts to be assessed therefor, not including any area or project not before the governing body at a provisional order hearing.

3. That resolution, a separate resolution, or the ordinance creating the improvement district may combine or divide the proposed project or projects into suitable construction units for the

purpose of letting separate and independent contracts, regardless of the extent of any project constituting an assessment unit and regardless of whether a portion or none of the cost of any project is to be defrayed other than by the levy of special assessments. Costs of unrelated projects must be segregated for assessment purposes as provided in this chapter.

Sec. 6. NRS 271.377 is hereby amended to read as follows:

271.377 1. ~~[On]~~ ***For a neighborhood improvement district described in subsection 1 or 2 of NRS 271.147, on*** or before June 30 of each year after the governing body acquires or improves ~~[a]~~ ***the*** neighborhood improvement project, the governing body shall prepare or cause to be prepared an estimate of the expenditures required in the ensuing fiscal year and a proposed amendment to the assessment roll assessing an amount not greater than the estimated cost against the benefited property. The amendment to the assessment must be computed according to frontage or another uniform and quantifiable basis.

2. The governing body shall consider the amendment to the assessment roll at a public meeting of the governing body. Notice must be given by mail or, upon written request and to the extent practicable, by electronic mail to the owner of each tract to be assessed at least 21 days before the date of the meeting of the governing body. The notice must set forth the amount of the assessment roll for the ensuing fiscal year.

3. The agenda for a public meeting of the governing body to consider an amendment to the assessment roll must list the amendment as a separate action item. The governing body shall not approve an amendment to the assessment roll as a group of agenda items in a single motion.

4. After the meeting, the governing body shall confirm the assessments, as specified in the amendment to the assessment roll, by resolution and mail notice of the assessments to the owner of each tract being assessed. The notice must set forth the date on which the assessment is due and instructions for paying the assessment.

5. An improvement district created for a neighborhood improvement project is not entitled to any distribution from the local government tax distribution account.

Sec. 7. This act becomes effective upon passage and approval.

20 ~~~~~ 25

Assembly Bill No. 26–Committee on Natural Resources

CHAPTER.....

AN ACT relating to water; exempting the State Engineer from liability for certain damages resulting from the performance of certain duties; revising provisions relating to the construction, reconstruction or alteration of a dam; exempting certain works under the jurisdiction of the United States Bureau of Reclamation or the United States Army Corps of Engineers from certain requirements relating to dams; requiring that certain applications relating to dams be made available to the Department of Wildlife; authorizing the State Engineer to enter certain parcels of land to access a dam or other obstruction; revising provisions relating to the removal of any dam, diversion works or obstruction; revising provisions relating to the removal of certain animals interfering with the flow of water; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer is authorized to regulate the construction, reconstruction, alteration and operation of dams and other obstructions of waterways in the State of Nevada. (NRS 532.110, 532.120, chapter 535 of NRS) **Section 1** of this bill exempts the State Engineer and any assistant of the State Engineer from liability for damages caused by certain failures of a dam or reservoir that may occur as a result of an inspection, emergency response or enforcement of an order or regulation by the State Engineer or his or her assistant.

Under existing law, any person proposing to construct a dam in this State must obtain a permit from the State Engineer to appropriate, store and use the water impounded or diverted by the proposed dam before beginning construction and, upon obtaining or possessing such a permit, must submit, in triplicate, to the State Engineer for approval plans and specifications for certain dams. Existing law further: (1) authorizes the State Engineer to inspect the construction of a dam at any time for compliance with the approved plans and specifications; (2) prohibits the construction and use of any dam, under certain circumstances, before the approval of plans and specifications by the State Engineer; and (3) makes it a misdemeanor to construct or use a dam without first obtaining such approval. (NRS 535.010) **Section 2** of this bill makes these provisions applicable to the reconstruction or alteration of a dam. **Section 2** also removes the requirement that any person proposing to construct a dam in this State obtain a permit to appropriate, store and use water impounded or diverted by the proposed dam before beginning construction of the dam and instead requires any person proposing to construct, reconstruct or alter a dam to obtain approval from the State Engineer before beginning construction, reconstruction or alteration of the dam. **Section 2** further: (1) requires a person to submit plans and specifications to the State Engineer for approval if the dam is classified by the State Engineer as a high hazard or significant hazard dam; and (2) removes the requirement that such plans and specifications be submitted in triplicate.

Under existing law, the State Engineer is authorized to impose certain administrative fines for, or may seek injunctive relief upon, the violation of any

permit issued by the State Engineer relating to the construction, reconstruction or alteration of a dam. (NRS 535.200, 535.210) **Sections 8 and 9** of this bill authorize the imposition of certain administrative fines or the seeking of injunctive relief upon the violation of any approval issued by the State Engineer in conformity with the removal of the requirement to obtain a permit made in **section 2**.

Under existing law, the State Engineer is required to file with the Board of Wildlife Commissioners a copy of applications for approval of plans and specifications for a new dam or for the alteration and enlargement of any dam in a stream. (NRS 535.020) **Section 3** of this bill instead requires the State Engineer to notify the Department of Wildlife when an application for decommissioning a dam is filed or a request for approval of plans and specifications of a new dam or for the alteration and enlargement of any dam in a stream is submitted and to make the application or plans and specifications available to the Department.

Under existing law, works constructed by the United States Bureau of Reclamation or the United States Army Corps of Engineers are exempt from certain requirements relating to dams, including requirements for the approval of plans and specifications and inspections and safety and repair requirements. (NRS 535.010, 535.030) **Sections 2 and 4** of this bill exempt any works under the jurisdiction of the United States Bureau of Reclamation or the United States Army Corps of Engineers from such requirements.

Under existing law, the State Engineer or any assistant or authorized agent of the State Engineer is authorized to enter any land, at a reasonable hour, where a dam or obstruction is situated to investigate and carry out the duties of the State Engineer. (NRS 535.035) **Section 5** of this bill further authorizes the State Engineer or any assistant or authorized agent of the State Engineer to enter the land of any parcel adjacent to where a dam or other obstruction is located as is necessary to access the dam or other obstruction.

Under existing law, the State Engineer is authorized to order the removal of any dam, diversion works or obstruction that has not been legally established by certain means. If such a dam, diversion works or obstruction is ordered removed by the State Engineer and is not removed after the service of a 30-day notice upon the owner or person controlling the dam, diversion works or obstruction, or an appeal of the removal order has not been filed, the State Engineer may remove the dam, diversion works or obstruction. (NRS 535.050) **Section 6** of this bill authorizes the State Engineer to remove a dam, diversion works or obstruction not legally established after providing a written, not served, copy of the 30-day notice to the owner of the dam, diversion works or obstruction.

Under existing law, the State Engineer is authorized to remove a beaver on privately owned land if it is determined the beaver is interfering with the flow of water to the detriment of water users and after service of a written notice on the owner of the private land. (NRS 535.060) **Section 7** of this bill requires that the written notice be provided to the landowner and need not be served.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. Chapter 535 of NRS is hereby amended by adding thereto a new section to read as follows:

The State Engineer and any assistant of the State Engineer are not liable for any damages caused by the partial or total failure of a dam or reservoir as a result of any inspection, emergency response or enforcement of an order or regulation by the State Engineer or his or her assistant.

Sec. 2. NRS 535.010 is hereby amended to read as follows:

535.010 1. Any person proposing to construct ***, reconstruct or alter*** a dam in this state shall, before beginning construction, ***reconstruction or alteration of the dam,*** obtain ***approval*** from the State Engineer ***.*** ~~[a permit to appropriate, store and use the water to be impounded by or diverted by the dam.]~~

2. Any ~~[such]~~ person ~~[obtaining or possessing such a permit]~~ ***who obtains approval from the State Engineer pursuant to subsection 1*** shall:

(a) Before constructing, reconstructing or altering in any way any dam, notify the State Engineer thereof; and

(b) ~~[Where the dam is]~~ ***Submit to the State Engineer for approval plans and specifications for the construction, reconstruction or alteration of the dam, if the dam:***

(1) Is or will be 20 feet or more in height, measured from the downstream toe to the crest of the dam ~~[, or is]~~ ***;***

(2) Is less than 20 feet in height and will impound more than 20 acre-feet of water ~~[, submit to the State Engineer in triplicate plans and specifications thereof for approval 30 days before construction is to begin.]~~ ***; or***

(3) Is classified by the State Engineer as a high hazard or significant hazard dam.

3. The State Engineer shall examine ~~[such]~~ ***any*** plans and specifications ***submitted pursuant to subsection 2*** and if ~~[the State Engineer approves them]~~ ***approved,*** the State Engineer shall return ~~[one]~~ ***a*** copy ***of the plans and specifications*** with such approval to the applicant. If the State Engineer disapproves any part of the plans and specifications the State Engineer shall return them to the applicant for correction or revision.

4. The construction ***, reconstruction, alteration*** and use of any dam is prohibited before approval ~~[of the plans and specifications]~~ by the State Engineer ~~[.]~~ ***is obtained pursuant to subsection 1.***

5. The State Engineer may at any time inspect or cause to be inspected the construction ***, reconstruction or alteration*** work ***on a dam*** while it is in progress to determine that it is being done in accordance with the approved plans and specifications ~~[.]~~ ***, if applicable.***

6. ~~[This section applies to new construction, reconstruction and alteration of old structures.~~

~~7.]~~ The provisions of this section relating to ***the*** approval of plans and specifications and inspection of dams do not apply to works ~~[constructed by]~~ ***under the jurisdiction of*** the United States Bureau of Reclamation or the United States Army Corps of Engineers ***,*** ~~[;]~~ but such federal agencies shall file duplicate plans and specifications with the State Engineer.

~~[8.]~~ ***7.*** Any person beginning the construction ***, reconstruction or alteration*** of any dam before ***notifying the State Engineer in accordance with paragraph (a) of subsection 2 or obtaining*** approval of the plans and specifications by the State Engineer, ~~[or without having given the State Engineer 30 days' advance notice of any proposed change, reconstruction or alteration thereof,]~~ ***if required pursuant to paragraph (b) of subsection 2,*** is guilty of a misdemeanor. Each day of violation of this section constitutes a separate offense and is separately punishable.

Sec. 3. NRS 535.020 is hereby amended to read as follows:

535.020 1. Whenever an application for ***decommissioning a dam is filed or a request for*** approval of plans and specifications for a new dam or for the alteration and enlargement of any dam in any stream in this state is ~~[filed with]~~ ***submitted to*** the State Engineer, the State Engineer shall ~~[file a copy of the application with]~~ ***notify*** the ~~[Board]~~ ***Department*** of Wildlife ~~[Commissioners.]~~ ***and make the application or plans and specifications, as applicable, available to the Department of Wildlife.***

2. In the construction of a dam, or the alteration or enlargement of a dam, the owner shall conform with the provisions of law for the installation of fishways over or around dams and for the protection and preservation of fish in streams obstructed by dams.

Sec. 4. NRS 535.030 is hereby amended to read as follows:

535.030 1. The State Engineer from time to time shall:

(a) Make inspections of dams at state expense for the purpose of determining their safety; and

(b) Require owners to perform at their expense such work as may be necessary to supply the State Engineer with information as to the safety of such dams.

2. The owners shall perform at their expense any other work necessary to maintenance and operation which will safeguard life and property.

3. If at any time the condition of any dam becomes so dangerous to the safety of life or property as not to permit sufficient time for the issuance and enforcement of an order relative to the maintenance or operation thereof, the State Engineer may, if he or she deems it necessary, immediately employ the following remedial measures to protect either life or property:

(a) Lower the water level by releasing water from the reservoir.

(b) Completely empty the reservoir.

(c) Take such other steps as may be essential to safeguard life and property.

4. The provisions of this section shall not apply to works ~~[constructed by]~~ ***under the jurisdiction of*** the United States Bureau of Reclamation or the United States Army Corps of Engineers.

Sec. 5. NRS 535.035 is hereby amended to read as follows:

535.035 In addition to any inspection conducted pursuant to NRS 535.010 or 535.030, the State Engineer or any assistant or authorized agent of the State Engineer may enter the land of any owner or proprietor where any dam or other obstruction is ~~[situated]~~ ***located, and any adjacent parcel of land as is necessary to access the dam or other obstruction,*** at any reasonable hour of the day to investigate and carry out the duties of the State Engineer pursuant to this chapter.

Sec. 6. NRS 535.050 is hereby amended to read as follows:

535.050 1. The State Engineer has the right, power and authority to order the removal of any dam, diversion works or obstruction that ~~[has been placed in any stream channel or watercourse when the dam, diversion works or obstruction]~~ has not been legally established and recognized through a valid claim of vested right, by decree of court or ~~[by a permit issued]~~ ***approved*** by the State of Nevada ~~[.]~~ ***in accordance with the provisions of this section.***

2. Nothing in this section is to be construed as giving the State Engineer any right or authority to remove any dam or diversion works that has been so legally recognized and established.

3. If the dam, diversion works or obstruction has not been removed after 30 days' notice in writing given by the State Engineer ~~[and served upon]~~ ***to*** the owner ~~[or person controlling]~~ ***of*** the dam,

diversion works or obstruction, or if no appeal has been taken from the order of the State Engineer as is provided for in NRS 533.450, then the State Engineer may remove the dam, diversion works or obstruction.

4. The State Engineer shall charge the actual cost of ~~[that]~~ ***the*** removal ***of the dam, diversion works or obstruction*** to the water distribution account and thereafter present an itemized statement of the charge to the board of county commissioners of the county wherein those expenses were incurred. The board of county commissioners shall thereupon present a bill for the expenses to the person liable therefor under this section, and if that person neglects for 30 days thereafter to pay it, the bill and costs become a lien upon the lands and property of the person so liable for the payment of the bill, and must be collected as delinquent taxes against the lands and property are collected.

Sec. 7. NRS 535.060 is hereby amended to read as follows:

535.060 1. On any stream system and its tributaries in this state the distribution of the waters of which are vested in the State Engineer by law or the final decree of court, where beaver, by the construction of dams or otherwise, are found to be interfering with the lawful and necessary distribution of water to the proper users thereof, the State Engineer, upon complaint of any interested water user, shall investigate or cause the investigation of the matter.

2. The State Engineer and his or her assistants and water commissioners and the Department of Wildlife and its agents may enter upon privately owned lands for the purposes of investigating the conditions complained of and the removal and trapping of beaver.

3. If satisfied that such beaver are interfering with the flow of water to the detriment of water users, the State Engineer shall ~~[serve]~~ ***provide*** a written notice ~~[on]~~ ***to*** the owner of the land, if it is privately owned, stating:

(a) That the beaver thereon are interfering with or stopping the flow of water necessary for the proper serving of water rights; and

(b) That unless, within 10 days from receipt of the notice, written objection to the removal of such beaver is filed with the State Engineer by the landowner, the Department of Wildlife will remove such beaver or as many thereof as will rectify the existing conditions.

4. Failure of the landowner to file such written objections shall be deemed a waiver thereof. Upon receipt of written objections, the State Engineer may make further investigation and may sustain or overrule the objections as the facts warrant. Upon the overruling of

the objections, the landowner may have them reviewed by the district court having jurisdiction of the land by filing therein a petition for review within 10 days from the receipt of the order of the State Engineer overruling the objections. The proceedings on the petition must be informal and heard by the court at the earliest possible moment.

5. Upon the landowner's waiver of objections to the removal of beaver from his or her land, or upon final determination by the court that the beaver should be removed, the State Engineer shall immediately notify the Department of Wildlife of the waiver or determination and the Department or its agents shall enter upon the land from which the beaver are to be removed and remove them or as many as may be necessary to prevent the improper flow of water as directed by the State Engineer.

6. The State Engineer may remove or cause the removal of any beaver dam found to be obstructing the proper and necessary flow of water to the detriment of water users.

Sec. 8. NRS 535.200 is hereby amended to read as follows:

535.200 1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter, any ~~[permit,]~~ ***approval,*** order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120 to pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.

2. If an administrative fine is imposed against a person pursuant to subsection 1, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. An order imposing an administrative fine or requiring the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.

Sec. 9. NRS 535.210 is hereby amended to read as follows:

535.210 1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, any ~~[permit,]~~ ***approval,*** order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120.

2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, any ~~[permit,]~~ ***approval,***

order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.

Sec. 10. This act becomes effective upon passage and approval.

20 ~~~~ 25

Assembly Bill No. 40–Committee on Natural Resources

CHAPTER.....

AN ACT relating to environmental hazards; authorizing the Division of Environmental Protection of the State Department of Conservation and Natural Resources to issue an order for certain violations relating to mining reclamation; providing the Division, solid waste management authority and Department with a lien on certain property under certain circumstances; revising provisions governing mining reclamation to include the stabilization of process fluids; revising certain requirements for a permit to engage in a mining operation or exploration project; authorizing the State Environmental Commission to adopt regulations relating to solid waste management facilities; requiring the Commission to adopt regulations relating to the requirements for the owner or operator of a municipal solid waste landfill or solid waste management facility to provide certain evidence of financial responsibility; requiring a permit to construct or operate a solid waste management facility; making requirements for disposal sites applicable to solid waste management facilities; prohibiting a municipal solid waste landfill from accepting certain types of hazardous waste; revising provisions relating to the management of hazardous waste; revising requirements governing a permit to operate a facility for the management of hazardous waste; revising requirements relating to evidence of financial responsibility provided by an owner or operator of certain facilities for the management of hazardous waste; revising certain prohibitions relating to hazardous waste; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing the reclamation of land subject to mining operations or exploration projects. (Chapter 519A of NRS) **Section 13** of this bill revises the definition of the term "reclamation" to include actions performed during or after an exploration project or mining operation to stabilize process fluids. **Sections 2-9** of this bill define certain terms relating to reclamation. **Section 14** of this bill revises the definition of the term "surety" to include an account held by or for the benefit of the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Section 10 of this bill authorizes the Division to issue an order if the Division has reasonable cause to believe that a holder of a permit is violating or is about to violate certain provisions of existing law relating to the reclamation of land.

Section 11 of this bill provides that the Division may lien all real and personal property associated with a facility of a holder of a permit for an exploration project or mining operation.

Section 12 of this bill applies the definitions in existing law and **sections 2-9** governing reclamation to the provisions of **sections 10 and 11**.

Section 15 of this bill authorizes certain fees collected by the Division that are used to administer the provisions of existing law relating to reclamation to also be used to administer the provisions of **sections 2-11**.

Existing law requires an applicant for a permit to engage in a mining operation to, amongst other requirements, complete a checklist developed by the Division and file a plan for reclamation with the application. (NRS 519A.210, 519A.220) **Section 16** of this bill requires that the information requested by the checklist include a manual for the operation and maintenance of the fluid management system for the mining operation. **Section 17** of this bill requires a plan for reclamation to provide for the stabilization of process fluids.

Existing law provides that if an exploration project or a mining operation is conducted on: (1) land administered by a federal agency, an approved federal plan of operations and surety that are consistent with certain requirements supersede certain requirements for a permit and bond or other surety; or (2) both public land and privately owned land, compliance with the approved federal plan of operations is sufficient if that plan substantially provides for the reclamation and bond or other surety required by existing law. (NRS 519A.240) **Section 18** of this bill provides that a federal plan of operations and surety approved by a federal agency for an exploration project or a mining operation supersede, if wholly conducted on land administered by a federal agency, or substitute, if partly conducted on land administered by a federal agency, requirements in state law for a permit and bond or other surety if the applicant: (1) submits to the Division the federal plan of operations and an estimate of the costs of reclamation; and (2) remedies any inconsistencies identified by the Division between the federal plan of operations and the requirements of state law.

Sections 19 and 20 of this bill apply certain disciplinary actions and criminal penalties to the provisions of **sections 2-11**.

Existing law requires the governing body of every municipality or district board of health of a health district to develop a plan to provide for a solid waste management system which provides for the management and disposal of solid waste. (NRS 444.510) Existing law defines the term "solid waste management system" as the entire process of storage, collection, transportation, processing, recycling and disposal of solid waste. (NRS 444.500) **Section 28.3** of this bill revises the definition of "solid waste management system" to mean the entire process of storage, collection, transportation, processing, recycling or disposal of solid waste.

Existing law requires a solid waste management authority to issue permits to operate disposal sites. (NRS 444.553) **Section 28.7** of this bill requires a solid waste management authority to also issue permits to operate solid waste management facilities. **Section 28.7** also authorizes a solid waste management authority to take certain actions to determine whether the owner or operator of a solid waste management facility is in compliance with certain requirements. **Section 32.1** of this bill requires the State Environmental Commission to adopt regulations concerning standards for the issuance, renewal, modification, suspension, revocation and denial of, and for the imposition of terms and conditions for, a permit to construct or operate a solid waste management facility. **Sections 32.1-32.4 and 32.8** of this bill make certain provisions of existing law relating to disposal sites applicable to solid waste management facilities.

Section 22 of this bill defines the term "solid waste management facility" to mean any place that engages in any activity related to a solid waste management system. **Section 23.5** of this bill authorizes the State Environmental Commission to adopt regulations establishing activities that are related to a solid waste

management system and the places which constitute a solid waste management facility based on the activities performed at the place.

Existing law requires the owner or operator of a municipal solid waste landfill to obtain a permit from a solid waste management authority before constructing or operating the municipal solid waste landfill. The permit must be conditioned upon all requirements necessary to ensure compliance with certain federal laws governing solid waste, including financial requirements for the owners and operators of municipal solid waste landfills. (NRS 444.465, 444.556) **Section 30** of this bill revises certain references to the term "municipal solid waste landfill." **Section 32.6** of this bill revises a reference to a sanitary landfill with a reference to a municipal solid waste landfill. **Section 32** of this bill prohibits a municipal solid waste landfill from accepting hazardous waste from a very small quantity generator.

Section 24 of this bill requires the Commission to adopt regulations prescribing the requirements for an owner or operator of a municipal solid waste landfill or solid waste management facility engaged in certain activities to demonstrate financial responsibility.

Section 29 of this bill provides that certain requirements for a permit relating to standards of care and financial responsibility may be satisfied by a plan for reclamation under certain circumstances.

Section 25 of this bill provides that the Division or solid waste management authority may lien all real and personal property associated with a municipal solid waste landfill or solid waste management facility of an owner or operator of the municipal solid waste landfill or solid waste management facility.

Section 26 of this bill applies the definitions in existing law and **section 22** governing the collection and disposal of solid waste to the provisions of **sections 22-25**.

Existing law establishes provisions governing the disposal of hazardous waste through the management of hazardous waste, which is defined as the systematic control of the generation, collection, storage, transportation, processing, treatment, recovery and disposal of hazardous waste. (NRS 459.400-459.600) **Section 39** of this bill revises: (1) the definition of the management of hazardous waste to mean the systematic control of the generation, collection, storage, transportation, recycling, processing, treatment, recovery or disposal of hazardous waste; and as a result: (2) expands the applicability of these requirements governing hazardous waste to include recycling as a method for the disposal of hazardous waste and any systematic control of the generation, collection, storage, transportation, recycling, processing, treatment, recovery or disposal of hazardous waste.

Sections 36, 40, 44, 46-51, 52 and 53 of this bill remove references to specific activities constituting the management of hazardous waste. **Sections 37.5, 38.5 and 40-41** of this bill revise certain definitions relating to the disposal of hazardous waste.

Sections 46, 53 and 54 of this bill apply certain existing criminal and civil penalties and disciplinary actions to the management of hazardous waste.

Section 34 of this bill defines the term "recycling" to mean the processing of hazardous waste to recover materials or produce a usable product. **Section 36** establishes that an additional purpose of the provisions of existing law governing the disposal of hazardous waste includes conserving resources of material and energy through the recycling or recovery of hazardous waste.

Section 35 of this bill provides that the Department may lien all real and personal property associated with a facility for the management of hazardous waste of the owner, operator or holder of a permit of the facility.

Section 37 of this bill applies the definitions in existing law and **section 34** governing the disposal of hazardous waste to the provisions of **sections 34 and 35**.

Existing law requires the Commission, through the Department, to develop a program to encourage the minimization of hazardous waste and the recycling or reuse of hazardous waste. (NRS 459.485) **Section 43** of this bill removes the requirement that the program include the reuse of hazardous waste.

Existing law prohibits a person from constructing, substantially altering or operating a facility for the treatment, storage or disposal of hazardous waste or treating, storing or disposing of hazardous waste unless the person has first obtained a permit from the Department. (NRS 459.515) **Section 46** provides that the person must only obtain a permit if the Commission has required by regulation that type of facility to obtain a permit. **Section 47** requires the Commission to adopt regulations establishing the types of facilities for the management of hazardous waste which must obtain a permit.

Existing law requires the Commission to adopt regulations requiring the owner or operator of any facility for the treatment, storage or disposal of hazardous waste to show his or her financial responsibility for the undertaking. (NRS 459.525) **Section 48** requires the Commission to adopt regulations establishing the types of facilities for the management of hazardous waste which must show financial responsibility.

Existing law provides that certain provisions of existing law authorizing any authorized representative or employee of the Commission or Department to conduct certain inspections relating to hazardous substances and authorizing the Department to issue certain orders relating to hazardous substances do not apply in a county whose population is less than 55,000 (currently all counties except Clark County, Washoe County, Lyon County and Carson City). (NRS 459.558) **Section 51.5** of this bill removes this exemption.

Existing law prohibits a person from transporting hazardous waste to a facility that has not been issued a permit to treat, store or dispose of hazardous waste. (NRS 459.590) **Section 54.5** of this bill instead prohibits a person from transporting hazardous waste to a facility that has not been authorized to accept hazardous waste in accordance with certain regulations adopted by the Commission.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. Chapter 519A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***"Beneficiation" means the dressing or processing of ores to:***

1. Regulate the size of a desired product;

2. Remove unwanted constituents; and

3. Improve the quality, purity or assay grade of a desired product.

Sec. 3. ***"Discharge" has the meaning ascribed to it in NRS 445A.345.***

Sec. 4. ***"Facility" means all portions of a mining operation, including, without limitation, the mine, waste rock piles, ore piles,***

process components for beneficiation, processed ore disposal sites, and all associated buildings and structures. The term does not include any process component or non-process component that is not used for mining or mineral production and has not been used in the past for mining or mineral production.

Sec. 5. *"Fluid management system" means the portion of a facility constructed to contain or transport process fluids.*

Sec. 6. *"Point source" means any discernible, confined and discrete conveyance from which pollutants are or may be discharged, including, without limitation, any pipe, ditch, channel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, wheeled, track, stationary or floating equipment used for earth-moving activities or vessel or other floating craft. The term does not include return flows from irrigated agriculture.*

Sec. 7. *"Process component" means the distinct portion of a constructed facility which is a point source.*

Sec. 8. *"Process fluid" means any liquid, including, without limitation, meteoric waters, which are intentionally or unintentionally introduced into any part of a process component for beneficiation.*

Sec. 9. *"Stabilize" means the condition in which a contaminant in a material or process fluid is bound, contained or treated so that the contaminant does not exhibit a potential to adversely impact human health, public safety or the environment.*

Sec. 10. *1. If the Division has reasonable cause to believe, based on evidence satisfactory to the Division, that a holder of a permit is violating or is about to violate the provisions of NRS 519A.010 to 519A.280, inclusive, and sections 2 to 11, inclusive, of this act, or a regulation adopted or order issued pursuant thereto, or any term or condition of a permit issued pursuant to NRS 519A.180 or 519A.200 pertaining to the stabilization of process fluids, and that the violation will pose imminent danger to human health, public safety or the environment, the Division may, without prior hearing, issue an order against the holder of the permit, which:*

(a) Temporarily suspends all or part of the permit issued under NRS 519A.180 or 519A.200;

(b) Requires the holder of the permit to ensure all equipment necessary to stabilize process fluids remain at the facility; and

(c) Authorizes the Division to enter the facility and stabilize the process fluids at the facility.

2. The order issued pursuant to subsection 1 must specify:

(a) The provision of NRS 519A.010 to 519A.280, inclusive, and sections 2 to 11, inclusive, of this act or a regulation adopted or order issued pursuant thereto, or the term or condition of a permit issued pursuant to NRS 519A.180 or 519A.200 which the Division reasonably believes is being or is about to be violated and any facts supporting this belief;

(b) The parts of the permit that are being suspended, if only parts of the permit are suspended; and

(c) The actions the holder of the permit must take to correct the violation.

3. An order issued by the Division pursuant to this section is effective immediately and remains in effect until the Division issues a decision pursuant to subsection 5.

4. The Division shall serve an order issued pursuant to subsection 1 personally or by mail with delivery on the next business day to the holder of the permit at his or her address as shown on the records of the Division.

5. Unless otherwise agreed upon by the holder of the permit and the Division, the Division shall hold a hearing not later than 10 business days after issuing the order. The Division shall issue a decision not later than 5 business days after the hearing.

6. Unless otherwise authorized in writing by the Division, the permit or parts thereof must remain suspended until the violation is corrected and any costs of the Division for the stabilization of the process fluids while the permit is suspended pursuant to subsection 1 are compensated from the bond or other surety required pursuant to NRS 519A.190 or 519A.210, as applicable, or otherwise repaid to the Division.

Sec. 11. ***1. The Division may lien all real and personal property, tangible and intangible, associated with a facility of a holder of a permit under NRS 519A.180 or 519A.200 for:***

(a) The costs incurred by the Division pursuant to section 10 of this act to stabilize process fluids that pose an imminent danger to human health, public safety or the environment; and

(b) The amount of any deficiency in a bond or surety required by NRS 519A.190 or 519A.210 and identified in a notice of noncompliance issued pursuant to NRS 519A.270.

2. To perfect a lien held pursuant to subsection 1, the Division shall:

(a) Provide notice of intent to lien to the holder of the permit by certified or registered mail;

(b) Not later than 30 days after providing notice of intent to lien pursuant to paragraph (a), provide notice of the lien to the holder of the permit by certified or registered mail; and

(c) File notice of the lien, which must set forth, without limitation, the amount of the lien:

(1) If on real property, in the office of the county recorder of the county where the real property is located.

(2) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

3. The Division shall file an amended notice of the lien which must set forth, without limitation, the amount of the lien:

(a) Not later than 30 days after the amount of the lien decreases due to payment, reimbursement or any other partial lien satisfaction; and

(b) Not later than 90 days after the first day of any month in which the amount of the lien increases due to the accrual of unrecovered costs or a deficiency in a bond or other surety identified in a notice of noncompliance issued pursuant to NRS 519A.270.

4. The amount of the lien held pursuant to subsection 1 must not exceed:

(a) The costs of the Division for reclamation and any deficiency in a bond or other surety; or

(b) The proceeds from the sale of the real or personal property associated with the facility of the holder of the permit after any previously perfected security interests or judgment liens are satisfied.

5. A security interest or judgment lien that is perfected before notice of the lien is filed pursuant to subsection 2 has priority over a lien perfected pursuant to this section. A perfected lien held pursuant to this section has priority over all other liens and encumbrances that have an interest in the:

(a) Proceeds of a bond or other surety required by NRS 519A.190 or 519A.210; or

(b) Increase in the fair market value of the real or personal property associated with the facility that is attributable to reclamation performed by the Division, which must be measured at the time of the sale or other disposition of the real or personal property.

6. The Division shall release the lien pursuant to subsection 7 if:

(a) The costs of reclamation incurred by the Division are repaid or reimbursed;

(b) The holder of the permit resolves the deficiency in the bond or other surety identified in a notice of noncompliance issued pursuant to NRS 519A.270; or

(c) The lien is satisfied by sale or other means.

7. As soon as practicable but not more than 30 days after a lien is satisfied pursuant to subsection 6, the Division shall file a notice of lien release:

(a) If on real property, in the office of the county recorder of the county where the real property is located.

(b) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

8. The Attorney General may, on behalf of the Division, foreclose on a perfected lien in a suit brought in district court in the same manner as a suit for the foreclosure of any other lien.

9. Nothing in this section shall be construed to limit the right of the Division to bring an action to recover any costs and damages for which a person is liable under the provisions of this chapter.

Sec. 12. NRS 519A.020 is hereby amended to read as follows:

519A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 519A.030 to 519A.130, inclusive, ***and sections 2 to 9, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 13. NRS 519A.100 is hereby amended to read as follows:

519A.100 "Reclamation" means actions performed during or after an exploration project or mining operation to ~~[~~shape.~~]~~ ***:***

1. Shape, stabilize, revegetate or otherwise treat the land in order to return it to a safe, stable condition consistent with the establishment of a productive postmining use of the land and the abandonment of a facility in a manner which ensures the public safety, as well as the encouragement of techniques which minimize the adverse visual effects ~~[.]~~ ***; or***

2. Stabilize process fluids.

Sec. 14. NRS 519A.130 is hereby amended to read as follows:

519A.130 "Surety" means, but is not limited to, a trust fund, surety bonds that guarantee performance or payment into a trust

fund ~~[,]~~ ***or an account held by or for the benefit of the Division,*** letters of credit, insurance ~~[, corporate or other guarantees of performance,]~~ or any combination of these or other forms of security approved by the Director of the State Department of Conservation and Natural Resources and used to ensure that reclamation will be completed.

Sec. 15. NRS 519A.170 is hereby amended to read as follows:

519A.170 All fees collected by the Division pursuant to this chapter, including, without limitation, the fees for an application for and the issuance of a permit, must be deposited with the State Treasurer for credit to the appropriate account of the Division and must be used in the administration of NRS 519A.010 to 519A.280, inclusive ~~[.]~~ ***, and sections 2 to 11, inclusive, of this act.*** All interest earned on the money credited pursuant to this section must be credited to the account to which the money was credited.

Sec. 16. NRS 519A.220 is hereby amended to read as follows:

519A.220 The Division shall develop a checklist to be completed by applicants for a permit to engage in a mining operation. The information requested by the checklist must include:

1. Information relating to the plan for reclamation, including:

(a) The proposed subsequent use of the land after the mining operation is completed;

(b) The proposed schedule of reclamation that will be followed;

(c) The proposed topography of the land after the mining operation is completed;

(d) The treatment of slopes created or affected by the mining operation;

(e) The proposed use of impoundments;

(f) The kinds of access roads to be built and the manner of reclamation of road sites;

(g) The methods of drainage that will be used during the mining operation and reclamation;

(h) The revegetation of the land;

(i) The monitoring and maintenance of the reclaimed land that will be performed by the operator;

(j) The reclamation that will be necessary as a result of instream mining;

(k) The effect that reclamation will have on future mining in that area; ~~[and]~~

(l) The effect of the reclamation on public safety ~~[.]~~ ***; and***

(m) A manual for the operation and maintenance of the fluid management system.

2. Information relating to the mining operation and maps of the area which is required by the regulations adopted by the Commission pursuant to NRS 519A.160.

3. Other information as requested by the Administrator which the Administrator determines is pertinent to the reclamation activities of the mining operation.

Sec. 17. NRS 519A.230 is hereby amended to read as follows:

519A.230 1. A plan for reclamation must provide:

(a) That reclamation activities, particularly those relating to the control of erosion, must be conducted simultaneously with the mining operation to the extent practicable, and otherwise must be initiated promptly upon the completion or abandonment of the mining operation in any area that will not be subject to further disturbance. Reclamation activities must be completed within the time set by the regulations adopted by the Commission pursuant to NRS 519A.160.

(b) For vegetative cover if appropriate to the future use of the land.

(c) For the reclamation of all land disturbed by the exploration project or mining operation to a stability comparable to that of adjacent areas.

(d) For the stabilization of process fluids.

2. The operator may request the Division to grant an exception for open pits and rock faces which may not be feasible to reclaim. If an exception is granted, other than for a pit lake for which public access is provided in a plan for reclamation pursuant to subsection 3, the Division shall require the operator to take sufficient measures to ensure public safety.

3. Except as otherwise provided in this subsection, for a pit lake that will have a predicted filled surface area of more than 200 acres, a plan for reclamation must provide, in consultation with the operator and each landowner, including any federal land manager, and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. This subsection:

(a) Must not be construed to impede the ability of any landowner, including any federal land manager, of any premises on which a pit lake is located to determine the final and ultimate use of those premises;

(b) Does not require any landowner, including any federal land manager, who is consulted pursuant to this subsection to agree to allow access to any pit lake; and

(c) Does not alter any contract or agreement entered into before October 1, 2013, between an operator and a landowner, including any federal land manager.

4. A protected person with respect to any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3 owes no duty to keep the premises, including, without limitation, the access area and the pit lake and its surroundings, safe for entry or use by any other person for participation in any activity, or to give a warning of any hazardous condition, activity or use of the premises to any person entering the premises.

5. If a protected person gives permission to another person to access or engage in any activity with respect to any premises specified in subsection 4, the protected person does not thereby extend any assurance that the premises are safe for that activity or any other purpose or assume responsibility for or incur any liability for any injury to any person or property caused by any act of a person to whom the permission is granted. The provisions of this subsection do not confer any liability upon a protected person for any injury to any other person or property, whether actual or implied, or create a duty of care or ground of liability for any injury to any person or property.

6. Except in the case of an emergency, an operator shall not depart from an approved plan for reclamation without prior written approval from the Division.

7. Reclamation activities must be economically and technologically practicable in achieving a safe and stable condition suitable for the use of the land.

8. As used in this section:

(a) "Pit lake" means a body of water that has resulted, after the completion of an exploration project or mining operation, from an open pit that has penetrated the water table of the area in which the pit is located.

(b) "Protected person" means any past or present:

(1) Owner of any estate or interest in any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3;

(2) Operator of all or any part of the premises, including, without limitation, any entity that has conducted or is conducting a mining operation or any reclamation activity with respect to the premises;

(3) Lessee or occupant of all or any part of the premises; or

(4) Contractor, subcontractor, employee or agent of any such owner, operator, lessee or occupant.

Sec. 18. NRS 519A.240 is hereby amended to read as follows:

519A.240 ***1.*** If a mining operation or exploration project is conducted ***, in whole or in part,*** on land administered by a federal agency, ~~[an approved]~~ ***a*** federal plan of operations and a surety ***approved by the federal agency*** that are consistent with the requirements of this chapter supersede ***, if wholly conducted on land administered by the federal agency, or substitute, if partly conducted on land administered by the federal agency,*** the requirements for a permit and bond or other surety otherwise required by this chapter ~~[. If the mining operation or exploration project is conducted on a site which includes both public land and privately owned land, compliance with the federal plan suffices if that plan substantially provides for the reclamation and bond or other surety required by this chapter.]~~ ***if the applicant:***

(a) Submits to the Division the federal plan of operations determined by the federal agency to be administratively complete and an estimate of the costs of reclamation of the mining operation or exploration project, and any modifications thereto; and

(b) Remedies any inconsistencies between the federal plan of operations and the requirements of this chapter and any regulations adopted pursuant thereto that are identified by the Division.

2. Nothing in this section affects the requirement ~~[for]~~ ***to obtain*** a permit set forth in NRS 519A.180 or 519A.200 or the required payment of fees set forth in NRS 519A.160 or 519A.260.

Sec. 19. NRS 519A.270 is hereby amended to read as follows:

519A.270 If the Division has reason to believe that any provision of NRS 519A.010 to 519A.280, inclusive, ***and sections 2 to 11, inclusive, of this act,*** a plan for reclamation, any condition placed on a plan for reclamation or any regulation adopted by the Commission pursuant to NRS 519A.160, has been violated, the Division shall serve a notice of noncompliance upon the holder of the permit. The notice must:

1. Be served personally or by registered mail addressed to the holder of the permit at his or her address as shown on the records of the Division;
2. Specify each violation; and
3. Set a date and time for a hearing and inform the person that the person's permit may be suspended or revoked and the person's

bond or other surety forfeited upon completion of the hearing or if the person fails to attend the hearing.

Sec. 20. NRS 519A.280 is hereby amended to read as follows:

519A.280 1. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a person who violates any provision of NRS 519A.010 to 519A.280, inclusive, ***and sections 2 to 11, inclusive, of this act,*** or any regulation adopted by the Commission pursuant to NRS 519A.160, is guilty of a misdemeanor and, in addition to any criminal penalty, is subject to a civil penalty imposed by the Division at a hearing for which notice has been given, in an amount determined pursuant to the schedule adopted by the Commission pursuant to NRS 519A.160.

2. Any money received by the Division pursuant to subsection 1 must be deposited with the State Treasurer for credit to the appropriate account of the Division. All interest earned on the money credited pursuant to this section must be credited to the account to which the money was credited.

3. In addition to any other remedy provided by this chapter, the Division may compel compliance with any provision of NRS 519A.010 to 519A.280, inclusive, ***and sections 2 to 11, inclusive, of this act,*** or of any regulation adopted or permit or order issued pursuant to those sections, by injunction or other appropriate remedy. The Division may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 21. Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 25, inclusive, of this act.

Sec. 22. ***"Solid waste management facility" means any place that engages in any activity related to a solid waste management system. The term includes, without limitation, a disposal site.***

Sec. 23. (Deleted by amendment.)

Sec. 23.5. ***The State Environmental Commission may adopt regulations establishing activities that are related to a solid waste management system. Such regulations may, without limitation, establish places that constitute solid waste management facilities because, as determined by the Commission, the activities performed at the place present a significant hazard to human health, public safety or the environment if solid waste at the place were to be managed improperly. The determination of the Commission may be based upon, without limitation, the size of the activity, throughput of the activity, location of the place or any other relevant factor determined by the State Environmental Commission.***

Sec. 24. *1. The State Environmental Commission shall adopt regulations prescribing the requirements for an owner or operator of a municipal solid waste landfill or solid waste management facility that is engaged in an activity established by regulations adopted pursuant to section 23.5 of this act, to demonstrate that the owner or operator is financially responsible for the municipal solid waste landfill or solid waste management facility in accordance with subsection 4 of NRS 444.556. Such regulations must require the owner or operator to provide:*

(a) Evidence that the owner or operator has a policy of liability insurance in an amount which the State Department of Conservation and Natural Resources has determined is necessary for the protection of human health, public safety and the environment;

(b) Evidence of security, in a form and amount which the State Department of Conservation and Natural Resources deems necessary, to ensure that at the time of any abandonment, cessation or interruption of the service provided by the municipal solid waste landfill or solid waste management facility, and thereafter, all appropriate measures will be taken to prevent damage to human health, public safety and the environment; and

(c) Any other evidence of financial responsibility which the State Environmental Commission finds necessary for those purposes.

2. Requirements established pursuant to this section may not exceed those requirements for financial responsibility established pursuant to the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6901 et seq.

3. Any claim arising from conduct for which evidence of financial responsibility is required may be asserted directly against the insurer, guarantor, surety or other person providing such evidence if the owner or operator:

(a) Has filed a petition in bankruptcy, or is the object of an involuntary petition;

(b) Cannot respond in damages in the event a judgment is entered against the owner or operator; or

(c) Is not subject to the personal jurisdiction of any courts of this or any other state, or of the United States, or cannot, with due diligence, be served with process.

4. If a claim is asserted directly against a person providing evidence of financial responsibility, that person may assert any right or defense which:

(a) The person might have asserted in any action against him or her by the owner or operator; or

(b) The owner or operator might have asserted, had the claim been made against him or her.

Sec. 25. *1. The Division of Environmental Protection of the State Department of Conservation and Natural Resources or the solid waste management authority may lien all real and personal property, tangible and intangible, associated with a municipal solid waste landfill or solid waste management facility of the owner or operator of a municipal solid waste landfill or solid waste management facility for:*

(a) The costs incurred by the Division of Environmental Protection or solid waste management authority to reduce or eliminate an imminent threat to human health, public safety or the environment relating to the management of waste at a solid waste management facility, including, without limitation, a disposal site; and

(b) The amount of any deficiency in a security or other type of financial responsibility required in accordance with the regulations adopted pursuant to section 24 of this act or the Resource Conservation and Recovery Act of 1976, Subtitle D, §§ 42 U.S.C. 6941 et seq., and any regulations adopted pursuant thereto and identified in an order issued pursuant to NRS 444.592.

2. To perfect a lien held pursuant to subsection 1, the Division of Environmental Protection or solid waste management authority shall:

(a) Provide notice of intent to lien to the owner or operator of the municipal solid waste landfill or solid waste management facility by certified or registered mail;

(b) Not later than 30 days after providing notice of intent to lien pursuant to paragraph (a), provide notice of the lien to the owner or operator of the municipal solid waste landfill or solid waste management facility by certified or registered mail; and

(c) File notice of the lien, which must set forth, without limitation, the amount of the lien:

(1) If on real property, in the office of the county recorder of the county where the real property is located.

(2) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

3. The Division of Environmental Protection or solid waste management authority shall file an amended notice of the lien which must set forth, without limitation, the amount of the lien:

(a) Not later than 30 days after the amount of the lien decreases due to payment, reimbursement or any other partial lien satisfaction; and

(b) Not later than 90 days after the first day of any month in which the amount of the lien increases due to the accrual of unrecovered costs or a deficiency in a security or other type of financial responsibility identified in an order issued pursuant to NRS 444.592.

4. The amount of the lien held pursuant to subsection 1 must not exceed:

(a) The costs of the Division of Environmental Protection or solid waste management authority for performing remediation and any deficiency in a security or other type of financial responsibility; or

(b) The proceeds from the sale of the real or personal property associated with the municipal solid waste landfill or solid waste management facility after any previously perfected security interests or judgment liens are satisfied.

5. A security interest or judgment lien that is perfected before notice of the lien is filed pursuant to subsection 2 has priority over a lien perfected pursuant to this section. A perfected lien held pursuant to this section has priority over all other liens and encumbrances that have an interest in the:

(a) Proceeds of a security or other type of financial responsibility required in accordance with the requirements prescribed pursuant to section 24 of this act or the Resource Conservation and Recovery Act of 1976, Subtitle D, §§ 42 U.S.C. 6941 et seq., and any regulations adopted pursuant thereto; or

(b) Increase in the fair market value of the real or personal property associated with the municipal solid waste landfill or solid waste management facility that is attributable to remediation performed by the Division of Environmental Protection or solid waste management authority, which must be measured at the time of the sale or other disposition of the real or personal property.

6. The Division of Environmental Protection or solid waste management authority shall release the lien pursuant to subsection 7 if:

(a) The costs of remediation of the Division of Environmental Protection or solid waste management authority are repaid or reimbursed;

(b) The owner or operator of the municipal solid waste landfill or solid waste management authority resolves the deficiency in the security or other type of financial responsibility identified in an order issued pursuant to NRS 444.592; or

(c) The lien is satisfied by sale or other means.

7. As soon as practicable but not more than 30 days after a lien is satisfied pursuant to subsection 6, the Division of Environmental Protection or solid waste management authority shall file a notice of lien release:

(a) If on real property, in the office of the county recorder of the county where the real property is located.

(b) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

8. The Attorney General or district attorney may, on behalf of the Division of Environmental Protection or solid waste management authority, foreclose on a perfected lien in a suit brought in district court in the same manner as a suit for the foreclosure of any other lien.

9. Nothing in this section shall be construed to limit the right of the Division of Environmental Protection or solid waste management authority to recover any costs and damages incurred by the Division of Environmental Protection or solid waste management authority for which the person, owner or operator is liable under NRS 444.598.

Sec. 26. NRS 444.450 is hereby amended to read as follows:

444.450 As used in NRS 444.440 to 444.620, inclusive, ***and sections 22 to 25, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 444.460 to 444.501, inclusive, ***and section 22 of this act*** have the meanings ascribed to them in those sections.

Secs. 27 and 28. (Deleted by amendment.)

Sec. 28.3. NRS 444.500 is hereby amended to read as follows:

444.500 "Solid waste management system" means the entire process of ***the*** storage, collection, transportation, processing, recycling ~~[and]~~ ***or*** disposal of solid waste. The term includes plans and programs for the reduction of waste and public education.

Sec. 28.7. NRS 444.553 is hereby amended to read as follows:

444.553 1. The solid waste management authority shall, in accordance with the regulations of the State Environmental Commission adopted pursuant to NRS 444.560 ~~[.]~~ ***and section 24 of***

this act, issue permits to operate ***solid waste management facilities, including, without limitation,*** disposal sites.

2. A person shall not operate or authorize the operation of a ***solid waste management facility, including, without limitation, a*** disposal site **,** unless the operator:

(a) Holds a permit to operate the ***solid waste management facility, including without limitation, a*** disposal site **,** issued by the solid waste management authority; and

(b) Complies with the terms and conditions of the permit.

3. A solid waste management authority may:

(a) Obtain, and the owner or operator of a solid waste management facility, including, without limitation, a disposal site, shall deliver upon request, any information necessary to determine whether the owner or operator is or has been in compliance with the terms and conditions of the permit, the regulations of the State Environmental Commission, the applicable laws of this State and the provisions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto;

(b) Conduct monitoring or testing to ensure that the owner or operator is or has been in compliance with the terms and conditions of the permit; and

(c) Enter any site or premises subject to the permit, during normal business hours, at which records relevant to the solid waste management facility, including, without limitation, a disposal site, are kept in order to inspect those records.

Sec. 29. NRS 444.556 is hereby amended to read as follows:

444.556 1. Before constructing or operating a municipal solid waste landfill, the owner or operator of the ***municipal solid waste*** landfill shall obtain a permit issued by the solid waste management authority.

2. A permit for the construction or operation of a municipal solid waste landfill is subject to the general conditions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto.

3. Any documents submitted in connection with an application for a permit, including any modifications requested by the solid waste management authority that require corrective action to the proposed construction or operation, are public records and must be made available for public comment. The final determinations made by the solid waste management authority on an application for a permit are public records.

4. ~~[A]~~ ***Except as otherwise provided in subsection 5, a*** permit issued by a solid waste management authority must be conditioned upon all requirements that are necessary to ensure continuing compliance with:

(a) The requirements of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto, which describe:

(1) General standards for a municipal solid waste landfill;

(2) Restrictions on the location of such a ***municipal solid waste*** landfill;

(3) Criteria for the operation of such a ***municipal solid waste*** landfill;

(4) Criteria for the design of such a ***municipal solid waste*** landfill;

(5) Requirements for monitoring groundwater and standards for corrective actions related thereto;

(6) Standards of care related to the closure of such a ***municipal solid waste*** landfill; and

(7) Financial ***responsibility*** requirements for the owners or operators of such ***municipal solid waste*** landfills ~~[.]~~ ***pursuant to section 24 of this act;***

(b) The applicable regulations of the State Environmental Commission; and

(c) The applicable laws of this State.

5. ***The requirements of subparagraphs (6) and (7) of paragraph (a) of subsection 4 may be satisfied by a plan for reclamation:***

(a) Which has been approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources; and

(b) Complies with NRS 519A.230 and the provisions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto.

6. A solid waste management authority may:

(a) Obtain, and the owner or operator of a municipal waste landfill shall deliver upon request, any information necessary to determine whether the owner or operator is or has been in compliance with the terms and conditions of the permit, the regulations of the State Environmental Commission, the applicable laws of this State and the provisions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto;

(b) Conduct monitoring or testing to ensure that the owner or operator is or has been in compliance with the terms and conditions of the permit; and

(c) Enter any site or premises subject to the permit, during normal business hours, on which records relevant to the municipal solid waste landfill are kept in order to inspect those records.

Sec. 30. NRS 444.557 is hereby amended to read as follows:

444.557 1. A solid waste management authority shall establish a program to monitor the compliance of a municipal solid waste landfill with the terms and conditions of the permit issued for that ***municipal solid waste*** landfill, the regulations of the State Environmental Commission, the applicable laws of this state and the provisions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto. The program must include procedures to:

(a) Verify the accuracy of any information submitted by the owner or operator of the ***municipal solid waste*** landfill to the authority;

(b) Verify the adequacy of sampling procedures and analytical methods used by the owner or operator of the ***municipal solid waste*** landfill; and

(c) Require the owner or operator to produce all evidence which would be admissible in a proceeding to enforce compliance.

2. The solid waste management authority shall receive and give appropriate consideration to any information submitted by members of the public regarding the continuing compliance of an owner or operator with the permit issued by the ***solid waste management*** authority.

3. In the administration of any permit issued by a solid waste management authority, the authority shall establish procedures that permit intervention pursuant to Rule 24 of the Nevada Rules of Civil Procedure. The authority shall not oppose intervention on the ground that the applicant's interest is adequately represented by the ***solid waste management*** authority.

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 444.559 is hereby amended to read as follows:

444.559 ***1.*** A municipal solid waste landfill shall accept a recreational vehicle for disposal if:

~~[1.]~~ ***(a)*** The person disposing of the recreational vehicle pays any applicable fee and provides the title to the recreational vehicle, indicating that he or she is the owner.

~~[2.]~~ ***(b)*** Accepting the recreational vehicle for disposal does not violate any applicable federal or state law or regulation relating to the operation of the municipal solid waste landfill.

2. A municipal solid waste landfill shall not accept hazardous waste from a very small quantity generator for disposal.

3. As used in this section, "very small quantity generator" has the meaning ascribed to it in 40 C.F.R. § 260.10.

Sec. 32.1. NRS 444.560 is hereby amended to read as follows:

444.560 1. The State Environmental Commission shall adopt regulations concerning solid waste management systems, or any part thereof, including regulations establishing standards for the issuance, renewal, modification, suspension, revocation and denial of, and for the imposition of terms and conditions for, a permit to construct or operate a ***solid waste management facility, including, without limitation, a*** disposal site.

2. The State Environmental Commission may establish a schedule of fees for the disposal of solid waste in areas subject to the jurisdiction of the State Department of Conservation and Natural Resources in accordance with NRS 444.495 or for the issuance of permits or other approvals by the Department for the operation of solid waste management facilities. The Department may use the money collected under the schedule to defray the cost of managing and regulating solid waste.

3. Notice of the intention to adopt and the adoption of any regulation or schedule of fees must be given to the clerk of the governing board of all municipalities in this State.

4. Within a reasonable time, as fixed by the State Environmental Commission, after the adoption of any regulation, no governing board of a municipality or person may operate or permit an operation in violation of the regulation.

Sec. 32.2. NRS 444.570 is hereby amended to read as follows:

444.570 1. The State Department of Conservation and Natural Resources shall:

(a) Advise, consult and cooperate with other agencies and commissions of the State, other states, the Federal Government, municipalities and persons in the formulation of plans for and the establishment of any solid waste management system.

(b) Accept and administer loans and grants from any person that may be available for the planning, construction and operation of solid waste management systems.

(c) Enforce the provisions of NRS 444.440 to 444.560, inclusive, and any regulation adopted by the State Environmental Commission pursuant thereto.

(d) Periodically review the programs of other solid waste management authorities in the State for issuing permits pursuant to NRS 444.505, 444.553 and 444.556 and ensuring compliance with the terms and conditions of such permits, the regulations of the State Environmental Commission, the laws of this State and the provisions of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto. The Director of the State Department of Conservation and Natural Resources shall review the adequacy of such programs in accordance with the standards adopted by the United States Environmental Protection Agency to review the adequacy of the state program. If the Director determines that a program is inadequate, the Department shall act as the solid waste management authority until the deficiency is corrected. A finding by the Director that a program is inadequate is not final until reviewed by the State Environmental Commission. This paragraph does not limit the authority or responsibility of a district board of health to issue permits for ***solid waste management facilities, including, without limitation,*** disposal sites **,** and enforce the laws of this State regarding solid waste management systems.

(e) Make such investigations and inspections and conduct such monitoring and testing as may be necessary to require compliance with NRS 444.450 to 444.560, inclusive, and any regulation adopted by the State Environmental Commission.

2. The State Environmental Commission shall:

(a) In cooperation with governing bodies of municipalities, develop a statewide solid waste management system plan, and review and revise the plan every 5 years.

(b) Examine and approve or disapprove plans for solid waste management systems.

(c) Review any determination by the Director of the State Department of Conservation and Natural Resources that a program for issuing permits administered by a solid waste management authority is inadequate. The Commission may affirm, modify or reverse the findings of the Director.

3. Employees of the State Department of Conservation and Natural Resources or its authorized representatives may, during the normal hours of operation of a facility subject to the provisions of NRS 444.440 to 444.620, inclusive, ***and sections 22 to 25, inclusive, of this act,*** enter and inspect areas of the facility where:

(a) Solid waste may have been generated, stored, ***collected,*** transported, ~~[treated]~~ ***processed, recycled*** or disposed; or

(b) Records are kept, and may inspect and copy any records, reports, information or test results relating to the management of the solid waste.

Sec. 32.4. NRS 444.580 is hereby amended to read as follows:

444.580 Except as otherwise provided in NRS 444.559:

1. Any district board of health created pursuant to NRS 439.362 or 439.370 and any governing body of a municipality may adopt standards and regulations for the location, design, construction, operation and maintenance of ***solid waste management facilities,*** solid waste disposal sites and solid waste management systems or any part thereof more restrictive than those adopted by the State Environmental Commission, and any district board of health may issue permits thereunder.

2. Any district board of health created pursuant to NRS 439.362 or 439.370 may adopt such other regulations as are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive ~~[.]~~ ***, and sections 22 to 25, inclusive, of this act.*** Such regulations must not conflict with regulations adopted by the State Environmental Commission.

Sec. 32.6. NRS 444.583 is hereby amended to read as follows:

444.583 1. Except as otherwise provided in subsection 5 and NRS 444.509, it is unlawful willfully to:

(a) Dispose of, abandon or dump a motor vehicle battery, motor vehicle tire or motor oil at any site which has not been issued a permit for that purpose by the solid waste management authority;

(b) Dispose of, abandon or dump a motor vehicle battery, motor vehicle tire or motor oil at a ~~[sanitary]~~ ***municipal solid waste*** landfill or other disposal site established by a municipality which has not been issued a permit for that purpose by the solid waste management authority; or

(c) Incinerate a motor vehicle battery or motor vehicle tire as a means of ultimate disposal, unless the incineration is approved by the solid waste management authority for the recovery of energy or other appropriate use.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, shall be punished by a fine of not less than $100 per violation.

3. The State Department of Conservation and Natural Resources shall establish a plan for the appropriate disposal of used or waste motor vehicle batteries, motor vehicle tires and motor oil. The plan must include the issuance of permits to approved sites or facilities for the disposal of those items by the public. The plan may

include education of the public regarding the necessity of disposing of these items properly and recycling them.

4. The State Department of Conservation and Natural Resources shall encourage the voluntary establishment of authorized sites which are open to the public for the deposit of used or waste motor vehicle batteries, motor vehicle tires and motor oil.

5. The provisions of subsections 1 and 2 do not apply to the disposal of used or waste motor vehicle batteries or motor vehicle tires if the unavailability of a site that has been issued a permit by the solid waste management authority makes disposal at such a site impracticable. The provisions of this subsection do not exempt a person from any other regulation of the solid waste management authority concerning the disposal of used or waste motor vehicle batteries or motor vehicle tires.

Sec. 32.8. NRS 444.592 is hereby amended to read as follows:

444.592 If the solid waste management authority receives information that the ~~[handling,]~~ storage, ~~[recycling,]~~ ***collection,*** transportation, ~~[treatment]~~ ***processing, recycling*** or disposal of any solid waste presents or may present a threat to human health, public safety or the environment, or is in violation of a term or condition of a permit issued pursuant to NRS 444.505, 444.553 or 444.556, a statute, a regulation or an order issued pursuant to NRS 444.594, the authority may, in addition to any other remedy provided in NRS 444.440 to 444.620, inclusive ~~[:]~~ ***, and sections 22 to 25, inclusive, of this act:***

1. Issue an order directing the owner or operator of the ***solid waste management facility, including, without limitation, a*** disposal site or any other site where the ~~[handling,]~~ storage, ~~[recycling,]~~ ***collection,*** transportation, ~~[treatment]~~ ***processing, recycling*** or disposal has occurred or may occur, or any other person who has custody of the solid waste, to take such steps as are necessary to prevent the act or eliminate the practice which constitutes the threat or violation.

2. Commence an action in a court of competent jurisdiction to enjoin the act or practice which constitutes the threat or violation in accordance with the provisions of NRS 444.600.

3. Take any other action designed to reduce or eliminate the threat or violation.

Sec. 33. Chapter 459 of NRS is hereby amended by adding thereto the provisions set forth as sections 34 and 35 of this act.

Sec. 34. ***"Recycling" means the processing of hazardous waste to recover materials or produce a usable product. The term does not include the treatment or disposal of hazardous waste.***

Sec. 35. *1. The Department may lien all real and personal property, tangible and intangible, associated with a facility for the management of hazardous waste of the owner, operator or holder of a permit for:*

(a) The costs incurred by the Department to remediate an imminent and substantial hazard to human health, public safety or the environment pursuant to subsection 1 of NRS 459.537; and

(b) The amount of any deficiency in a security or other type of financial responsibility required pursuant to NRS 459.525 and identified in an order issued pursuant to NRS 459.570.

2. To perfect a lien held pursuant to subsection 1, the Department shall:

(a) Provide notice of intent to lien to the owner, operator or holder of the permit by certified or registered mail;

(b) Not later than 30 days after providing notice of intent to lien pursuant to paragraph (a), provide notice of the lien to the owner, operator or holder of the permit by certified or registered mail; and

(c) File notice of the lien, which must set forth, without limitation, the amount of the lien:

(1) If on real property, in the office of the county recorder of the county where the real property is located.

(2) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

3. The Department shall file an amended notice of the lien which must set forth, without limitation, the amount of the lien:

(a) Not later than 30 days after the amount of the lien decreases due to payment, reimbursement or any other partial lien satisfaction; and

(b) Not later than 90 days after the first day of any month in which the amount of the lien increases due to the accrual of unrecovered costs or a deficiency in a security or other type of financial responsibility identified in an order issued pursuant to NRS 459.570.

4. The amount of the lien held pursuant to subsection 1 must not exceed:

(a) The costs of the Department for performing remediation and any deficiency in a security or other type of financial responsibility; or

(b) The proceeds from the sale of the real or personal property associated with the facility after any previously perfected security interests or judgment liens are satisfied.

5. A security interest or judgment lien that is perfected before notice of the lien is filed pursuant to subsection 2 has priority over a lien perfected pursuant to this section. A perfected lien held pursuant to this section has priority over all other liens and encumbrances that have an interest in the:

(a) Proceeds of a security or other type of financial responsibility required pursuant to NRS 459.525; or

(b) Increase in the fair market value of the real or personal property associated with the facility that is attributable to remediation performed by the Department, which must be measured at the time of the sale or other disposition of the real or personal property.

6. The Department shall release the lien pursuant to subsection 7 if:

(a) The costs of remediation of the Department are repaid or reimbursed;

(b) The owner, operator or holder of the permit resolves the deficiency in the security or other type of financial responsibility identified in an order issued pursuant to NRS 459.570; or

(c) The lien is satisfied by sale or other means.

7. As soon as practicable but not more than 30 days after a lien is satisfied pursuant to subsection 6, the Division shall file a notice of lien release:

(a) If on real property, in the office of the county recorder of the county where the real property is located.

(b) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

8. The Attorney General, on behalf of the Department, may foreclose on a perfected lien in a suit brought in district court in the same manner as a suit for the foreclosure of any other lien.

9. Nothing in this section shall be construed to limit the right of the Department to recover any costs and damages for which a person is liable under the provisions of this chapter.

Sec. 36. NRS 459.400 is hereby amended to read as follows:

459.400 The purposes of NRS 459.400 to 459.600, inclusive, ***and sections 34 and 35 of this act*** are to:

1. Protect human health, public safety and the environment from the effects of improper, inadequate or unsound management of hazardous waste;

2. Establish a program for regulation of the ~~[storage, generation, transportation, treatment and disposal]~~ ***management*** of hazardous waste; ~~[and]~~

3. Ensure safe and adequate management of hazardous waste ~~[.]~~ ***; and***

4. Conserve resources of material and energy through the recycling or recovery of hazardous waste.

Sec. 37. NRS 459.405 is hereby amended to read as follows:

459.405 As used in NRS 459.400 to 459.600, inclusive, ***and sections 34 and 35 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 459.410 to 459.455, inclusive, ***and section 34 of this act*** have the meanings ascribed to them in those sections.

Sec. 37.5. NRS 459.425 is hereby amended to read as follows:

459.425 "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land or water in a manner which might allow the hazardous waste or any ~~[part of it]~~ ***constituent thereof*** to enter the environment, be emitted into the air or be discharged into any ~~[water, including any groundwater.]~~ ***waters of this State, as defined in NRS 445A.415.***

Sec. 38. (Deleted by amendment.)

Sec. 38.5. NRS 459.432 is hereby amended to read as follows:

459.432 "Household waste" means waste material, including, without limitation, garbage, trash and sanitary wastes in septic tanks that is generated by a household, including, without limitation, a single-family or multiple-unit residence, hotel, motel, bunkhouse, ranger station, crew quarters, campground, picnic ground and day-use recreational area. The term does not include nickel, cadmium, mercuric oxide, manganese, zinc-carbon ***,*** ~~[or]~~ lead ***or high-density energy*** batteries, toxic art supplies, used motor oil, kerosene, solvent-based paint, paint thinner, paint solvents, fluorescent or high-intensity light bulbs, ammunition, fireworks, pesticides the use of which has been prohibited or restricted or any other waste generated by a household that would otherwise be defined as hazardous waste pursuant to subsection 2 of NRS 459.430.

Sec. 39. NRS 459.435 is hereby amended to read as follows:

459.435 "Management of hazardous waste" means the systematic control of the generation, collection, storage,

transportation, ***recycling,*** processing, treatment, recovery ~~[and]~~ ***or*** disposal of hazardous waste.

Sec. 40. NRS 459.440 is hereby amended to read as follows:

459.440 "Manifest" means a document used to identify hazardous waste during its transportation from between any two of the points of ~~[generation, storage, treatment and disposal,]~~ ***management*** and specifying the quantity, composition, origin, route and destination of the waste.

Sec. 40.5. NRS 459.450 is hereby amended to read as follows:

459.450 "Storage" means the containment of hazardous waste, ~~[temporarily or]~~ for a ***temporary*** period of ~~[years, in a manner which does not constitute disposal.]~~ ***time, at the end of which the hazardous waste is transported, processed, treated, recovered, disposed of or stored elsewhere.***

Sec. 41. NRS 459.455 is hereby amended to read as follows:

459.455 "Treatment" means ~~[a]~~ ***any method, technique or*** process, including neutralization, which is designed to change the physical, chemical or biological character or composition of hazardous waste so as to neutralize it or render it less hazardous, nonhazardous, safer for transportation, storage and disposal, amenable to recovery of resources ***of material or energy*** from it, or reduce its volume.

Sec. 42. (Deleted by amendment.)

Sec. 43. NRS 459.485 is hereby amended to read as follows:

459.485 The Commission shall:

1. Adopt regulations ~~[governing systems of hazardous waste management,]~~ ***to carry out the provisions of NRS 459.400 to 459.600, inclusive, and sections 34 and 35 of this act,*** including the plan for management of hazardous waste in the entire State; and

2. Through the Department:

(a) Advise, consult and cooperate with other agencies of the State, other states, the Federal Government, municipalities and other persons on matters relating to formulation of plans for managing hazardous waste.

(b) Develop a plan for management of hazardous waste in the entire State.

(c) Develop a program to encourage the minimization of hazardous waste and the recycling ~~[or reuse]~~ of hazardous waste by persons who generate hazardous waste within Nevada. The program may include grants or other financial incentives.

Sec. 44. NRS 459.490 is hereby amended to read as follows:

459.490 Regulations adopted by the Commission pursuant to NRS 459.485 must be based upon studies, guidelines and regulations of the Federal Government and must:

1. Set out mechanisms for determining whether any waste is hazardous;

2. Govern combinations of wastes which are not compatible and may not be ~~[stored, treated or disposed of]~~ ***managed*** together;

3. Govern ~~[generation, storage, treatment and disposal]~~ ***the management*** of hazardous waste;

4. Govern operation and maintenance of facilities for the ~~[treatment, storage and disposal]~~ ***management*** of hazardous waste, including the qualifications and requirements for ownership, continuity of operation, closure and care after closing;

5. Provide standards for location, design and construction of facilities for ~~[treatment, storage and disposal]~~ ***the management*** of hazardous waste;

6. Except as otherwise provided in NRS 459.700 to 459.780, inclusive, govern the transportation, packing and labeling of hazardous waste in a manner consistent with regulations issued by the United States Department of Transportation relating to hazardous waste;

7. Provide procedures and requirements for the use of a manifest for each shipment of hazardous waste. The procedures and requirements must be applied equally to those persons who transport hazardous waste generated by others and those who transport hazardous waste which they have generated themselves; and

8. Take into account climatic and geologic variations and other factors relevant to the management of hazardous waste.

Sec. 45. (Deleted by amendment.)

Sec. 46. NRS 459.515 is hereby amended to read as follows:

459.515 1. It is unlawful for any person to:

(a) Construct, substantially alter or operate any facility for the ~~[treatment, storage or disposal]~~ ***management*** of hazardous waste; or

(b) ~~[Treat, store or dispose of]~~ ***Manage*** any hazardous waste,

➥ unless the person has first obtained a permit from the Department to do so ~~[.]~~ ***, if a permit is required for that type of facility for the management of hazardous waste by the regulations adopted by the Commission pursuant to NRS 459.520.***

2. A person who:

(a) Conducts an activity for which a permit is required pursuant to this section, and is doing so on the effective date of the regulations establishing procedures for the system of permits; and

(b) Has made an application for a permit,

➥ shall be deemed to have been issued a permit until his or her application has been acted upon, unless a delay in that action was caused by the person's failure to furnish information which was reasonably requested or required for the processing of the application.

3. The Commission may require a person who is conducting an activity pursuant to subsection 2 to comply with requirements which it has specified by regulation before a permit is issued.

Sec. 47. NRS 459.520 is hereby amended to read as follows:

459.520 1. The Commission shall adopt regulations ~~[for]~~ ***:***

(a) Establishing the types of facilities for the management of hazardous waste which must obtain a permit; and

(b) For the granting, renewal, modification, suspension, revocation and denial of ***such*** permits.

2. If the local government within whose territory a facility for the ~~[treatment, storage or disposal]~~ ***management*** of hazardous waste is to be located requires that a special use permit or other authorization be obtained for such a facility or activity, the application to the Department for a permit to operate such a facility must show that local authorization has been obtained. This requirement does not apply to an application for a permit to construct a utility facility that is subject to the provisions of NRS 704.820 to 704.900, inclusive.

3. Permits may contain terms and conditions which the Department considers necessary and which conform to the provisions of regulations adopted by the Commission.

4. Permits may be issued for any period of not more than 10 years.

5. A permit may not be granted or renewed if the Director determines that granting or renewing the permit is inconsistent with any regulation of the Commission relating to hazardous waste or with the plan for management of hazardous waste developed pursuant to NRS 459.485. The provisions of this subsection do not apply to a permit granted or under review before July 1, 1987.

6. The Department may suspend or revoke a permit pursuant to the Commission's regulations if the holder of the permit fails or refuses to comply with the terms of the permit or a regulation of the Commission relating to hazardous waste.

7. A permit may not be granted, renewed or modified for a facility for the disposal of hazardous waste that proposes to construct or operate a landfill unless the Director determines that the landfill is or will be constructed to include at least one liner and a

leachate collection and removal system designed to prevent the migration of waste or leachate to the adjacent subsurface soils, groundwater and surface water.

8. As used in this section:

(a) "Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land-treatment facility, a surface impoundment, an underground-injection well, a salt-dome formation, a salt-bed formation, an underground mine or a cave.

(b) "Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from a landfill.

(c) "Leachate collection and removal system" means a layer of granular or synthetic materials installed above a liner and operated in conjunction with drains, pipes, sumps and pumps or other means designed to collect and remove leachate from a landfill.

(d) "Liner" means a continuous layer of artificially created material installed beneath and on the sides of a landfill which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate, and prevents the migration of waste to the adjacent subsurface soils, groundwater and surface water.

Sec. 48. NRS 459.525 is hereby amended to read as follows:

459.525 1. The Commission shall adopt regulations ~~[requiring that]~~ ***:***

(a) Establishing the types of facilities for the management of hazardous waste for which the owner or operator of ~~[any]~~ ***a*** facility for the ~~[treatment, storage or disposal]~~ ***management*** of hazardous waste ***must*** show his or her financial responsibility for the undertaking ~~[by providing:]~~ ***; and***

(b) Requiring the owner or operator to provide:

~~[(a)]~~ ***(1)*** Evidence that the owner or operator has a policy of liability insurance in an amount which the Department has determined is necessary for the protection of human health, public safety and the environment;

~~[(b)]~~ ***(2)*** Evidence of security, in a form and amount which the Department deems necessary, to ensure that at the time of any abandonment, cessation or interruption of the service provided by the facility, and thereafter, all appropriate measures will be taken to prevent damage to human health, public safety and the environment; and

~~[(c)]~~ ***(3)*** Any other evidence of financial responsibility which the Commission finds necessary for those purposes.

2. Requirements established pursuant to this section may not exceed those requirements for financial responsibility established pursuant to the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6901 et seq.

3. Any claim arising from conduct for which evidence of financial responsibility is required may be asserted directly against the insurer, guarantor, surety or other person providing such evidence if the owner or operator:

(a) Has filed a petition in bankruptcy, or is the object of an involuntary petition;

(b) Cannot respond in damages in the event a judgment is entered against the owner or operator; or

(c) Is not subject to the personal jurisdiction of any court of this or any other state, or of the United States, or cannot, with due diligence, be served with process.

4. If a claim is asserted directly against a person providing evidence of financial responsibility, that person may assert any right or defense which:

(a) The person might have asserted in any action against him or her by the owner or operator; or

(b) The owner or operator might have asserted, had the claim been made against him or her.

Sec. 49. NRS 459.537 is hereby amended to read as follows:

459.537 1. If the person responsible for a leak or spill of or an accident or motor vehicle crash involving hazardous waste, hazardous material or a regulated substance does not act promptly and appropriately to clean and decontaminate the affected area properly, and if his or her inaction presents an imminent and substantial hazard to human health, public safety or the environment, money from the Account for the Management of Hazardous Waste may be expended to pay the costs of:

(a) Responding to the leak, spill, accident or crash;

(b) Coordinating the efforts of state, local and federal agencies responding to the leak, spill, accident or crash;

(c) Managing the cleaning and decontamination of an area for the ~~[disposal]~~ ***management*** of hazardous waste or the site of the leak, spill, accident or crash;

(d) Removing or contracting for the removal of hazardous waste, hazardous material or a regulated substance which presents an imminent danger to human health, public safety or the environment; or

(e) Services rendered in responding to the leak, spill, accident or crash, by consultants certified pursuant to regulations adopted by the Commission.

2. Except as otherwise provided in this subsection or NRS 459.610 to 459.658, inclusive, the Director shall demand reimbursement of the Account for money expended pursuant to subsection 1 from any person who is responsible for the accident, crash, leak or spill, or who owns or controls the hazardous waste, hazardous material or a regulated substance, or the area used for the ~~[disposal]~~ ***management*** of the waste, material or substance. Payment of the reimbursement is due within 60 days after the person receives notice from the Director of the amount due. The provisions of this section do not apply to a spill or leak of or an accident or motor vehicle crash involving natural gas or liquefied petroleum gas while it is under the responsibility of a public utility.

3. At the request of the Director, the Attorney General shall initiate recovery by legal action of the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130 computed from the date of the incident.

4. As used in this section:

(a) "Does not act promptly and appropriately" means that the person:

(1) Cannot be notified of the incident within 2 hours after the initial attempt to contact the person;

(2) Does not, within 2 hours after receiving notification of the incident, make an oral or written commitment to clean and decontaminate the affected area properly;

(3) Does not act upon the commitment within 24 hours after making it;

(4) Does not clean and decontaminate the affected area properly; or

(5) Does not act immediately to clean and decontaminate the affected area properly, if his or her inaction presents an imminent and substantial hazard to human health, public safety or the environment.

(b) "Responding" means any efforts to mitigate, attempt to mitigate or assist in the mitigation of the effects of a leak or spill of or an accident or motor vehicle crash involving hazardous waste, hazardous material or a regulated substance, including, without limitation, efforts to:

(1) Contain and dispose of the hazardous waste, hazardous material or regulated substance.

(2) Clean and decontaminate the area affected by the leak, spill, accident or crash.

(3) Investigate the occurrence of the leak, spill, accident or crash.

Sec. 50. NRS 459.546 is hereby amended to read as follows:

459.546 1. Except as otherwise provided in subsection 4, the owner or operator of a facility for the ~~[treatment, storage or disposal]~~ ***management*** of hazardous waste or a person who wishes to construct such a facility may apply to the Commission for a variance from its applicable regulations. The Commission may grant a variance only if, after a public hearing on due notice, it finds from a preponderance of the evidence that:

(a) The facility or proposed facility, under the worst adverse conditions, does not or will not endanger or tend to endanger the environment and human health or safety; and

(b) Compliance with the regulations would produce serious hardship without equal or greater benefits to the environment or public.

2. The Commission shall not grant a variance unless it has considered in the following order of priority the interests of:

(a) The public;

(b) Other owners of property likely to be affected by the emissions or discharge; and

(c) The applicant.

3. The Commission may:

(a) Upon granting a variance, impose certain conditions upon the applicant; or

(b) Revoke the variance if the applicant fails to comply with those conditions.

4. The Commission shall not grant a variance from its applicable regulations that would allow a facility for the disposal of hazardous waste to construct or operate a landfill in a manner that fails to comply with the requirements of subsection 7 of NRS 459.520.

Sec. 51. NRS 459.550 is hereby amended to read as follows:

459.550 1. The Commission shall adopt regulations which require licensees to keep records and submit reports on hazardous waste and which prescribe procedures for:

(a) Installing, calibrating, using and maintaining monitoring equipment or other methods for obtaining data on hazardous wastes;

(b) Taking samples and performing tests and analyses;

(c) Establishing and maintaining suitable records; and

(d) Making reports to the Department.

2. It is unlawful for any person to ~~[generate, store, transport, treat or dispose of]~~ ***manage*** hazardous waste without reporting each activity to the Department in accordance with regulations adopted by the Commission.

Sec. 51.5. NRS 459.558 is hereby amended to read as follows:

459.558 1. The provisions of NRS 459.560 and 459.565 that concern hazardous substances do not apply:

(a) ~~[In a county whose population is less than 55,000;~~

~~(b)]~~ To mining or agricultural activities; or

~~[(c)]~~ ***(b)*** To other facilities or locations where the quantity of any one hazardous substance at any one facility or location does not exceed 1,000 kilograms at any time.

2. All other provisions of NRS 459.560 and 459.565, including the provisions concerning hazardous waste, apply to ~~[all counties and]~~ all industries without regard to volume.

Sec. 52. NRS 459.560 is hereby amended to read as follows:

459.560 Any authorized representative or employee of the Commission or the Department may, for the purpose of carrying out his or her duties pursuant to NRS 459.400 to 459.600, inclusive, ***and sections 34 and 35 of this act,*** or to enforce a regulation adopted pursuant to those sections:

1. Enter any place where waste or a substance which the Department has reason to believe may be hazardous waste or a hazardous substance is or may have been ~~[generated, stored, transported, treated, disposed of]~~ ***managed*** or otherwise handled;

2. Inspect and obtain samples of any waste or substance which the Department has reason to believe may be hazardous waste or a hazardous substance, including samples from any vehicle in which waste or substance is being transported, and samples of containers and labels; and

3. Inspect and copy any records, reports, information or test results relating to the management of hazardous wastes or hazardous substances.

Sec. 53. NRS 459.565 is hereby amended to read as follows:

459.565 1. If the Department receives information that the ~~[handling, storage, transportation, treatment or disposal]~~ ***management*** of any waste or hazardous substance may present an imminent and substantial hazard to human health, public safety or the environment, it may:

(a) Issue an order directing the owner or operator of the facility for ~~[treatment, storage or disposal]~~ ***the management*** of the waste or the owner or operator of any site where the ~~[treatment, storage or disposal]~~ ***management*** of a hazardous substance has occurred or

may occur or any other person who has custody of the waste or hazardous substance to take necessary steps to prevent the act or eliminate the practice which constitutes the hazard.

(b) Order a site assessment to be conducted and a remediation plan to be developed pursuant to regulations adopted by the Commission.

(c) Assess costs and expenses incurred by the Department in carrying out the provisions of this section or in removing, correcting or terminating any hazard to human health, public safety or the environment pursuant to regulations adopted by the Commission.

(d) Request that the Attorney General commence an action to enjoin the practices or acts which constitute the hazard.

(e) Take any other action designed to reduce or eliminate the hazard.

2. The Department may perform inspections pursuant to NRS 459.560 and issue an order directing the owner or operator of the facility for ~~[treatment, storage or disposal]~~ ***the management*** of waste or the owner or operator of any site where the ~~[treatment, storage or disposal]~~ ***management*** of a hazardous substance has occurred or may occur or any other person who has custody of the waste or hazardous substance to take any necessary steps to prevent any act or eliminate any practice or effect which could constitute a hazard to human health, public safety or the environment.

Sec. 54. NRS 459.585 is hereby amended to read as follows:

459.585 1. Any person who violates or contributes to a violation of any provision of NRS 459.400 to 459.560, inclusive, ***and section 34 of this act, NRS*** 459.590 or of any regulation adopted or permit or order issued pursuant to those sections, or who does not take action to correct a violation within the time specified in an order, is liable to the Department for a civil penalty of not more than $25,000 for each day on which the violation occurs. This penalty is in addition to any other penalty provided by NRS 459.400 to 459.600, inclusive ~~[.]~~ ***and sections 34 and 35 of this act.***

2. The Department may recover, in the name of the State of Nevada, actual damages which result from a violation, in addition to the civil penalty provided in this section. The damages may include expenses incurred by the Department in removing, correcting or terminating any adverse effects which resulted from the violation and compensation for any fish, aquatic life or other wildlife destroyed as a result of the violation.

3. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of NRS 459.400 to 459.560, inclusive, ***and section 34 of this act,***

NRS 459.590 or of any regulation adopted or permit or order issued pursuant to those sections, by injunction or other appropriate remedy. The Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 54.5. NRS 459.590 is hereby amended to read as follows:

459.590 It is unlawful for any person to transport hazardous waste:

1. Without a manifest that complies with regulations adopted by the Commission;

2. That does not conform to the description of the waste specified in the manifest;

3. In a manner that does not conform to the manner of shipment described in the manifest; or

4. To a facility that has not been ~~[issued a permit to treat, store or dispose of]~~ ***authorized by the Commission to accept*** the hazardous waste described in the manifest ~~[.]~~ ***in accordance with the regulations adopted pursuant to NRS 459.485 and 459.490.***

Sec. 55. (Deleted by amendment.)

Sec. 56. This act becomes effective upon passage and approval.

20 ~~~~~ 25

Assembly Bill No. 43–Committee
on Government Affairs

CHAPTER.....

AN ACT relating to public works; creating a program to gather data on the use of job order contracts for certain public works; authorizing certain public bodies to enter into job order contracts for minor construction performed on an existing public work; prescribing the procedure for awarding a job order contract; making certain documents and other information submitted by a person seeking a job order contract confidential until a contract is awarded; prescribing responsibilities of a contractor who enters into a job order contract; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes general procedures for awarding a contract for a public work. (Chapter 338 of NRS) Existing law also authorizes a local government to comply with alternative procedures for awarding a contract for a public work. (NRS 338.1373) Senate Bill No. 67 of the 2021 Legislative Session established a pilot program to gather data on the use of job order contracts for certain public works in Clark County, the City of Henderson, the City of Las Vegas, the City of North Las Vegas and the Clark County Water Reclamation District and authorized those public bodies, as part of the pilot program, to enter into job order contracts for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work. (Chapter 523, Statutes of Nevada 2021, at page 3509) The pilot program expires on June 30, 2025. (Section 15 of chapter 523, Statutes of Nevada 2021, at page 3514) **Sections 2-16** of this bill: (1) establish a similar, permanent program; (2) authorize certain public bodies to award job order contracts for certain public works; and (3) set forth various requirements and restrictions concerning the use of job order contracts by those public bodies. **Section 2** provides that the provisions of **sections 2-16** apply only to a public body that is: (1) a county whose population is 700,000 or more (currently only Clark County); (2) a city whose population is 150,000 or more located in such a county (currently the Cities of Henderson, Las Vegas and North Las Vegas); or (3) a general improvement district located in such a county which is granted certain powers relating to sanitary sewer systems. (NRS 318.140)

Section 3 establishes a program to gather data on the use of job order contracts for certain public works and directs each public body to gather and report data on the use of job order contracts. **Sections 5-8** define certain terms for the purposes of this bill. **Section 9** authorizes a public body to award job order contracts for minor construction performed on an existing public work. **Section 17** of this bill revises the list of procedures by which a local government may award a contract for a public work to include the use of job order contracts if the local government is a public body to which the provisions of **sections 2-16** apply pursuant to **section 2**.

Section 9 requires a job order contract to be for a fixed period and provide for indefinite types and quantities of work and delivery times. **Section 9** provides that a job order contract: (1) must not be for work exclusive to one trade for which a license as a specialty contractor is required; and (2) must require a contractor to prepare and submit a proposal for each job order. **Section 9** requires such a

proposal to include the proposed price for the job order, each construction task required to perform the job order, the unit price for each such task and the adjustment factor applicable to the performance of the task. **Section 9** also requires a public body, after holding a public hearing on the matter, to adopt a written policy for the assignment of job orders and limits the total dollar amount of job order contracts that may be awarded annually by each public body.

Section 9.5 of this bill sets forth certain requirements for a job order contract with respect to workers who perform work under contract, including the requirement that at least 25 percent of such workers be enrolled in or graduates of an apprenticeship program. **Section 14.5** authorizes a public body to waive that requirement under certain circumstances.

Section 10 prescribes the qualifications a contractor who wishes to enter into a job order contract must meet. **Section 11** requires a public body or its authorized representative to advertise requests for proposals or similar solicitation documents for job order contracts. **Section 11** also prescribes: (1) the contents of such advertisements or similar solicitation documents; and (2) requirements for proposals. **Sections 12 and 18** of this bill make any document or other information submitted to a public body in response to a request for proposals or similar solicitation document for a job order contract confidential and prohibit disclosure of any such document or information until notice of intent to award the contract is issued.

Section 13 prescribes the method for selecting a contractor for a job order contract. Specifically, **section 13** requires a public body or its authorized representative to appoint a panel to rank the proposals submitted in response to the request for proposals and award a job order contract to one or more applicants.

Section 14 prescribes certain responsibilities of a contractor who enters into a job order contract relating to contracting for the services of a subcontractor, supplier or professional. **Section 14** also prohibits a contractor who enters into a job order contract from performing more than 50 percent of the estimated cost of a work order himself or herself, or using his or her own employees.

Section 9 requires a job order contract to provide for the use of job orders, which are defined in **section 7** as an order issued for a definite scope of work to be performed for a fixed price pursuant to a job order contract. **Section 15** requires a contractor to submit a list of each subcontractor whom the contractor intends to engage before a public body issues a job order. **Section 16** requires a public body to submit a quarterly report that contains certain information relating to job order contracts to the governing body of the public body. **Section 16** also requires a governing body to annually submit to the Director of the Legislative Counsel Bureau a written report including the information reported to the governing body during the immediately preceding calendar year.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. ***The provisions of sections 2 to 16, inclusive, of this act apply only to a public body that is:***

1. A county whose population is 700,000 or more;

2. A city whose population is 150,000 or more located in a county whose population is 700,000 or more; or

3. A general improvement district established pursuant to chapter 318 of NRS in a county whose population is 700,000 or more which is granted the powers set forth in NRS 318.140.

Sec. 3. ***1. The Legislature hereby finds and declares that:***

(a) It is in the best interest of the State to ensure that contracting and bidding procedures for public works in this State are efficient and cost-effective.

(b) The procedures for awarding a contract for a public work authorized by existing law may create barriers to the efficient and cost-effective awarding of contracts for minor construction performed on an existing public work.

(c) Reducing any such barriers will benefit the public and promote the timely completion of certain public works projects that are critical for the health and safety of members of the public who use public buildings and facilities.

(d) The voluminous and unpredictable amount of work for which certain public bodies in large counties in this State must award contracts presents unique challenges for these bodies.

(e) The use of job order contracting eliminates certain administrative burdens associated with traditional procurement methods and enables such a public body to efficiently manage the numerous minor construction projects required for existing facilities.

(f) The provisions of sections 2 to 16, inclusive, of this act are not intended to prohibit a public body from awarding a contract for a public work pursuant to any other procedure authorized pursuant to this chapter.

2. The Legislature therefore:

(a) Establishes a program to gather data on the use of job order contracts for minor construction performed on an existing public work; and

(b) Directs each public body in the program to gather and report data on the use of job order contracts in this State in the manner prescribed by section 16 of this act.

Sec. 4. *As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5. *"Adjustment factor" means the adjustment that is multiplied by a contractor against the unit price listed in the unit price catalog for the job order contract, which must reflect any overhead cost or profit to which a selected contractor is entitled.*

Sec. 6. *"Construction task" means an item of work:*

1. That is included in a job order; and

2. For which a unit price is set forth in a unit price catalog or priced using the formula or method prescribed by section 11 of this act.

Sec. 7. *"Job order" means an order issued by a public body for a definite scope of work to be performed for a fixed price pursuant to a job order contract.*

Sec. 8. *"Job order contract" means a contract entered into pursuant to section 13 of this act.*

Sec. 9. *1. Except as otherwise provided in subsection 2, a public body may award a job order contract for minor construction performed on an existing public work. A job order contract must:*

(a) Be for a fixed period;

(b) Provide for indefinite times of delivery and indefinite types of quantities of work;

(c) Provide for the use of job orders;

(d) Require a contractor to prepare and submit a proposal for each job order, which must include, without limitation, a proposed price for the job order, each construction task required to perform the job order, the unit price for each such task and the adjustment factor applicable to the performance of the task; and

(e) Not be for work exclusive to one trade for which a license as a specialty contractor is required.

2. Except as otherwise provided in subsection 3, a public body may not award more than $25,000,000 annually in job order contracts.

3. If the total dollar amount of all job order contracts awarded by a public body in any 1 year is less than the maximum dollar amount of job order contracts allowed to be awarded for that year pursuant to subsection 2, the difference between those amounts may be added to the total dollar amount of job order contracts that a public body may award in the immediately following year.

4. A public body shall, after holding a public hearing on the matter, adopt a written policy for the assignment of job orders, which must include, without limitation, the procedure by which a job order will be issued.

Sec. 9.5. *1. A job order contract must require:*

(a) The contractor and each subcontractor to pay all workers performing work under the contract, other than apprentices, not less than the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive.

(b) All workers performing work under the contract, other than apprentices, to have:

(1) At least 3 years of relevant work experience; or

(2) Graduated from an apprentice program registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS or approved by the United States Department of Labor.

(c) Except as otherwise provided in section 14.5 of this act, at least 25 percent of the workers performing work under the contract to be apprentices or to have graduated from an apprenticeship program registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS.

2. Except as otherwise provided in this subsection, a job order contract must establish mechanisms in addition to those provided in this chapter by which the public body will monitor and ensure compliance with the provisions of subsection 1, which may include, without limitation, requirements relating to the maintenance and submission of records to the public body that are in addition to those set forth in subsections 5 and 6 of NRS 338.070. The provisions of this subsection do not apply if the work performed under the job order contract is subject to a project labor agreement, which includes requirements that are substantially similar to those set forth in subsection 1 and which provides for the resolution of disputes concerning compliance with those requirements through binding arbitration.

3. As used in this section:

(a) "Apprentice" means a person who is enrolled in an apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS.

(b) "Project labor agreement" means a prehire collective bargaining agreement described in 29 U.S.C. § 158(f) that establishes the terms and conditions of employment for a specific project or projects of construction.

Sec. 10. *To qualify to enter into a job order contract with a public body, a contractor:*

1. Must not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals pursuant to section 11 of this act;

2. Must not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13845, 338.13895, 338.1475 or 408.333;

3. Must be licensed as a contractor pursuant to chapter 624 of NRS;

4. Must demonstrate that he or she:

(a) Has the financial ability to provide any necessary labor, materials and equipment;

(b) Has the ability to obtain the necessary bonding;

(c) Has access to a qualified workforce to perform the necessary work;

(d) Is eligible to hire apprentices who are enrolled in an apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS; and

(e) Operates a program for the safety of workers that includes, without limitation, drug testing; and

5. Must agree to the requirements set forth in section 9.5 of this act.

Sec. 11. *1. A public body or its authorized representative shall advertise for a job order contract in the manner set forth in paragraph (a) of subsection 1 of NRS 338.1385.*

2. Each request for proposals or similar solicitation document for a job order contract must include, without limitation:

(a) A detailed description of the work that the public body expects a contractor to perform, which must include, without limitation:

(1) Construction tasks and any technical specifications for the work;

(2) A unit price catalog for units of work; and

(3) A description of the formula or method for pricing a unit of work that is not included in the unit price catalog;

(b) A statement explaining why the public body elected to use a job order contract for the public work;

(c) A statement requiring that a proposal list an adjustment factor;

(d) A description of the qualifications which are required for a contractor, including, without limitation, any certification required;

(e) A description of the bonding requirements for a contractor;

(f) The minimum amount of work committed to the selected contractor under the job order contract;

(g) The proposed form of the job order contract;

(h) A copy of the policy for the assignment of job orders for the job order contract adopted pursuant to section 9 of this act;

(i) A description of the method for pricing a renewal or extension of the job order contract;

(j) The date by which proposals must be submitted to the public body;

(k) A list of the factors and relative weight of the factors that will be used pursuant to section 13 of this act to rank proposals submitted by applicants; and

(l) A description of the requirements set forth in subsections 4 and 5 of section 10 of this act.

3. A proposal submitted to a public body pursuant to this section must include, without limitation:

(a) The professional qualifications and experience of the applicant;

(b) An adjustment factor;

(c) Evidence of the ability of the applicant to obtain the necessary bonding for the work required by the public body;

(d) Evidence that the applicant has obtained or has the ability to obtain such insurances as may be required by law;

(e) A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement; or

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13845, 338.13895, 338.1475 or 408.333; and

(f) Evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS.

4. The public body or its authorized representative shall make available to the public the name of each applicant who submits a proposal pursuant to this section.

Sec. 12. *Except as otherwise provided in subsection 4 of section 11 of this act, any document or other information submitted by an applicant to a public body in response to a request for proposals or similar solicitation document pursuant to section 11 of this act, including, without limitation, a proposal made pursuant to section 11 of this act, is confidential and may not be disclosed until notice of intent to award the contract is issued.*

Sec. 13. *1. The public body or its authorized representative shall appoint a panel to rank the proposals submitted by applicants to the public body pursuant to section 11 of this act. At least one member appointed to a panel pursuant to this subsection must have experience in the construction industry.*

2. The panel appointed pursuant to subsection 1 shall rank the proposals by:

(a) Verifying that each applicant satisfies the requirements of section 10 of this act; and

(b) Evaluating and assigning a score to each of the proposals based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. Upon receipt of the rankings of the applicants from the panel, the public body or its authorized representative shall award a job order contract to one or more of the applicants.

Sec. 14. *1. A contractor who enters into a job order contract pursuant to section 13 of this act is responsible for:*

(a) Contracting for the services of any necessary subcontractor, supplier or professional necessary to complete a job order;

(b) Ensuring a subcontractor complies with the requirements prescribed in subsections 5 and 6 of NRS 338.070; and

(c) The performance of and payment to any subcontractor, supplier or professional.

2. A contractor who enters into a job order contract pursuant to section 13 of this act may not perform more than 50 percent of the estimated cost of the job order himself or herself, or using his or her own employees.

3. Except as otherwise provided in subsection 5 of NRS 624.220, a contractor who enters into a job order contract shall not perform specialty contracting in plumbing, electrical, refrigeration, air-conditioning or fire protection without a license for the specialty.

Sec. 14.5. *Upon application by a contractor who enters into a job order contract with a public body, the public body may waive the requirement set forth in paragraph (c) of subsection 1 of section 9.5 of this act if the contractor demonstrates to the satisfaction of the public body that the contractor has made efforts to satisfy the requirement but is unable to obtain the workers necessary to satisfy that requirement.*

Sec. 15. *1. Before a public body issues a job order, a contractor must submit a list of each subcontractor whom the contractor intends to engage for work on the job order.*

2. A contractor shall not:

(a) Perform any work required by a job order unless the requirements of subsection 1 are met.

(b) Substitute a subcontractor for any subcontractor who is named in the list provided pursuant to subsection 1 unless the requirements prescribed by subsection 5 of NRS 338.141 are met.

Sec. 16. *1. Each quarter, a public body shall provide to the governing body of the public body a written report containing, for each job order contract, if any:*

(a) A list of each job order issued;

(b) The cost of each job order issued;

(c) A list of each subcontractor hired to perform work for each job order;

(d) A statement regarding whether the contractor is a minority-owned business, a woman-owned business, a veteran-owned business, a business enterprise owned by persons with physical disabilities, a business enterprise owned by persons who are disabled veterans or a local emerging small business;

(e) A list of each job order that the public body expects to issue in the following quarter; and

(f) Any other information requested by the governing body.

2. A governing body shall prepare and submit a written report that includes any information provided to the governing body pursuant to subsection 1 for the immediately preceding calendar year to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Legislature at the beginning of each regular session; and

(b) The Legislative Commission on or before February 1 of each even-numbered year.

3. For the purposes of this section, a business shall be deemed to be owned by a person who possesses characteristics described in paragraph (d) of subsection 1 if:

(a) The business is owned by a natural person who possesses those characteristics; or

(b) Fifty-one percent of the ownership interest in the business is held by one or more natural persons who possess those characteristics.

4. As used in this section, "local emerging small business" has the meaning ascribed to it in NRS 231.1402.

Sec. 17. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.1685 to 338.16995, inclusive; ~~[or]~~

(d) NRS 338.1711 to 338.173, inclusive ~~[.]~~ ***; or***

(e) If applicable, sections 2 to 16, inclusive, of this act.

2. A public body shall not use a reverse auction when awarding a contract for a public work.

3. Except as otherwise provided in this subsection, subsection 4 and chapter 408 of NRS, the provisions of this chapter apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

4. To the extent that a provision of this chapter precludes the granting of federal assistance or reduces the amount of such assistance with respect to a contract for the construction, reconstruction, improvement or maintenance of highways that is awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive, that provision of this chapter does not apply to the Department of Transportation or the contract.

5. As used in this section:

(a) "Online bidding" means a process by which bidders submit bids for a contract on a secure website on the Internet or its successor, if any, which is established and maintained for that purpose.

(b) "Reverse auction" means a process by which a bidder may submit more than one bid if each subsequent response to online bidding is at a lower price.

Sec. 18. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910,

269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169,

634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 12 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation,

electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 19. 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. 20. This act becomes effective on July 1, 2025.

20 ~~~~~ 25

Assembly Bill No. 57–Committee
on Government Affairs

CHAPTER.....

AN ACT relating to emergency management; revising provisions governing the Nevada Intrastate Mutual Aid System to require the State Forester Firewarden of the Division of Forestry of the State Department of Conservation and Natural Resources to administer the System as it relates to wildfire suppression; requiring the State Forester Firewarden to serve as Co-Chair of the Intrastate Mutual Aid Committee and appoint committee members jointly with the Chief of the Division of Emergency Management of the Office of the Military; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Intrastate Mutual Aid System within the Division of Emergency Management of the Office of the Military to coordinate requests for intrastate mutual aid among various public agencies and certain Indian tribes and nations in response to an emergency or disaster in this State. Under existing law, the Chief of the Division of Emergency Management is required to administer the System and adopt regulations relating to the administration of the System. (NRS 414A.100) **Section 4** of this bill transfers to the State Forester Firewarden of the Division of Forestry of the State Department of Conservation and Natural Resources the authority to: (1) coordinate the provision of mutual aid during the response to and recovery from wildfire suppression; (2) administer the System as it relates to wildfire suppression; and (3) adopt regulations relating to the administration of the System as it relates to wildfire suppression.

Under existing law, the Chief of the Division of Emergency Management serves as the Chair of the Intrastate Mutual Aid Committee and appoints the committee members, who advise the Chief on issues related to emergency management and intrastate mutual aid. (NRS 414A.110) Under **section 5** of this bill, the State Forester Firewarden serves as Co-Chair of the Committee with the Chief of the Division of Emergency Management and committee members must be jointly appointed by the Chief of the Division of Emergency Management and the State Forester Firewarden.

Under existing law, a public agency that participates in the System may elect to withdraw from participation in the System, and any federally recognized Indian tribe or nation within the boundaries of the State may become a participant in the System, by adopting a resolution declaring the same and providing a copy of the resolution to the Division of Emergency Management and the Governor. (NRS 414A.120) **Section 6** of this bill requires that a copy of such a resolution also be provided to the Division of Forestry.

Under existing law, a participant may request intrastate mutual aid through the Division of Emergency Management, or directly to a participant if an urgent response is needed, and each request must be documented and forwarded to the Division of Emergency Management within 24 hours. (NRS 414A.130) **Section 7** of this bill provides that a participant may request intrastate mutual aid through the Division of Forestry for aid relating to wildfire suppression and through the Division of Emergency Management for aid relating to all other emergencies or

disasters. **Section 7** further requires that requests for aid be documented and reported to the Division of Forestry or Division of Emergency Management, as appropriate.

Under existing law, the Division of Emergency Management: (1) may facilitate certain System participants in obtaining reimbursement for intrastate mutual aid; and (2) is not liable for any claim relating to reimbursement. (NRS 414A.150) **Section 8** of this bill authorizes the Division of Forestry to also facilitate reimbursement of System participants and provides immunity from liability to the Division of Forestry for any claim relating to reimbursement.

Sections 1 and 3 of this bill define "Division of Forestry" and "Division of Emergency Management," respectively. **Section 2** of this bill applies these definitions to the provisions of existing law relating to the System.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. Chapter 414A of NRS is hereby amended by adding thereto a new section to read as follows:

"Division of Forestry" means the Division of Forestry of the State Department of Conservation and Natural Resources.

Sec. 2. NRS 414A.010 is hereby amended to read as follows:

414A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 414A.015 to 414A.070, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 414A.025 is hereby amended to read as follows:

414A.025 ~~["Division"]~~ ***"Division of Emergency Management"*** means the Division of Emergency Management of the Office of the Military.

Sec. 4. NRS 414A.100 is hereby amended to read as follows:

414A.100 1. The Nevada Intrastate Mutual Aid System is hereby established ~~[within the Division.]~~ ***and must, in accordance with the provisions of this chapter, be administered by:***

(a) The Chief of the Division of Emergency Management for coordinating mutual aid relating to all emergencies or disasters other than wildfire suppression; and

(b) The State Forester Firewarden for coordinating mutual aid relating to wildfire suppression.

2. ~~[The]~~ ***Except as provided in subsection 3, the*** Chief of the Division ~~[,]~~ ***of Emergency Management,*** subject to the direction and control of the Adjutant General of the Office of the Military, ~~[shall administer the System pursuant to the provisions of this chapter and]~~ shall:

(a) Coordinate the provision of mutual aid during the response to and recovery from an emergency or disaster;

(b) Maintain records of the requests for and provision of mutual aid throughout this State;

(c) Identify, maintain an inventory of and coordinate participant personnel and equipment available for intrastate mutual aid response;

(d) Provide information and assistance, upon request, to participants concerning reimbursement for services and other guidelines and procedures developed by the Intrastate Mutual Aid Committee pursuant to subsection 4 of NRS 414A.110; and

(e) Adopt regulations relating to the administration of the System.

3. The State Forester Firewarden, subject to the direction of the Director of the State Department of Conservation and Natural Resources, shall:

(a) Coordinate the provision of mutual aid during the response to and recovery from wildfire suppression;

(b) Maintain records of the requests for and provision of mutual aid in response to wildfire suppression throughout this State;

(c) Identify, maintain an inventory of and coordinate participant personnel and equipment available for intrastate mutual aid response to wildfire suppression;

(d) Upon request, provide information and assistance to participants concerning reimbursement for services provided in response to wildfire suppression and any guidelines and procedures developed by the Intrastate Mutual Aid Committee pursuant to subsection 4 of NRS 414A.110 with regard to wildfire suppression; and

(e) Adopt regulations relating to the administration of the System with regard to wildfire suppression.

Sec. 5. NRS 414A.110 is hereby amended to read as follows:

414A.110 1. The Intrastate Mutual Aid Committee is hereby created. The Committee shall advise the Chief of the Division ***of Emergency Management and the State Forester Firewarden*** on issues related to emergency management and intrastate mutual aid in this State.

2. The Committee consists of the following members:

(a) The Chief of the Division ~~[,]~~ ***of Emergency Management,*** or his or her designee, who serves as the ~~[Chair]~~ ***Co-Chair*** of the Committee and is a nonvoting member; ~~[and]~~

(b) ***The State Forester Firewarden, or his or her designee, who serves as the Co-Chair of the Committee and is a nonvoting member; and***

(c) Not more than 19 voting members, each of whom:

(1) Is appointed ***jointly*** by the Chief of the Division ~~[,]~~ ***of Emergency Management and the State Forester Firewarden;***

(2) Is selected from participating public agencies or tribal governments;

(3) Must have responsibility for public safety programs or activities within his or her public agency or tribe or nation; and

(4) After the initial terms, serves a term of 2 years, and may be reappointed.

3. The Committee shall select a Vice Chair from among the voting members of the Committee. The Vice Chair serves as Vice Chair until the end of his or her current term as a voting member, and may be reselected.

4. The Committee shall develop comprehensive guidelines and procedures regarding, without limitation:

(a) Requesting intrastate mutual aid;

(b) Responding to a request for intrastate mutual aid;

(c) Recordkeeping during an emergency or disaster for which intrastate mutual aid has been requested; and

(d) Reimbursement of costs to assisting participants.

5. The Committee shall meet at least annually to evaluate the effectiveness and efficiency of the System and provide recommendations, if any, to the Chief of the Division ***of Emergency Management and the State Forester Firewarden*** to improve the System.

Sec. 6. NRS 414A.120 is hereby amended to read as follows:

414A.120 1. Except as otherwise provided in subsection 2, each public agency shall participate in the System.

2. Any participant may elect to withdraw from participation in the System by:

(a) Adopting a resolution declaring that the participant elects not to participate in the System; and

(b) Providing a copy of the resolution to the Division ***of Emergency Management, the Division of Forestry*** and the Governor.

3. Any federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, may choose to become a participant in the System by:

(a) Adopting a resolution declaring that the tribe or nation elects to participate in the System and agreeing to be bound by the provisions of this chapter; and

(b) Providing a copy of the resolution to the Division ***of Emergency Management, the Division of Forestry*** and the Governor.

4. Each participant shall:

(a) Except as otherwise provided in subsection 4 of NRS 414A.140, ensure that the participant is able to provide intrastate mutual aid in response to a request pursuant to NRS 414A.130;

(b) Provide training to each emergency responder on procedures related to his or her respective role within the System;

(c) Actively monitor events in this State to determine the possibility of requesting or providing intrastate mutual aid;

(d) Maintain a current list of personnel and any equipment of the participant available for intrastate mutual aid and submit the list at least annually to the Division ~~[,]~~ ***of Emergency Management and the Division of Forestry;***

(e) Conduct joint planning, information sharing and capability and vulnerability analyses with other participants and conduct joint training exercises, if practicable; and

(f) Develop, carry out and periodically revise plans of operation, which must include, without limitation, the methods by which any resources, facilities and services of the participant must be available and furnished to other participants.

Sec. 7. NRS 414A.130 is hereby amended to read as follows:

414A.130 1. Any participant may request intrastate mutual aid before, during or after a declared or undeclared emergency or disaster for:

(a) Response, mitigation or recovery activities related to the emergency or disaster; and

(b) Participation in drills or exercises in preparation for an emergency or disaster.

2. A participant may make a request for intrastate mutual aid:

(a) ~~[Through]~~ ***Relating to all emergencies or disasters other than wildfire suppression, through*** the Division ~~[,]~~ ***of Emergency Management;***

(b) Relating to wildfire suppression, through the Division of Forestry; or

~~[(b)]~~ ***(c)*** If an urgent response is needed, directly to a participant, except that any request for a responding state agency must be made as provided in paragraph (a) ~~[,]~~ ***or (b), as applicable.***

3. Each request for intrastate mutual aid must be documented and forwarded ~~[to the Division]~~ not more than 24 hours after the request is made ~~[.]~~ ***to:***

(a) The Division of Emergency Management for aid relating to all emergencies or disasters other than wildfire suppression; and

(b) The Division of Forestry for aid relating to wildfire suppression.

4. A requesting participant shall:

(a) Adequately describe the resources needed by the requesting participant;

(b) Provide logistical and technical support, as needed, to any emergency responders provided by an assisting participant; and

(c) Reimburse the assisting participant for costs incurred, if applicable, by the assisting participant in a timely manner.

Sec. 8. NRS 414A.150 is hereby amended to read as follows:

414A.150 1. Except as otherwise provided in subsection 3, within 10 business days after the completion of all activities taken in response to a request for intrastate mutual aid, each assisting participant shall provide a written notice to the requesting participant if the assisting participant intends to seek reimbursement from the requesting participant.

2. Except as otherwise provided in subsection 3, within 60 calendar days after the completion of the activities specified in subsection 1, the assisting participant shall provide to the requesting participant a final request for reimbursement which must include:

(a) A summary of the services provided;

(b) An invoice setting forth all services provided and the total amount of the reimbursement requested;

(c) Any supporting documentation;

(d) Any additional forms required by the System; and

(e) The name and contact information of a person to contact if more information is needed.

3. If an assisting participant requires additional time to comply with the provisions of subsection 1 or 2, the assisting participant must request an extension in writing from the requesting participant. A requesting participant may, for good cause shown, grant an extension for an additional reasonable period.

4. A requesting participant shall reimburse an assisting participant for all reasonable costs incurred by the assisting participant in responding to the request for intrastate mutual aid, including, without limitation, any costs related to the use of personnel and equipment and travel. All costs must be documented in order to be eligible for reimbursement pursuant to this section,

unless otherwise agreed upon by the requesting participant and assisting participant. Any costs associated with resources which were used without request are not eligible for reimbursement.

5. Reimbursement may be facilitated ***upon request*** through ~~[the]~~ ***:***

(a) The Division ~~[, upon request.]~~ ***of Emergency Management for aid relating to all emergencies or disasters other than wildfire suppression; and***

(b) The Division of Forestry for aid relating to wildfire suppression.

6. If a dispute between participants occurs regarding reimbursement, the participant disputing the reimbursement shall provide a written notice to the other participant setting forth the issues in dispute. If the dispute is not resolved within 90 days after the notice is provided, either participant may submit the matter to binding arbitration, which must be conducted pursuant to the rules for commercial arbitration established by the American Arbitration Association.

7. The Division ~~[is]~~ ***of Emergency Management and the Division of Forestry are*** not liable for any claim relating to the reimbursement of costs for providing intrastate mutual aid.

Sec. 9. This act becomes effective upon passage and approval.

20 ~~~~~ 25

Assembly Bill No. 64–Committee
on Government Affairs

CHAPTER.....

AN ACT relating to public meetings; revising the definition of "meeting" for purposes of the Open Meeting Law; revising provisions relating to requirements for meetings conducted by means of a remote technology system; revising provisions relating to privilege for certain statements and testimony made at a public meeting; revising provisions relating to the applicability of certain provisions of the Open Meeting Law to certain proceedings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions set forth specifically in statute. (NRS 241.020) Existing law defines the term "meeting" for purposes of the Open Meeting Law and provides that the term does not include certain gatherings by members of a public body to receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both. (NRS 241.015) **Section 1** of this bill provides instead that a "meeting" does not include certain gatherings by members of a public body to: (1) receive legal advice from the attorney employed or retained by the public body regarding a matter over which the public body has supervision, control, jurisdiction or advisory power; and (2) deliberate on the matter, provided such deliberation is limited to the legal advice.

With certain exceptions, existing law authorizes a public body to conduct a meeting by means of a remote technology system but prohibits a public body from holding a meeting to consider a contested case or a regulation by means of a remote technology system unless there is a physical location for the meeting where members of the general public are permitted to attend and participate. (NRS 241.023) **Section 4** of this bill prohibits instead a public body from holding a meeting by means of a remote technology system unless there is a physical location for the meeting where members of the general public are permitted to attend and participate if, at the meeting, the public body will adjudicate certain contested cases or hold a workshop or a hearing on a regulation.

Existing law further requires that if a meeting is conducted using a remote technology system, clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment must be read verbally before the first period of the day devoted to public comment. (NRS 241.023) **Section 4** provides instead that such a requirement applies if the meeting is conducted using a remote technology system and a physical location is not designated for the meeting where members of the general public are permitted to attend and participate.

Existing law provides certain privileges for statements and testimony made at a public meeting, including an authorization, subject to a qualified privilege, for a witness who is testifying before a public body to publish defamatory matter as a part of a public meeting. (NRS 241.0353) **Section 5** of this bill provides instead that: (1) a witness who, subject to certain penalties relating to perjury, testifies

under oath before a public body may publish defamatory matter as part of a public meeting; and (2) in general, no provision of the Open Meeting Law shall be construed to affect any civil cause of action for defamation, libel, slander or any similar cause of action arising from defamatory statements made by a member of the public while he or she provides public comment to a public body.

Existing law provides that: (1) certain requirements of the Open Meeting Law do not apply to proceedings relating to an investigation conducted to determine whether to proceed with disciplinary action against a licensee unless the licensee requests that the proceedings be conducted in such a manner; and (2) if the regulatory body decides to proceed with disciplinary action against the licensee, all proceedings that are conducted after that decision and are related to that disciplinary action are subject to such provisions of the Open Meeting Law. (NRS 622.320) A "licensee" is a person who holds any license, certificate, registration, permit or similar type of authorization issued by a regulatory body which has authority to regulate certain occupations or professions. (NRS 622.040, 622.060) **Section 6** of this bill provides instead that: (1) the provisions of the Open Meeting Law which require a meeting to be noticed and open to the public do not apply to such proceedings unless the licensee requests that such proceedings be conducted pursuant to those provisions; and (2) if the regulatory body decides to proceed with disciplinary action against the licensee, all proceedings that are conducted after that decision and are related to that disciplinary action are subject to all provisions of the Open Meeting Law.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the voting members present, whether in person, by use of a remote technology system or by means of electronic communication, during a meeting of a public body;

(b) A commitment or promise made by a majority of the voting members present, whether in person, by use of a remote technology system or by means of electronic communication, during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the voting members present, whether in person, by use of a remote technology system or by means of electronic communication, during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "Administrative action against a person" means an action that is uniquely personal to the person and includes, without limitation, the potential for a negative change in circumstances to the person. The term does not include the denial of any application where the denial does not change the present circumstance or situation of the person.

3. "Deliberate" means collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion or exchange of facts preliminary to the ultimate decision.

4. "Meeting":

(a) Except as otherwise provided in paragraphs (b) and (c), means:

(1) The gathering of members of a public body at which a quorum is present, whether in person, by use of a remote technology system or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present, whether in person, by use of a remote technology system or by means of electronic communication, at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include any gathering or series of gatherings of members of a public body if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(c) Does not include a gathering or series of gatherings of members of a public body at which a quorum is actually or collectively present, whether in person, by use of a remote technology system or by means of electronic communication, to receive ~~[information]~~ ***legal advice*** from the attorney employed or retained by the public body regarding ~~[potential or existing litigation involving]~~ a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate ~~[toward a~~

~~decision]~~ on the matter, ~~[or both.]~~ ***provided such deliberation is limited to the legal advice.***

5. Except as otherwise provided in NRS 241.016, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes a library foundation as defined in NRS 379.0056 and an educational foundation as defined in subsection 3 of NRS 388.750, if the administrative, advisory, executive or legislative body is created by:

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government, if the board, commission or committee has at least two members who are not employed by the public officer or entity;

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201;

(d) A subcommittee or working group consisting of at least two persons who are appointed by a public body described in paragraph (a), (b) or (c) if:

(1) A majority of the membership of the subcommittee or working group are members or staff members of the public body that appointed the subcommittee; or

(2) The subcommittee or working group is authorized by the public body to make a recommendation to the public body for the public body to take any action; and

(e) A university foundation as defined in subsection 3 of NRS 396.405.

6. "Quorum" means a simple majority of the voting membership of a public body or another proportion established by law.

7. "Remote technology system" means any system or other means of communication which uses any electronic, digital or other similar technology to enable a person from a remote location to attend, participate, vote or take any other action in a meeting, even though the person is not physically present at the meeting. The term includes, without limitation, teleconference and videoconference systems.

8. "Supporting material" means material that is provided to at least a quorum of the members of a public body by a member of or staff to the public body and that the members of the public body would reasonably rely on to deliberate or take action on a matter contained in a published agenda. The term includes, without limitation, written records, audio recordings, video recordings, photographs and digital data.

9. "Working day" means every day of the week except Saturday, Sunday and any day declared to be a legal holiday pursuant to NRS 236.015.

Secs. 2 and 3. (Deleted by amendment.)

Sec. 4. NRS 241.023 is hereby amended to read as follows:

241.023 1. Except as otherwise provided in subsection 2, a public body may conduct a meeting by means of a remote technology system if:

(a) A quorum is actually or collectively present, whether in person, by using the remote technology system or by means of electronic communication.

(b) Members of the public are permitted to:

(1) Attend and participate at a physical location designated for the meeting where members of the public are permitted to attend and participate; or

(2) Hear and observe the meeting, participate in the meeting by telephone and provide live public comment during the meeting using the remote technology system. A public body may also allow public comment by means of prerecorded messages.

(c) The public body reasonably ensures that any person who is not a member of the public body or a member of the public but is otherwise required or allowed to participate in the meeting is able to participate in the portion of the meeting that pertains to the person using the remote technology system. The public body shall be deemed to have complied with the requirements of this paragraph if the public body provides the person with a web-based link and a telephone number, in case of technical difficulties, that allows the person in real time to attend and participate in the meeting. Nothing in this paragraph requires a public body to provide a person with technical support to address the person's individual hardware, software or other technical issues.

2. If all members of a public body:

(a) Are required to be elected officials, the public body shall not conduct a meeting by means of a remote technology system without a physical location designated for the meeting where members of the public are permitted to attend and participate.

(b) Are not required to be elected officials, the public body shall not conduct a meeting by means of a remote technology system without a physical location designated for the meeting where members of the public are permitted to attend and participate unless the public body complies with the provisions of subsection 11 of NRS 241.020.

3. If any member of a public body attends a meeting by means of a remote technology system, the chair of the public body, or his or her designee, must make reasonable efforts to ensure that:

(a) Members of the public body and members of the public present at the physical location of the meeting can hear or observe each member attending by a remote technology system; and

(b) Each member of the public body in attendance can participate in the meeting.

4. Notwithstanding the provisions of subsections 1, 2 and 3, a public body may not hold a meeting ~~[to consider]~~ ***by means of a remote technology system unless there is a physical location for the meeting where members of the general public are permitted to attend and participate if, at the meeting, the public body will:***

(a) Adjudicate a contested case ~~[, as defined in NRS 233B.032]~~ ***for which notice is required pursuant to NRS 233B.121;*** or

(b) Hold a workshop or a hearing on a regulation ~~[as defined in NRS 233B.038 by means of a remote technology system unless there is a physical location for the meeting where members of the general public are permitted to attend and participate.]~~ ***pursuant to NRS 233B.040 to 233B.120, inclusive.***

5. If a meeting is conducted pursuant to this section using a remote technology system ~~[,]~~ ***and a physical location is not designated for the meeting where members of the general public are permitted to attend and participate,*** before the first period of the day devoted to public comment, the clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment, including, without limitation, a telephone number or any necessary identification number of the meeting or other access code, must be read verbally.

Sec. 5. NRS 241.0353 is hereby amended to read as follows:

241.0353 1. Any statement which is made by a member of a public body during the course of a public meeting is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

2. ~~[Subject to a qualified privilege, a]~~ ***A*** witness who ~~[is testifying]~~ ***testifies under oath, subject to the penalties set forth in NRS 199.120,*** before a public body may publish defamatory matter as part of a public meeting. It is unlawful to misrepresent any fact knowingly when testifying before a public body.

3. Except as otherwise provided by law, nothing in this chapter shall be construed to affect any civil cause of action for defamation, libel, slander or any similar cause of action arising from defamatory statements made by a member of the public while he or she provides public comment to a public body.

Sec. 6. NRS 622.320 is hereby amended to read as follows:

622.320 1. The provisions of ***chapter 241 of*** NRS ~~[241.020]~~ ***requiring a meeting to be noticed and open to members of the public*** do not apply to proceedings relating to an investigation conducted to determine whether to proceed with disciplinary action against a licensee, unless the licensee requests that the proceedings be conducted pursuant to those provisions.

2. If the regulatory body decides to proceed with disciplinary action against the licensee, all proceedings that are conducted after that decision and are related to that disciplinary action are subject to the provisions of ***chapter 241 of*** NRS . ~~[241.020.]~~

20 ~~~~~ 25

Assembly Bill No. 96–Committee
on Government Affairs

CHAPTER.....

AN ACT relating to land use planning; requiring the governing body of certain cities and counties to include a heat mitigation plan in the conservation element of the master plan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a planning commission to develop a master plan as a comprehensive, long-term general plan for the physical development of the city, county or region. A master plan may include certain elements as appropriate to the city, county or region, with the exception of certain cities and counties which must include all or a portion of certain elements in a master plan. (NRS 278.150-278.170)

Sections 1 and 3 of this bill require that the master plan in a county whose population is 100,000 or more (currently Clark and Washoe Counties) includes a heat mitigation plan. **Section 2** of this bill sets forth the requirements for the heat mitigation plan, which is to be included as part of a conservation element of a master plan, including a plan to develop heat mitigation strategies such as public cooling spaces, public drinking water and shade over paved surfaces.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

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

Section 1. NRS 278.150 is hereby amended to read as follows:

278.150 1. The planning commission shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region which in the commission's judgment bears relation to the planning thereof.

2. The plan must be known as the master plan, and must be so prepared that all or portions thereof, except as otherwise provided in subsections 3, 4 and 5, may be adopted by the governing body, as provided in NRS 278.010 to 278.630, inclusive, as a basis for the development of the city, county or region for such reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby.

3. In counties whose population is less than 100,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion an aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160.

4. In counties whose population is 100,000 or more but less than 700,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion:

(a) A conservation plan of the conservation element, as described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 278.160;

(b) The housing element, as described in paragraph (c) of subsection 1 of NRS 278.160;

(c) A population plan of the public facilities and services element, as described in subparagraph (2) of paragraph (e) of subsection 1 of NRS 278.160; ~~[and]~~

(d) An aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160 ~~[.]~~ ***; and***

(e) A heat mitigation plan of the conservation element, as described in subparagraph (2) of paragraph (a) of subsection 1 of NRS 278.160.

5. In counties whose population is 700,000 or more, the governing body of the city or county shall adopt a master plan for all of the city or county that must address each of the elements set forth in paragraphs (a) to (h), inclusive, of subsection 1 of NRS 278.160.

Sec. 2. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following elements or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) A conservation element, which must include:

(1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The conservation plan must also indicate the maximum tolerable level of air pollution.

(2) ***A heat mitigation plan, including, without limitation, access to public cooling spaces, public drinking water, cool building practices, shade over paved surfaces and other mitigation measures to address heat in the community. Shade over paved surfaces may include, without limitation, shade structures and urban tree canopies, with preference for native tree or drought-tolerant species.***

(3) A solid waste disposal plan showing general plans for the disposal of solid waste.

(b) A historic preservation element, which must include:

(1) A historic neighborhood preservation plan which:

(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.

(II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(c) A housing element, which must include, without limitation:

(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

(d) A land use element, which must include:

(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(I) Must, if applicable, address mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(3) In any county whose population is 700,000 or more, a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods.

(e) A public facilities and services element, which must include:

(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.

(2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(3) An aboveground utility plan that shows corridors designated for the construction of aboveground utilities and complies with the provisions of NRS 278.165.

(4) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(5) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.

(6) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.

(f) A recreation and open space element, which must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(g) A safety element, which must include:

(1) In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.

(2) A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(h) A transportation element, which must include:

(1) A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a

system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(2) A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.

(i) An urban agricultural element, which must include a plan to inventory any vacant lands or other real property owned by the city or county and blighted land in the city or county to determine whether such lands are suitable for urban farming and gardening. The plan to inventory any vacant lands or other real property may include, without limitation, any other real property in the city or county, as deemed appropriate by the commission.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such element as a part of the master plan.

Sec. 3. NRS 278.170 is hereby amended to read as follows:

278.170 1. Except as otherwise provided in subsections 2, 3 and 4, the commission may prepare and adopt all or any part of the master plan or any element thereof for all or any part of the city, county or region. Master regional plans must be coordinated with similar plans of adjoining regions, and master county and city plans within each region must be coordinated so as to fit properly into the master plan for the region.

2. In counties whose population is less than 100,000, if the commission prepares and adopts less than all elements of the master plan, it shall include in its preparation and adoption an aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160.

3. In counties whose population is 100,000 or more but less than 700,000, if the commission prepares and adopts less than all elements of the master plan, it shall include in its preparation and adoption:

(a) A conservation plan of the conservation element, as described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 278.160;

(b) The housing element, as described in paragraph (c) of subsection 1 of NRS 278.160;

(c) A population plan of the public facilities and services element, as described in subparagraph (2) of paragraph (e) of subsection 1 of NRS 278.160; ~~[and]~~

(d) An aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160 ~~[.]~~ ***; and***

(e) A heat mitigation plan of the conservation element, as described in subparagraph (2) of paragraph (a) of subsection 1 of NRS 278.160.

4. In counties whose population is 700,000 or more, the commission shall prepare and adopt a master plan for all of the city or county that must address each of the elements set forth in NRS 278.160.

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. This act becomes effective on July 1, 2026.

20 ~~~~~ 25

Assembly Bill No. 104–Committee on Natural Resources

CHAPTER.....

AN ACT relating to water; requiring the State Engineer to retire certain groundwater rights; revising provisions relating to temporary permits to appropriate groundwater; creating the Nevada Conservation and Recreation Program; creating the Account for Retiring Water Rights; establishing the Nevada Voluntary Water Rights Retirement Program; requiring the Director of the State Department of Conservation and Natural Resources to purchase certain water rights with money from the Account for the purpose of retiring those water rights; revising provisions relating to the program to provide grants of money to pay certain costs related to water conservation and capital improvements to water systems; revising provisions relating to a program to pay the costs for property owners to connect to a community sewerage disposal system under certain circumstances; revising certain legislative declarations relating to clean water and water pollution; authorizing the State Environmental Commission to establish a water quality standard variance; revising provisions relating to an irrigation water efficiency monitoring program established by the Southern Nevada Water Authority; revising provisions relating to membership on the Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Department of Conservation and Natural Resources to make grants to state agencies, local governments, water conservancy districts, conservation districts and certain nonprofit organizations to protect, preserve and obtain the benefits of the property and natural and cultural resources of this State and requires the Director to adopt regulations to make such grants. (Section 2 of Assembly Bill No. 84, chapter 480, Statutes of Nevada 2019, at page 2861) Existing regulations establish the Nevada Conservation and Recreation Program to make such grants. (LCB File No. R025-22) **Section 8** of this bill creates the Program in statute. **Section 8** further provides that the Program consists of a grant program to make such grants and the Nevada Voluntary Water Rights Retirement Program. **Section 14** of this bill provides that the Program is within the Department. **Section 13** of this bill applies the definitions in existing law relating to the Department to the provisions of **sections 8-10** of this bill.

Under existing law, any person who wishes to appropriate public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, must apply to the State Engineer for a permit to do so. (NRS 533.325) Existing law further provides that all underground waters within the boundaries of the State are subject to appropriation for beneficial use only under the laws of this State relating to the appropriation and use of water. (NRS 534.020) **Section 9** creates the Account for Retiring Water Rights, to be administered by the Director

of the State Department of Conservation and Natural Resources, and requires that the money in the Account only be used for the purchase of decreed or certificated groundwater rights for certain purposes. **Section 10** establishes the Nevada Voluntary Water Rights Retirement Program in the Nevada Conservation and Recreation Program, to be administered by the Director, and establishes requirements for: (1) the purchase and retirement of decreed or certificated groundwater rights; and (2) the acceptance of donations of groundwater rights. **Section 10** also prohibits the Director from accepting donations and applications for the purchase and retirement of such groundwater rights after June 30, 2035. **Section 21** of this bill makes conforming changes to reflect that the Director may not accept applications or donations after that date.

Section 4 of this bill: (1) requires the State Engineer to retire all decreed or certificated water rights purchased by or donated to the Nevada Voluntary Water Rights Retirement Program; and (2) prohibits the State Engineer from retiring any groundwater rights from the Program unless the purchase or donation of the groundwater right was approved by the Director on or before June 30, 2035.

Sections 1-3 of this bill prohibit the appropriation of water for which the rights have been retired pursuant to the Nevada Voluntary Water Rights Retirement Program.

Section 25 of this bill provides for the provisions relating to the Account set forth in **section 9** to expire on June 30, 2035. **Section 21** of this bill makes a conforming change to reflect the expiration of these provisions.

Under existing law, the State Engineer may issue temporary permits to appropriate groundwater in certain designated areas which may be revoked under certain circumstances. In areas where these temporary permits have been issued, the State Engineer is required to prohibit the drilling of wells for domestic use if water can be furnished by a public entity presently engaged in furnishing water to the inhabitants of the area. (NRS 534.120) **Sections 5, 6, 16 and 22** of this bill revise references to these temporary permits to revocable permits.

Section 23 of this bill deems any such existing and valid temporary permit issued by the State Engineer pursuant to existing law before July 1, 2025, to be a revocable permit. **Section 5** also requires the State Engineer to prohibit the drilling of wells for domestic use if a property is within 1,250 feet of a service line of a public entity presently engaged in furnishing water to the inhabitants of the area.

Existing law establishes a program to provide grants of money to purveyors of water and eligible recipients to pay for certain costs related to water conservation and capital improvements to water systems. Under this program, eligible recipients may receive grants of money to pay the cost of improvements to conserve water. (NRS 349.981) **Section 16** includes in the types of improvements for which an eligible recipient could receive a grant: (1) the removal and replacement of grass with water-efficient landscaping, under certain circumstances; and (2) the permanent retirement of groundwater rights for certain purposes.

Existing law requires certain recipients of a grant of money from this program to provide an amount of money determined by the Board for Financing Water Projects that will be used for the same purpose as the grant and which must be based upon the average household income of the customers of the recipient. (NRS 349.983) **Section 17** of this bill instead requires the amount of money provided by a recipient to be based upon the median household income of the customers of the recipient.

Existing law 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. (NRS 439.3672) **Section 18**

of this bill establishes certain requirements for a property owner to be eligible to receive financial assistance from this program.

Existing law sets forth a legislative declaration relating to the right of the people of this State to clean water and certain policies of this State related to this right to clean water. (NRS 445A.305) **Section 19** of this bill sets forth the policy of this State to encourage and promote water reuse in an appropriate manner that is consistent with public health.

Existing state law requires the State Environmental Commission to establish water quality standards at a level designed to protect and ensure a continuation of the designated beneficial use or uses for the stream segment or other body of surface water that have been determined applicable by the Commission. (NRS 445A.520) Existing federal law authorizes a state to establish a variance in the water quality standard from the water quality standard determined to protect and ensure a continuation of the designated beneficial use or uses if the state determines that compliance with this standard is not feasible for certain reasons. (40 C.F.R. § 131.14) **Section 20** of this bill authorizes the Commission to establish a water quality standard variance in accordance with federal law.

The Conservation of Colorado River Water Act establishes certain provisions relating to conserving the waters of the Colorado River, including requiring certain parcels of property which use such waters to participate in an irrigation water efficiency monitoring program. (Chapter 364, Statutes of Nevada 2021, at page 2179) The Act requires the Board of Directors of the Southern Nevada Water Authority to: (1) establish deadlines for an owner of such a parcel of property to begin participating in the program; and (2) notify the owner that he or she is required to participate by not later than January 1, 2025. (Section 30 of chapter 210, Statutes of Nevada 2023, at page 1283) **Section 21.5** of this bill instead requires the Board of Directors to notify the owner not less than 1 year before the program is established.

Existing law authorizes the Southern Nevada Water Authority to create an Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin. If a member appointed to the Committee resigns or is unable to serve, the Board of Directors is required to appoint a person to fill the vacancy not later than 90 days after the vacancy occurs. (Section 8 of chapter 572, Statutes of Nevada 1997, as last amended by chapter 517, Statutes of Nevada 2017, at page 3507) **Section 21.7** of this bill removes the requirement for the Board of Directors to fill the vacancy not later than 90 days after the vacancy occurs.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. NRS 533.030 is hereby amended to read as follows:

533.030 1. Subject to existing rights, and except as otherwise provided in this section and NRS 533.0241, 533.027 and 533.028, ***and section 4 of this act,*** all water may be appropriated for beneficial use as provided in this chapter and not otherwise.

2. The use of water, from any stream system as provided in this chapter and from underground water as provided in NRS 534.080, for any recreational purpose, or the use of water from the Muddy

River or the Virgin River to create any developed shortage supply or intentionally created surplus, is hereby declared to be a beneficial use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

(b) "Intentionally created surplus" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

3. Except as otherwise provided in subsection 4, in any county whose population is 700,000 or more:

(a) The board of county commissioners may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the unincorporated areas of the county.

(b) The governing body of a city may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the boundaries of the city.

4. In any county whose population is 700,000 or more, the provisions of subsection 1 and of any ordinance adopted pursuant to subsection 3 do not apply to:

(a) Water stored in an artificially created reservoir for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage;

(b) Water used in a mining reclamation project; or

(c) A body of water located in a recreational facility that is open to the public and owned or operated by the United States or the State of Nevada.

Sec. 2. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, ***and section 4 of this act,*** the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10, ~~[~~where there~~]~~ ***the State Engineer shall reject an application and refuse to issue the requested permit if:***

(a) There is no unappropriated water in the proposed source of supply ~~[~~, where the~~]~~ ***;***

(b) The groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 ***;***

(c) The application requests a change to or reinstatement of groundwater rights that have been retired pursuant to section 4 of this act; or ~~[~~where its~~]~~

(d) The proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024 ~~[~~,~~]~~ or threatens to prove detrimental to the public interest ***.*** ~~[~~, the State Engineer shall reject the application and refuse to issue the requested permit.~~]~~

➥ If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall

approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

(a) Upon written authorization to do so by the applicant.

(b) If an application is protested.

(c) If the purpose for which the application was made is municipal use.

(d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.

(e) Where court actions or adjudications are pending, which may affect the outcome of the application.

(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.

(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.

(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished and reposted pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication and reposting, a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section, “domestic well” has the meaning ascribed to it in NRS 534.350.

Sec. 3. NRS 533.371 is hereby amended to read as follows:

533.371 The State Engineer shall reject the application and refuse to issue a permit to appropriate water for a specified period if the State Engineer determines that:

1. The application is incomplete;
2. The prescribed fees have not been paid;
3. The proposed use is not temporary;

4. There is no water available from the proposed source of supply without exceeding the perennial yield or safe yield of that source;

5. The groundwater that has not been committed for use from the proposed source of supply has been reserved pursuant to NRS 533.0241;

6. ***The application requests a change to or reinstatement of groundwater rights that have been retired pursuant to section 4 of this act;***

7. The proposed use conflicts with existing rights; or

~~[7.]~~ ***8.*** The proposed use threatens to prove detrimental to the public interest.

Sec. 4. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Engineer shall retire all decreed or certificated groundwater rights purchased by or donated to the Nevada Voluntary Water Rights Retirement Program pursuant to section 10 of this act using any appropriate mechanism, as determined by the State Engineer, and preclude that groundwater from appropriation. Any decreed or certificated groundwater right that has been retired pursuant to this section is not available for any use and shall be deemed to be retired in the source in perpetuity.

2. The State Engineer shall not retire any decreed or certificated groundwater right pursuant to subsection 1 unless the purchase of the groundwater right or the donation of the groundwater right was approved by the Director of the State Department of Conservation and Natural Resources pursuant to section 10 of this act on or before June 30, 2035.

Sec. 5. 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. The State Engineer may only issue ~~[temporary]~~ ***revocable*** permits to appropriate groundwater 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]~~ ***revocable*** permits can be limited as to time and may be revoked if and when:

(a) Water can be furnished by 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]~~ ***revocable*** 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 a public entity 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.

(c) 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 thereof.

(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.

5. In an area in which ***revocable permits*** have been issued ~~[temporary permits]~~ pursuant to subsection 3, 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; or

(3) Prohibit the drilling of wells for domestic use ~~[in areas where water can be furnished by]~~ ***if a property is within 1,250 feet of a service line of*** 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 a public entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(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

(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]~~ ***revocable*** permit issued pursuant to this section if any parcel served by a well pursuant to the ~~[temporary]~~ ***revocable*** permit is currently obtaining water from a public entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

Sec. 6. NRS 534.125 is hereby amended to read as follows:

534.125 If the State Engineer issues a ~~[temporary]~~ ***revocable*** permit pursuant to NRS 534.120 or if a well for domestic use is drilled in an area in which the State Engineer has issued such a ~~[temporary]~~ ***revocable*** permit, the State Engineer shall file a notice with the county recorder of the county in which the permit is issued or the well is drilled. The notice must include a statement indicating that, if and when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area:

1. A ~~[temporary]~~ ***revocable*** permit may be revoked;

2. The owner of a domestic well may be prohibited from deepening or repairing the well; and

3. The owner of the property served by the well may be required to connect to this water source at his or her own expense.

Sec. 7. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 12, inclusive, of this act.

Sec. 8. ***1. The Nevada Conservation and Recreation Program is hereby created within the Department to protect, preserve and obtain the benefits of the property and natural and cultural resources of this State. The Director shall administer the Program.***

2. The Nevada Conservation and Recreation Program consists of:

(a) A grant program to make grants in accordance with subsections 8, 9 and 10 of section 2 of chapter 480, Statutes of Nevada 2019, at page 2861; and

(b) The Nevada Voluntary Water Rights Retirement Program established by section 10 of this act.

3. The Director may adopt regulations to carry out the provisions of this section.

Sec. 9. ***1. The Account for Retiring Water Rights is hereby created in the State General Fund.***

2. The Account for Retiring Water Rights must be administered by the Director in accordance with the Nevada Voluntary Water Rights Retirement Program established by section 10 of this act. In addition to any direct legislative appropriation, the Director may apply for and accept any gift, donation, bequest, grant, federal money or other source of money for deposit in the Account for Retiring Water Rights.

3. The money in the Account for Retiring Water Rights must only be used for administering the Nevada Voluntary Water Rights Retirement Program established by section 10 of this act, to purchase decreed or certificated groundwater rights for retirement pursuant to section 10 of this act and to provide matching money required as a condition of accepting any source of money that would result in the retirement of groundwater rights pursuant to sections 4 and 10 of this act.

4. The money in the Account for Retiring Water Rights or any portion of the money in the Account for Retiring Water Rights may be invested or reinvested in accordance with the provisions of chapter 355 of NRS. The proceeds of such investments and the interest and income earned on the money in the Account for Retiring Water Rights, after deducting any applicable charges, must be credited to the Account for Retiring Water Rights.

5. Any money remaining in the Account for Retiring Water Rights at the end of a fiscal year does not revert to the State

General Fund, and the balance in the Account for Retiring Water Rights must be carried forward to the next fiscal year.

6. The Director may enter into an agreement with a public or private entity to apply for, obtain or manage any money contributed to the Account for Retiring Water Rights.

Sec. 10. *1. The Nevada Voluntary Water Rights Retirement Program is hereby established in the Nevada Conservation and Recreation Program created by section 8 of this act to purchase and retire decreed or certificated groundwater rights from willing sellers and to accept donations of groundwater rights for retirement in order to:*

(a) Protect the natural resources of this State;

(b) Address declining levels of groundwater; or

(c) Address conflicts with existing rights or with protectable interests in existing domestic wells.

2. The Nevada Voluntary Water Rights Retirement Program must be administered by the Director. In administering the Program, the Director shall, to the extent money is available in the Account for Retiring Water Rights created by section 9 of this act, identify and purchase decreed or certificated groundwater rights for retirement by the State Engineer pursuant to section 4 of this act from persons willing to retire those groundwater rights in groundwater basins where:

(a) An order issued by the State Engineer precludes the issuance of permits for new appropriations of groundwater in the groundwater basin; or

(b) The retirement of groundwater rights in the groundwater basin meets any purpose set forth in subsection 1.

3. The Director shall document in writing the purpose of each decreed or certificated groundwater right that is purchased by or donated to the Program and file the written document with the State Engineer.

4. When sufficient money is available in the Account for Retiring Water Rights created by section 9 of this act, the Director may accept applications for the purchase and retirement of decreed or certificated groundwater rights.

5. The Director shall not accept donations or applications for the purchase and retirement of decreed or certificated groundwater rights after June 30, 2035.

Secs. 11 and 12. (Deleted by amendment.)

Sec. 13. NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.162, inclusive ~~[,]~~ *, and sections 8 to 12, inclusive, of this act:*

1. "Department" means the State Department of Conservation and Natural Resources.

2. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 14. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

(a) The Division of Water Resources.

(b) The Division of State Lands.

(c) The Division of Forestry.

(d) The Division of State Parks.

(e) The Division of Environmental Protection.

(f) The Office of Historic Preservation.

(g) The Division of Outdoor Recreation.

(h) The Division of Natural Heritage.

(i) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, the Commission on Off-Highway Vehicles, the Conservation Districts Program, the Sagebrush Ecosystem Council ***, the Nevada Conservation and Recreation Program*** and the Board to Review Claims are within the Department.

Sec. 15. (Deleted by amendment.)

Sec. 16. 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~~]~~ ***Recovering*** or recycling ~~[~~of~~]~~ wastewater or tailwater;

(3) Scheduling of irrigation;

(4) ~~[~~Measurement~~]~~ ***Measuring*** 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 ~~[.]~~ ***;***

(7) Removing grass and replacing grass with water-efficient landscaping, if the removal of the grass is secured by a conservation easement; and

(8) Permanently retiring groundwater rights pursuant to section 4 of this act to:

(I) Protect the natural resources of this State;

(II) Address declining levels of groundwater; or

(III) Address conflicts with existing rights or with protectable interests in existing domestic wells.

(c) An eligible recipient to pay the following costs associated with connecting a domestic well or well with a ~~[temporary]~~ ***revocable*** 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 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 approves a

program or project for the protection of groundwater quality developed by the State or a local government that provides for the abandonment of an individual sewage disposal system and the connection of the property upon which the individual sewage disposal system was located 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.

(f) An eligible recipient to pay the following costs associated with plugging and abandoning a well and connecting 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.

(g) 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. 17. NRS 349.983 is hereby amended to read as follows:

349.983 1. Grants may be made pursuant to paragraph (a) of subsection 1 of NRS 349.981 only for the Lincoln County Water District and those community and nontransient water systems that:

(a) Were in existence on January 1, 1995; and

(b) Are currently publicly owned.

2. In making its determination of which purveyors of water are to receive grants pursuant to paragraph (a) of subsection 1 of NRS 349.981, the Board shall give preference to those purveyors of water whose public water systems regularly serve fewer than 6,000 persons.

3. Each recipient of a grant pursuant to paragraph (a) of subsection 1 of NRS 349.981 shall provide an amount of money for the same purpose. The Board shall develop a scale to be used to determine that amount, but the recipient must not be required to provide an amount less than 15 percent or more than 75 percent of the total cost of the project for which the grant is awarded. The scale must be based upon the ~~[average]~~ ***median*** household income of the customers of the recipient, and provide adjustments for the demonstrated economic hardship of those customers, the existence of an imminent risk to public health and any other factor that the Board determines to be relevant.

Sec. 18. NRS 439.3672 is hereby amended to read as follows:

439.3672 1. The district board of health may create a voluntary financial assistance program to pay 100 percent of the cost for ~~[a]~~ ***an eligible*** 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 ***annual*** fee ~~[.]~~ ***in accordance with the provisions of paragraph (b) of subsection 4.***

4. ***A property owner is eligible to receive financial assistance from the program if the property owner:***

(a) Has an existing septic system whose property is served by a municipal water system; and

(b) Pays the voluntary annual fee:

(1) Every year that the fee is imposed by the district board of health pursuant to subsection 3; or

(2) If a property owner has not paid the fee in every year that the fee was imposed, pays the balance for all previously imposed fees and the fee for the current year, if imposed by the district board of health.

5. 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. 19. NRS 445A.305 is hereby amended to read as follows:

445A.305 1. The Legislature finds that pollution of water in this State:

(a) Adversely affects public health and welfare;

(b) Is harmful to wildlife, fish and other aquatic life; and

(c) Impairs domestic, agricultural, industrial, recreational and other beneficial uses of water.

2. The Legislature declares that the people of this State have a right to clean water and it is the policy of this State and the purpose of NRS 445A.300 to 445A.730, inclusive:

(a) To maintain the quality of the waters of the State consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, the operation of existing industries, the pursuit of agriculture, and the economic development of the State;

(b) To mitigate the degradation of the waters of the State; ~~[and]~~

(c) To encourage and promote the use of methods of waste collection and pollution control for all significant sources of water pollution (including point and diffuse sources) ~~[.]~~ ***; and***

(d) To encourage and promote traditional and emerging methods of water reuse, including, without limitation, credits for water that is returned to the source, known as "return-flow credits," agriculture and other irrigation, direct potable reuse and indirect potable reuse in an appropriate manner that is consistent with the public health.

Sec. 20. NRS 445A.520 is hereby amended to read as follows:

445A.520 1. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Commission shall establish water quality standards at a level designed to protect and ensure a continuation of the designated beneficial use or uses which the Commission has determined to be applicable to each stream segment or other body of surface water in the State.

2. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Commission shall base its water quality standards on water quality criteria which numerically or descriptively define the conditions necessary to maintain the designated beneficial use or uses of the water. The water quality standards must reflect water quality criteria which define the conditions necessary to support, protect and allow the propagation of fish, shellfish and other wildlife and to provide for recreation in and on the water if these objectives are reasonably attainable.

3. The Commission may establish water quality standards for individual segments of streams or for other bodies of surface water

which vary from standards based on recognized criteria if such variations are justified by the circumstances pertaining to particular places, as determined by biological monitoring or other appropriate studies.

4. The Commission may establish a water quality standard variance subject to the review and approval or disapproval of the United States Environmental Protection Agency in accordance with 40 C.F.R. § 131.14. A water quality standard variance established pursuant to this subsection must:

(a) Reflect the highest attainable condition of the stream segment or other body of surface water that is achievable during the term of the water quality standard variance; and

(b) Establish a time-limited designated use and criteria for specific pollutants or water quality parameters during the term of the water quality standard variance.

5. As used in this section, "water quality standards variance" has the meaning ascribed to it in 40 C.F.R. § 131.3(o).

Sec. 21. Section 10 of this act is hereby amended to read as follows:

Sec. 10. 1. The Nevada Voluntary Water Rights Retirement Program is hereby established in the Nevada Conservation and Recreation Program created by section 8 of this act to purchase and retire decreed or certificated groundwater rights from willing sellers and to accept donations of groundwater rights for retirement in order to:

(a) Protect the natural resources of this State;

(b) Address declining levels of groundwater; or

(c) Address conflicts with existing rights or with protectable interests in existing domestic wells.

2. The Nevada Voluntary Water Rights Retirement Program must be administered by the Director. ~~[In administering the Program, the Director shall, to the extent money is available in the Account for Retiring Water Rights created by section 9 of this act, identify and purchase decreed or certificated groundwater rights for retirement by the State Engineer pursuant to section 4 of this act from persons willing to retire those groundwater rights in groundwater basins where:~~

~~(a) An order issued by the State Engineer precludes the issuance of permits for new appropriations of groundwater in the groundwater basin; or~~

~~(b) The retirement of groundwater rights in the groundwater basin meets any purpose set forth in subsection 1.~~]

3. ~~[The Director shall document in writing the purpose of each decreed or certificated groundwater right that is purchased by or donated to the Program and file the written document with the State Engineer.~~

~~4. When sufficient money is available in the Account for Retiring Water Rights created by section 9 of this act, the Director may accept applications for the purchase and retirement of decreed or certificated groundwater rights.~~

~~5.~~] The Director shall not accept donations or applications for the purchase and retirement of decreed or certificated groundwater rights after June 30, 2035.

Sec. 21.3. (Deleted by amendment.)

Sec. 21.5. Section 39.5 of the Conservation of Colorado River Water Act, being chapter 210, Statutes of Nevada 2023, at page 1283, is hereby amended 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~~] ***less*** than [~~January 1, 2025,~~] ***1 year before the irrigation water efficiency monitoring program is established pursuant to subsection 1,*** 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. 21.7. Section 8 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as last amended by chapter 517, Statutes of Nevada 2017, at page 3507, is hereby amended to read as follows:

Sec. 8. 1. The Southern Nevada Water Authority may create an Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin. If created, the Advisory Committee consists of:

(a) Seven members to be appointed by the Board of Directors, including:

(1) Two persons who own and operate domestic wells located in the Basin;

(2) One representative of an organization that owns and operates a quasi-municipal well located in the Basin;

(3) One representative of an industrial or commercial user of groundwater which is located in the Basin;

(4) One representative of a private water company which operates in the Basin;

(5) One consumer whose water service is provided entirely by a municipal water purveyor which is located in the Basin; and

(6) One representative of a municipal water purveyor that owns and operates wells located in the Basin;

(b) The State Engineer, or a designated representative of the State Engineer, who is an ex officio nonvoting member of the Advisory Committee; and

(c) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources, or a designated representative of the Administrator, who is an ex officio nonvoting member of the Advisory Committee.

2. Members of the Advisory Committee serve without compensation.

3. The term of each appointed member is 2 years. Members may be reappointed. ~~[If a member resigns or is otherwise unable to serve, the Board of Directors shall, not later than 90 days after the vacancy occurs, appoint a person pursuant to subsection 4 to fill the vacancy.]~~

4. In appointing the members described in:

(a) Subparagraph (1), (2) or (3) of paragraph (a) of subsection 1, the Board of Directors shall consider recommendations solicited from a representative sampling of owners of domestic wells, persons and organizations associated with quasi-municipal wells, and industrial and commercial users of groundwater, respectively.

(b) Subparagraph (4), (5) or (6) of paragraph (a) of subsection 1, the Board of Directors shall consider recommendations solicited from the various entities that comprise the Southern Nevada Water Authority.

Sec. 22. Section 14 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as last amended by chapter 113, Statutes of Nevada 2003, at page 624, is hereby amended to read as follows:

Sec. 14. Money collected pursuant to section 13 of this act must be used to:

1. Develop and distribute information promoting education and the conservation of groundwater in the Basin.

2. Perform such comprehensive inventories of wells of all types located within the basin as may be needed. Such inventories must be done in conjunction with the State Engineer.

3. Prepare, for use by the Advisory Committee, such cost-benefit analyses relating to the recharge and recovery or underground storage and recovery of water in the Basin as may be needed.

4. Develop recommendations for additional activities for the management of the Basin and the protection of the aquifer in which the Basin is located, and to conduct such activities if the activities have been approved by the Board of Directors.

5. Develop and implement a program to provide financial assistance to pay at least 50 percent but not more than 85 percent of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water, as determined by the Southern Nevada Water Authority, to owners of real property served by:

(a) Domestic wells; or

(b) Wells that are operated pursuant to ~~[temporary]~~ ***revocable*** permits,

➥ who are required by the State Engineer to connect the real property to a public water system pursuant to NRS 534.120.

6. Pay the costs associated with abandoning and plugging wells on the real property of persons who are required by the State Engineer to connect the real property to a public water system pursuant to NRS 534.120.

7. Perform such other duties as are necessary for the Southern Nevada Water Authority and the Advisory Committee to carry out the provisions of this act.

Sec. 23. Any existing and valid temporary permit issued by the State Engineer pursuant to NRS 534.120 before July 1, 2025, shall be deemed a revocable permit issued by the State Engineer.

Sec. 24. (Deleted by amendment.)

Sec. 25. 1. This section, sections 1 to 20, inclusive, and sections 21.3 to 24, inclusive, of this act become effective on July 1, 2025.

2. Sections 9, 11 and 12 of this act expire by limitation on June 30, 2035.

3. Section 21 of this act becomes effective on July 1, 2035.

20 ~~~~ 25

Assembly Bill No. 132–Assemblymember Yurek

CHAPTER.....

AN ACT relating to water; revising the exemption from certain appropriation requirements for guzzlers providing water for use by wildlife; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law, under certain circumstances, exempts from the requirements of the Nevada Revised Statutes governing the appropriation of water the de minimus collection of precipitation in a guzzler to provide water for use by wildlife if the guzzler has: (1) a capacity of 20,000 gallons or less; (2) a capture area of 1 acre or less; and (3) a pipe length of 1/4 mile or less. (NRS 533.027) This bill increases the: (1) maximum allowed capacity of the guzzler to 40,000 gallons; and (2) maximum allowed pipe length of the guzzler to 1/2 mile.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. NRS 533.027 is hereby amended to read as follows:

533.027 1. The provisions of this chapter do not apply to:

(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:

(1) From the rooftop of a single-family dwelling for nonpotable domestic use; or

(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:

(I) Have a capacity of ~~[20,000]~~ ***40,000*** gallons or less;

(II) Have a capture area of 1 acre or less;

(III) Have a pipe length of ~~[1/4]~~ ***1/2*** mile or less;

(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

(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.

(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.

20 ~~~~~ 25

Assembly Bill No. 192–Assemblymember Backus

CHAPTER.....

AN ACT relating to real property; enacting the Uniform Easement Relocation Act; enacting the Uniform Mortgage Modification Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-32 of this bill enact the Uniform Easement Relocation Act promulgated by the Uniform Law Commission in 2020. **Sections 34-50** of this bill enact the Uniform Mortgage Modification Act promulgated by the Uniform Law Commission in 2024.

Generally, the Uniform Easement Relocation Act allows the owner of real property burdened by certain types of easements to seek judicial approval to relocate an easement if the relocation does not materially impair the utility of the easement to the easement holder or the physical condition, use or value of the benefitted property. **Sections 4-21** define certain terms for the purposes of the Act. **Section 22** prohibits relocation under the Act of an easement: (1) where the holder is a publicly regulated or publicly owned utility or a public entity; (2) which has been set aside for certain conservation purposes; (3) which is associated with a public road; (4) which is a negative easement that imposes a duty not to engage in a specified use of the property; (5) if the proposed location encroaches on certain land or interferes with the use or enjoyment or certain other easements; or (6) which is created by a declaration of a common-interest community.

Section 24: (1) requires a property owner who wishes to relocate an easement under the Act to file a civil action and serve a summons and complaint on the easement holder and certain other interested persons; and (2) sets forth the required contents of such a complaint. **Sections 23 and 25** set forth: (1) the factors a court must consider before approving the relocation of an easement under the Act; and (2) the required contents of a court order approving such a relocation. If the court approves the relocation of an easement, **section 27** requires all parties to the civil action to act in good faith to facilitate relocation. **Section 26** requires the property owner seeking to relocate an easement to bear all reasonable expenses of the relocation.

Before proceeding with the relocation of an easement which has been approved by a court, **section 25** requires the property owner to record: (1) a certified copy of the court order approving the relocation in the land records of each jurisdiction where the property is located; and (2) if the easement was established by the recording of certain recorded maps, a certificate of amendment to any such map. **Section 28** deems such an easement relocated upon recording of the certified court order and any certificate of amendment which is required.

If the relocation requires the construction of an improvement as a condition for relocation, **section 28** authorizes the easement holder to continue to use the existing easement according to the terms of the court order until the property owner sends certain required notice that the easement holder is able to enter, use and enjoy the easement in the new location. Specifically, once the relocation is substantially complete and the easement holder is able to enter, use and enjoy the easement in the new location, **section 28** requires the property owner relocating the easement to: (1) execute an affidavit certifying that the easement has been relocated in accordance with the order; (2) record the affidavit in the land records of each jurisdiction in which the property is located; and (3) send a copy of the recorded affidavit by certified mail to the easement holder and all parties to the civil action.

Sections 29 and 30 provide that: (1) the Act does not affect any other method of relocating an easement which is permitted under existing law; and (2) the right of a property owner to relocate an easement under the Act with court approval may not be waived, excluded or restricted by agreement even in circumstances where the instrument which created the easement contains certain restrictions. **Section 29** also provides that a relocation under the Act does not constitute a new transfer or grant of an interest in property, and thus is not a breach or default of certain existing agreements.

Generally, the Uniform Mortgage Modification Act establishes safe harbor provisions for several common categories of modifications which are not prejudicial to junior interest holders and which do not affect the priority of the mortgage. Modifications which are outside the scope of the Act remain governed by existing law applicable to those modifications. **Sections 36-46** define certain terms for the purposes of the Act. **Sections 47 and 48** establish the types of modifications to which the Act does and does not apply. **Section 48** provides that, for a modification to which the Act applies: (1) the mortgage continues to secure the obligation as modified; (2) the priority of the mortgage is not affected by the modification; (3) the mortgage retains its priority even if the modification is not recorded in the land records of a jurisdiction in which the property is located; and (4) the modification is not a novation.

Section 48 also establishes the categories of modifications to which the Act applies, which include: (1) an extension of the maturity date of the obligation; (2) a decrease in the interest rate; (3) certain changes in the methods of calculating interest which do not result in an increase as calculated on the date the modification becomes effective; (4) a capitalization of interest or other unpaid monetary obligations; (5) a forgiveness, forbearance or other reduction of a secured debt or other monetary obligation; (6) a modification of a requirement for maintaining certain escrow or reserve accounts; (7) a modification of a requirement for acquiring or maintaining insurance; (8) a modification of an existing condition to advance funds; (9) a modification of a financial covenant; and (10) a modification of the payment amount or schedule resulting from another modification to which the Act applies.

Section 47 provides that the Act does not affect existing law governing the required content of a mortgage, statutes of limitation, recording, priority of certain liens, certain electronic transactions or the priority of certain future advances. **Section 47** also excludes certain modifications from the Act.

Sections 31 and 49 require a court to consider the uniformity of law among jurisdictions that enact the Uniform Easement Relocation Act or the Uniform Mortgage Modification Act in applying and construing the provisions of those Acts. **Sections 32 and 50** clarify the relation of the Uniform Easement Relocation Act and the Uniform Mortgage Modification Act to the federal Electronic Signatures in Global and National Commerce Act. (15 U.S.C. §§ 7001 et seq.)

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. Title 10 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 32, inclusive, of this act.

Sec. 2. ***This chapter may be cited as the Uniform Easement Relocation Act.***

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 21, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 4. ***"Appurtenant easement" means an easement tied to or dependent on ownership or occupancy of real property.***

Sec. 5. ***"Conservation easement" has the meaning ascribed to the term "easement for conservation" in NRS 111.410.***

Sec. 6. ***"Dominant estate" means an estate or interest in real property benefitted by an appurtenant easement.***

Sec. 7. ***"Easement":***

1. Means a nonpossessory property interest that:

(a) Provides a right to enter, use or enjoy real property owned by or in the possession of another; and

(b) Imposes on the owner or possessor a duty not to interfere with the entry, use or enjoyment permitted by the instrument creating the easement or, in the case of an easement not established by express grant or reservation, the entry, use or enjoyment authorized by law or prescriptive rights.

2. Includes, without limitation, a right-of-way.

Sec. 8. ***"Easement holder" means:***

1. In the case of an appurtenant easement, the dominant estate owner; or

2. In the case of an easement in gross, public-utility easement, conservation easement or negative easement, the grantee of the easement or a successor.

Sec. 9. ***"Easement in gross" means an easement not tied to or dependent on ownership or occupancy of real property.***

Sec. 10. ***"Lessee of record" means a person holding a lessee's interest under a recorded lease or memorandum of lease.***

Sec. 11. ***"Negative easement" means a nonpossessory property interest whose primary purpose is to impose on a servient estate owner a duty not to engage in a specified use of the estate.***

Sec. 12. *"Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality or other legal entity.*

Sec. 12.3. *"Public entity" means:*

1. The United States or an agency of the United States;

2. This State, a political subdivision of this State, an agency of this State or a municipal corporation of this State;

3. A general improvement district, as defined in NRS 318.020; or

4. A special assessment district formed in accordance with the provisions of chapter 271 of NRS.

Sec. 12.7. *"Public-entity easement" means a nonpossessory property interest in which the easement holder is a public entity.*

Sec. 13. *"Public-utility easement":*

1. Means a nonpossessory property interest in which the easement holder is:

(a) A publicly regulated or publicly owned utility under federal law or law of this State or a municipality; or

(b) A video service provider, as defined in NRS 711.151.

2. Includes an easement benefiting an intrastate utility, an interstate utility or a utility cooperative.

Sec. 14. *"Real property" means an estate or interest in, over or under land, including structures, fixtures and other things that by custom, usage or law pass with a conveyance of land whether or not described or mentioned in the contract of sale or instrument of conveyance. The term includes the interest of a lessor and lessee.*

Sec. 15. *"Record" means, when used as a noun, 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. 16. *"Security instrument" means a mortgage, deed of trust, security deed, contract for deed, lease or other record that creates or provides for an interest in real property to secure payment or performance of an obligation, whether by acquisition or retention of a lien, a lessor's interest under a lease or title to the real property. The term includes:*

1. A security instrument that also creates or provides for a security interest in personal property;

2. A modification or amendment of a security instrument; and

3. A record creating a lien on real property to secure an obligation under a covenant running with the real property.

Sec. 17. *"Security-interest holder of record" means a person holding an interest in real property created by a recorded security instrument.*

Sec. 18. *"Servient estate" means an estate or interest in real property that is burdened by an easement.*

Sec. 19. *"Title evidence" means a title insurance policy, preliminary title report or binder, title insurance commitment, abstract of title, attorney's opinion of title based on examination of public records or an abstract of title or any other means of reporting the state of title to real property which is customary in the locality.*

Sec. 20. (Deleted by amendment.)

Sec. 21. *"Utility cooperative" means a nonprofit entity whose purpose is to deliver a utility service, such as electricity, oil, natural gas, water, sanitary sewer, storm water or telecommunications, to its customers or members and includes an electric cooperative, rural electric cooperative, rural water district and rural water association.*

Sec. 22. *1. Except as otherwise provided in subsection 2, this chapter applies to an easement established by express grant or reservation or by prescription, implication, necessity, estoppel or other method.*

2. This chapter may not be used to relocate:

(a) A public-utility easement, public-entity easement, conservation easement, negative easement or easement associated with a public road;

(b) An easement if the proposed location would encroach on an area of an estate burdened by a conservation easement or would interfere with the use or enjoyment of a public-utility easement, public-entity easement or an easement appurtenant to a conservation easement or a public road; or

(c) An easement created by a declaration in accordance with the provisions of chapter 116 of NRS.

3. This chapter does not apply to relocation of an easement by consent.

4. As used in this section, "public road" has the meaning ascribed to it in NRS 405.191.

Sec. 23. *A servient estate owner may relocate an easement under this chapter only if the relocation does not materially:*

1. Lessen the utility of the easement;

2. After the relocation, increase the burden on the easement holder in its reasonable use and enjoyment of the easement;

3. Impair an affirmative, easement-related purpose for which the easement was created;

4. During or after the relocation, impair the safety of the easement holder or another entitled to use and enjoy the easement;

5. During the relocation, disrupt the use and enjoyment of the easement by the easement holder or another entitled to use and enjoy the easement, unless the servient estate owner substantially mitigates the duration and nature of the disruption;

6. Impair the physical condition, use or value of the dominant estate or improvements on the dominant estate; or

7. Impair the value of the collateral of a security-interest holder of record in the servient estate or dominant estate, impair a real-property interest of a lessee of record in the dominant estate or impair a recorded real-property interest of any other person in the servient estate or dominant estate.

Sec. 24. ***1. To obtain an order to relocate an easement under this chapter, a servient estate owner must commence a civil action.***

2. A servient estate owner that commences a civil action under subsection 1:

(a) Shall serve a summons and complaint on:

(1) The easement holder whose easement is the subject of the relocation;

(2) A security-interest holder of record of an interest in the servient estate or dominant estate;

(3) A lessee of record of an interest in the dominant estate; and

(4) Except as otherwise provided in paragraph (b), any other owner of a recorded real-property interest if the relocation would encroach on an area of the servient estate or dominant estate burdened by the interest; and

(b) Is not required to serve a summons and complaint on the owner of a recorded real-property interest in oil, gas or minerals unless the interest includes an easement to facilitate oil, gas or mineral development.

3. A complaint under this section must state:

(a) The intent of the servient estate owner to seek the relocation;

(b) The nature, extent and anticipated dates of commencement and completion of the proposed relocation;

(c) The current and proposed locations of the easement and any improvements to be included in the relocated easement;

(d) The reason the easement is eligible for relocation under section 22 of this act;

(e) The reason the proposed relocation satisfies the conditions for relocation under section 23 of this act; and

(f) That the servient estate owner has made a reasonable attempt to notify the holders of any public-utility easement, public-entity easement, conservation easement or negative easement on the servient estate or dominant estate of the proposed relocation.

4. At any time before the court renders a final order in an action under subsection 1, a person served under subparagraph (2), (3) or (4) of paragraph (a) of subsection 2 may file a document, in recordable form, that waives its rights to contest or obtain relief in connection with the relocation or subordinates its interests to the relocation. On filing of the document, the court may order that the person is not required to answer or participate further in the action.

Sec. 25. *1. The court may not approve relocation of an easement under this chapter unless the servient estate owner:*

(a) Establishes that the easement is eligible for relocation under section 22 of this act; and

(b) Satisfies the conditions for relocation under section 23 of this act.

2. An order under this chapter approving relocation of an easement must:

(a) State that the order is issued in accordance with this chapter;

(b) Recite the recording data of the instrument creating the easement, if any, and any amendments;

(c) Identify the immediately preceding location of the easement;

(d) Describe in a legally sufficient manner the new location of the easement;

(e) Describe mitigation required of the servient estate owner during relocation;

(f) Refer in detail to the plans and specifications of improvements necessary for the easement holder to enter, use and enjoy the easement in the new location;

(g) Specify conditions to be satisfied by the servient estate owner to relocate the easement and construct improvements necessary for the easement holder to enter, use and enjoy the easement in the new location;

(h) Include a provision for payment by the servient estate owner of expenses under section 26 of this act;

(i) Include a provision for compliance by the parties with the obligation of good faith under section 27 of this act; and

(j) Instruct the servient estate owner to record an affidavit, if required under subsection 1 of section 28 of this act, when the servient estate owner substantially completes relocation.

3. An order under subsection 2 may include any other provision consistent with this chapter for the fair and equitable relocation of the easement.

4. Before a servient estate owner proceeds with relocation of an easement under this chapter, the owner must:

(a) Record, in the land records of each jurisdiction where the servient estate is located, a certified copy of the order under subsection 2; and

(b) If the easement was established by the recording of a recorded subdivision map, record of survey, parcel map, map of division into large parcels or reversionary map, record a certificate of amendment to the recorded subdivision map, record of survey, parcel map, map of division into large parcels or reversionary map, as applicable. If a public entity is required to sign an amended map, the public entity shall sign the amendment in compliance with any order under subsection 2.

5. If a servient estate owner is required to record a certificate of amendment pursuant to paragraph (b) of subsection 4:

(a) The servient estate owner is not required to provide notice of the amendment or obtain signatures on the amendment of the other property owners within the mapped area; and

(b) The applicable land use authority is not required to hold a public hearing or consider the amendment in a public meeting, if relocation of the easement is the only amendment to the recorded subdivision map, record of survey, parcel map, map of division into large parcels or reversionary map.

Sec. 26. *A servient estate owner is responsible for reasonable expenses of relocation of an easement under this chapter, including the expense of:*

1. Constructing improvements on the servient estate or dominant estate in accordance with an order under section 25 of this act;

2. Removing and demolishing any existing improvements on the dominant estate in accordance with an order under section 25 of this act;

3. Any liability or damages incurred by the easement holder arising out of the relocation of the easement, including, without limitation, expenses relating to environmental investigation,

remediation, restoration or reclamation and any reasonable attorney's fees associated with the liability or damages incurred by the easement holder;

4. Any cleanup, removal, repair, remediation, detoxification or restoration required by a public entity;

5. During the relocation, mitigating disruption in the use and enjoyment of the easement by the easement holder or another person entitled to use and enjoy the easement;

6. Obtaining a governmental approval or permit to relocate the easement and construct necessary improvements;

7. Preparing and recording the certified copy required by subsection 4 of section 25 of this act and any other document required to be recorded;

8. Any title work required to complete the relocation or required by a party to the civil action as a result of the relocation;

9. Applicable premiums for title insurance related to the relocation;

10. Any expert necessary to review plans and specifications for an improvement to be constructed in the relocated easement or on the dominant estate and to confirm compliance with the plans and specifications referred to in the order under paragraph (f) of subsection 2 of section 25 of this act;

11. Payment of any maintenance cost associated with the relocated easement which is greater than the maintenance cost associated with the easement before relocation; and

12. Obtaining any third-party consent required to relocate the easement.

Sec. 27. ***After the court, under section 25 of this act, approves relocation of an easement and the servient estate owner commences the relocation, the servient estate owner, the easement holder and other parties in the civil action shall act in good faith to facilitate the relocation in compliance with this chapter.***

Sec. 28. ***1. If an order under section 25 of this act requires the construction of an improvement as a condition for relocation of an easement, relocation is substantially complete and the easement holder is able to enter, use and enjoy the easement in the new location, the servient estate owner shall:***

(a) Record, in the land records of each jurisdiction where the servient estate is located, an affidavit certifying that the easement has been relocated in accordance with the order and any certificate of amendment required under subsection 4 of section 25 of this act; and

(b) Send, by certified mail, a copy of the recorded affidavit to the easement holder and all parties to the civil action.

2. Until an affidavit under subsection 1 is recorded and sent, the easement holder may enter, use and enjoy the easement in the current location, subject to the court's order under section 25 of this act approving relocation.

3. If an order under section 25 of this act does not require an improvement to be constructed as a condition of the relocation, recording the order and any certificate of amendment required under subsection 4 of section 25 of this act constitutes relocation.

Sec. 29. *1. Relocation of an easement under this chapter:*

(a) Is not a new transfer or a new grant of an interest in the servient estate or the dominant estate;

(b) Is not a breach or default of, and does not trigger, a due-on-sale clause or other transfer-restriction clause under a security instrument, except as otherwise determined by a court under law other than this chapter;

(c) Is not a breach or default of a lease, except as otherwise determined by a court under law other than this chapter;

(d) Is not a breach or default by the servient estate owner of a recorded document affected by the relocation, except as otherwise determined by a court under law other than this chapter;

(e) Does not affect the priority of the easement with respect to other recorded real-property interests burdening the area of the servient estate where the easement was located before the relocation; and

(f) Is not a fraudulent conveyance or voidable transaction under law.

2. This chapter does not affect any other method of relocating an easement permitted under law of this state other than this chapter.

Sec. 30. *The right of a servient estate owner to relocate an easement under this chapter may not be waived, excluded or restricted by agreement even if:*

1. The instrument creating the easement prohibits relocation or contains a waiver, exclusion or restriction of this chapter;

2. The instrument creating the easement requires consent of the easement holder to amend the terms of the easement; or

3. The location of the easement is fixed by the instrument creating the easement, another agreement, previous conduct, acquiescence, estoppel or implication.

Sec. 31. *In applying and construing this uniform act, consideration must be given to the need to promote uniformity of*

the law with respect to its subject matter among the states that enact it.

Sec. 32. ***This chapter modifies, limits or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but does not modify, limit or supersede section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. § 7003(b).***

Sec. 33. Title 9 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 34 to 50, inclusive, of this act.

Sec. 34. ***This chapter may be cited as the Uniform Mortgage Modification Act.***

Sec. 35. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 36 to 46, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 36. ***"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.***

Sec. 37. ***"Financial covenant" means an undertaking to demonstrate an obligor's creditworthiness or the adequacy of security provided by an obligor.***

Sec. 38. ***"Modification" includes change, amendment, revision, correction, addition, supplementation, elimination, waiver and restatement.***

Sec. 39. ***1. "Mortgage" means an agreement that creates a consensual interest in real property to secure payment or performance of an obligation, regardless of:***

(a) How the agreement is denominated, including a mortgage, deed of trust, trust deed, security deed, indenture and deed to secure debt; and

(b) Whether the agreement also creates a security interest in personal property; and

2. The term does not include an agreement that creates a consensual interest to secure a liability owed by a unit owner to a condominium association, owners' association or cooperative housing association for association dues, fees or assessments.

Sec. 40. ***"Mortgage modification" means modification of:***

1. A mortgage;

2. An agreement that creates an obligation, including a promissory note, loan agreement or credit agreement; or

3. An agreement that creates other security or credit enhancement for an obligation, including an assignment of leases or rents or a guaranty.

Sec. 41. *"Obligation" means a debt, duty or other liability, secured by a mortgage.*

Sec. 42. *"Obligor" means a person that:*

1. Owes payment or performance of an obligation;

2. Signs a mortgage; or

3. Is otherwise accountable, or whose property serves as collateral, for payment or performance of an obligation.

Sec. 43. *"Person" means an individual, estate, business or nonprofit entity, government or governmental subdivision, agency or instrumentality, or other legal entity.*

Sec. 44. *"Recognized index" means an index to which changes in the interest rate may be linked that is:*

1. Readily available to, and verifiable by, the obligor; and

2. Beyond the control of the person to whom the obligation is owed.

Sec. 45. *"Record" means, when used as a noun, information:*

1. Inscribed on a tangible medium; or

2. Stored in an electronic or other medium and retrievable in perceivable form.

Sec. 46. *"Sign" means, with present intent to authenticate or adopt a record:*

1. Execute or adopt a tangible symbol; or

2. Attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 47. *1. Except as provided in subsection 3, this chapter applies to a mortgage modification.*

2. This chapter does not affect:

(a) Law governing the required content of a mortgage;

(b) A statute of limitations or other law governing the expiration or termination of a right to enforce an obligation or a mortgage;

(c) A recording statute;

(d) A statute governing the priority of a tax lien or other governmental lien;

(e) A statute of frauds or the provisions of chapter 719 of NRS; or

(f) Except as provided in paragraph (h) of subsection 2 of section 48 of this act, law governing the priority of a future advance.

3. This chapter does not apply to any of the following modifications:

(a) A release of, or addition to, property encumbered by a mortgage;

(b) A release of, addition of, or other change in an obligor; or

(c) An assignment or other transfer of a mortgage or an obligation.

Sec. 48. *1. For a mortgage modification described in subsection 2:*

(a) The mortgage continues to secure the obligation as modified;

(b) The priority of the mortgage is not affected by the modification;

(c) The mortgage retains its priority regardless of whether a record of the mortgage modification is recorded in the land records of a jurisdiction in which the property is located; and

(d) The modification is not a novation.

2. Subsection 1 applies to one or more of the following mortgage modifications:

(a) An extension of the maturity date of an obligation;

(b) A decrease in the interest rate of an obligation;

(c) If the change does not result in an increase in the interest rate of an obligation as calculated on the date the modification becomes effective:

(1) A change to a different index that is a recognized index if the previous index to which changes in the interest rate were linked is no longer available;

(2) A change in the differential between the index and the interest rate;

(3) A change from a floating or adjustable rate to a fixed rate; or

(4) A change from a fixed rate to a floating or adjustable rate based on a recognized index;

(d) A capitalization of unpaid interest or other unpaid monetary obligation;

(e) A forgiveness, forbearance or other reduction of principal, accrued interest or other monetary obligation;

(f) A modification of a requirement for maintaining an escrow or reserve account for payment of an obligation, including taxes and insurance premiums;

(g) A modification of a requirement for acquiring or maintaining insurance;

(h) A modification of an existing condition to advance funds;

(i) A modification of a financial covenant; and

(j) A modification of the payment amount or schedule resulting from another modification described in this subsection.

3. The effect of a mortgage modification not described in subsection 2 is governed by other law.

Sec. 49. ***In applying and construing this uniform act, a court shall consider the promotion of uniformity of the law among jurisdictions that enact it.***

Sec. 50. ***This chapter modifies, limits or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but does not modify, limit or supersede section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. § 7003(b).***

Sec. 51. 1. Sections 1 to 32, inclusive, of this act apply to an easement created before, on, or after October 1, 2025.

2. Sections 33 to 50, inclusive, of this act apply to a mortgage modification made on or after October 1, 2025, regardless of when the mortgage or the obligation was created.

3. As used in this section:

(a) "Easement" has the meaning ascribed to it in section 7 of this act.

(b) "Mortgage" has the meaning ascribed to it in section 39 of this act.

(c) "Mortgage modification" has the meaning ascribed to it in section 40 of this act.

(d) "Obligation" has the meaning ascribed to it in section 41 of this act.

20 ~~~~~ 25

Assembly Bill No. 197–Assemblymembers
Backus and Hafen

CHAPTER.....

AN ACT relating to governmental administration; requiring, with certain exceptions, a governmental entity to keep confidential certain personal information regarding donors, members or volunteers of a nonprofit organization; prohibiting, with certain exceptions, a governmental entity from requesting or releasing certain personal information regarding donors, members or volunteers of a nonprofit organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain governmental agencies to collect certain personal information. (Chapter 239B of NRS) Existing law also prohibits, with certain exceptions, a governmental agency from requiring a person to include certain personal information on any document submitted to the governmental agency after a certain date. (NRS 239B.030) **Section 2** of this bill requires, with certain exceptions, a governmental entity to keep confidential any personal information in the records of the governmental entity that identifies a person as a donor, member or volunteer of a nonprofit organization. **Section 2** also prohibits, with certain exceptions, a governmental entity from: (1) requiring that any person or nonprofit organization provide the governmental entity with personal information that identifies a person as a donor, member or volunteer of a nonprofit organization; (2) releasing, publicizing or otherwise publicly disclosing personal information that identifies a person as a donor, member or volunteer of a nonprofit organization; or (3) requesting or requiring a current or prospective contractor or grantee to provide a list of nonprofit organizations to which the contractor or grantee has provided support or in-kind services or goods. **Section 2** provides that the personal information that identifies a person as a donor, member or volunteer of a nonprofit organization includes any list, record, register, roster or other data of any kind that includes a donation, name, address or telephone number that directly or indirectly identifies a person as a donor of financial support or in-kind services or goods, a member or a volunteer of any nonprofit organization.

Section 2 provides that a person who alleges that the person has been harmed by a governmental entity or an officer or employee of a governmental entity that has violated these provisions may bring a civil action to obtain certain relief. To prevail, **section 2** requires the person to prove that the governmental entity or officer or employee thereof caused the person harm as a result of actions the entity, officer or employee knew or should have known were a violation of these provisions.

Section 1 of this bill provides that such personal information is not a public record.

Section 3 of this bill prohibits the Secretary of State, when carrying out certain requirements of existing law, from collecting or disclosing any information that directly identifies a person as a donor of financial support to a nonprofit organization.

Section 4 of this bill provides that any information collected by the Attorney General in an audit, examination, review or investigation of a corporation for public benefit or a corporation holding assets in charitable trust may only be used in

connection with the audit, examination, review or investigation and is otherwise subject to the requirements of **section 2**.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

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

Section 1. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240,

360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050,

645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 2 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 2. Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a governmental entity shall maintain in a confidential manner any personal information that identifies a person as a donor, member or volunteer of a nonprofit organization.

2. Except as otherwise provided in subsection 3, a governmental entity shall not:

(a) Require any person or nonprofit organization to provide the governmental entity with personal information that identifies a person as a donor, member or volunteer of a nonprofit organization or otherwise compel the release of such personal information;

(b) Release, publicize or otherwise publicly disclose personal information in possession of the governmental entity that identifies a person as a donor, member or volunteer of a nonprofit organization; or

(c) Request or require a current or prospective contractor or grantee working with the governmental entity to provide a list of nonprofit organizations to which the contractor or grantee has provided financial support or in-kind services or goods.

3. The provisions of subsections 1 and 2 do not apply to personal information that identifies a person as a donor, member

or volunteer of a nonprofit organization that is requested, obtained, released or disclosed as a result of any of the following:

(a) Any personal information required to be disclosed by statute or regulation for the purpose of complying with federal law;

(b) Any information, report or disclosure required to be:

(1) Filed with the Secretary of State pursuant to title 7 of NRS provided that, except as otherwise provided in this subsection, any information that directly identifies a person as a donor of financial support to a nonprofit organization must not be collected or disclosed; or

(2) Disclosed pursuant to any statute, regulation or ordinance for a person or nonprofit organization to qualify for, operate or engage in a business activity in this State or in a city or county in this State;

(c) Any report or disclosure required to be filed pursuant to chapter 294A of NRS;

(d) Any confidential information shared pursuant to NRS 232.357;

(e) Any lawful warrant for personal information issued by a court of competent jurisdiction;

(f) Any lawful request for personal information in connection with discovery proceedings if:

(1) The relevant and probative value of the information requested outweighs its prejudicial effect; and

(2) The requester obtains a protective order from the court barring the disclosure of such information to any person not named in the proceedings;

(g) Any personal information voluntarily released by a person to the governmental entity or any personal information voluntarily released by a nonprofit organization to the public;

(h) Any personal information admitted as evidence before a court of competent jurisdiction, if the court finds there is good cause for the public release of such information;

(i) Any contract, resolution or agreement entered into by a nonprofit organization with a governmental entity, including for purposes of obtaining a governmental benefit or grant, whereby the governmental entity is authorized to or any statute which expressly authorizes a governmental entity to inspect the records of the nonprofit organization, including, without limitation, a contract, resolution or agreement entered into pursuant to NRS 427A.085, 433.354, 433B.220 or 439.155 or a request for a screening submitted pursuant to NRS 179A.325;

(j) Any report required to be filed by a nonprofit organization and posted by the Department of Health and Human Services on the Internet website maintained by the Department pursuant to NRS 439B.665 and 439B.670;

(k) Any information required to be filed by a nonprofit organization of surplus line brokers with the Commissioner of Insurance pursuant to NRS 685A.075;

(l) Any information submitted to a governmental entity by a national securities association that is registered pursuant to 15 U.S.C. § 78o-3 or any regulation adopted pursuant thereto, including, without limitation, any information submitted to the Secretary of State pursuant to chapters 90 and 91 of NRS and any regulations adopted pursuant thereto for the purposes of licensing, registration, examination, investigation or enforcement;

(m) Any requirement to disclose the relationship between a public officer or employee and a nonprofit organization pursuant to NRS 281A.420, as a response to a lawful request or subpoena in an investigation or as part of or in response to a request for an advisory opinion submitted pursuant to NRS 281A.670 to 281A.690, inclusive, or an ethics complaint filed or initiated pursuant to NRS 281A.700 to 281A.790, inclusive;

(n) Any information submitted to or requested by the Nevada Gaming Control Board pursuant to NRS 462.160 for the purposes of the licensing or registration of a charitable lottery or charitable game, provided that any information collected is confidential as provided in NRS 463.120;

(o) A request for information:

(1) Required by the Attorney General for an audit, examination, review or investigation conducted pursuant to NRS 82.536, provided that:

(I) Such information must only be used in connection with the specific audit, examination, review or investigation to which the request is related and for any related proceedings; and

(II) Such information otherwise remains subject to the provisions of this section, unless expressly required by law to be publicly disclosed;

(2) Relating to the authority to exercise the power of the Secretary of State or the power of the Attorney General in the areas of consumer protection pursuant to NRS 228.380, including, without limitation, the provisions of NRS 90.615, 597.262, 597.8198, 598C.180, 599B.015, and 599B.213 to 599B.245, inclusive, and chapters 598, 598A and 711 of NRS, provided that

such information is otherwise subject to the requirements of this section, unless expressly required by law to be publicly disclosed;

(3) Relating to a criminal investigation or prosecution by the Attorney General, a district attorney on behalf of a county or a city attorney on behalf of a city, where there is credible evidence that a crime has been or is being committed or for information relating to any authorized civil investigation or inquiry undertaken by the Attorney General, district attorney or city attorney, as applicable, provided that any personal information obtained in such an investigation or prosecution must remain confidential unless its disclosure is expressly required by law to be publicly disclosed or is necessary to publicize in a court pleading or submission of evidence to a court; or

(4) Connected with a constituent complaint submitted to the Attorney General; and

(p) The names of members of a labor organization and the amount of dues collected by a governmental entity that are provided to the labor organization for the purposes of collecting and reporting the remittance of dues to the labor organization from its members, in accordance with a valid authorization to withhold dues.

4. Any person who alleges that the person has been harmed by a governmental entity or an officer or employee of a governmental entity that has violated the provisions of subsection 1 or 2 may bring a civil action in a court of competent jurisdiction. To prevail, the person must prove to the court that the governmental entity or officer or employee of the governmental entity caused harm to the person by violating the provisions of subsection 1 or 2 where the governmental entity or officer or employee thereof knew or should have known such actions violated the provisions of subsection 1 or 2. If the person prevails, the person is entitled to receive any or all of the following relief:

(a) Injunctive relief as the court deems appropriate;

(b) Costs incurred in bringing the action, including, without limitation, reasonable attorney's fees;

(c) Except as otherwise provided in paragraph (d), the greater of actual damages or statutory damages equal to:

(1) For a first offense committed against the person, $1,000;

(2) For a second offense committed against the person, $5,000; and

(3) For a third or any subsequent offense committed against the person, $10,000.

(d) If the court determines that a governmental entity or officer or employee of a governmental entity acted recklessly or willfully to violate the provisions of this section, the court may award treble the amount of the damages assessed pursuant to paragraph (c).

5. For the purposes of this section:

(a) "Personal information that identifies a person as a donor, member or volunteer of a nonprofit organization":

(1) Includes, without limitation, any list, record, register, roster or other data of any kind that includes a donation, name, address or telephone number that directly or indirectly identifies a person as a donor of financial support or in-kind services or goods, a member or a volunteer of any nonprofit organization; and

(2) Does not include information that identifies a person as a staff member, employee or contractor of a nonprofit organization.

(b) An entity that has submitted an application with the Internal Revenue Service for recognition as a tax exempt entity pursuant to section 501(c) of the Internal Revenue Code, 26 U.S.C. § 501(c), meets the definition of "nonprofit organization" set forth in subsection 6 only if the governmental entity receives actual notice from the entity of the pending application.

6. As used in this section:

(a) "Governmental entity" has the meaning ascribed to it in NRS 239.005.

(b) "Labor organization" has the meaning ascribed to it in NRS 288.048.

(c) "Nonprofit organization" means:

(1) An organization which qualifies as tax exempt pursuant to section 501(c) of the Internal Revenue Code, 26 U.S.C. § 501(c); and

(2) Any entity that has submitted an application with the Internal Revenue Service for recognition as a tax exempt entity pursuant to section 501(c) of the Internal Revenue Code, 26 U.S.C. § 501(c).

Sec. 3. Chapter 75 of NRS is hereby amended by adding thereto a new section to read as follows:

Pursuant to section 2 of this act, in carrying out the requirements of this title, the Secretary of State shall not collect or disclose any information that directly identifies a person as a donor of financial support to a nonprofit organization.

Sec. 4. NRS 82.536 is hereby amended to read as follows:

82.536 1. A corporation for public benefit and a corporation holding assets in charitable trust is subject at all times to examination by the Attorney General, on behalf of the State, to ascertain the condition of its affairs and to what extent, if at all, it fails to comply with trusts it has assumed or has departed from the purposes for which it is formed. In case of any such a failure or departure, the Attorney General may institute, in the name of the State, the proceeding necessary to correct the noncompliance or departure.

2. The Attorney General, or any person given the status of relator by the Attorney General, may bring an action to enjoin, correct, obtain damages for or otherwise to remedy a breach of a charitable trust or departure from the purposes for which it is formed.

3. Any information collected by the Attorney General pursuant to this section:

(a) Must only be used in connection with an audit, examination, review or investigation by the Attorney General and for any proceedings or action resulting from such an audit, examination, review or investigation; and

(b) Except as otherwise provided in this subsection and section 2 of this act, is subject to the requirements of section 2 of this act, unless expressly required by law to be publicly disclosed.

Sec. 5. This act becomes effective on July 1, 2027.

20 ~~~~~ 25

Assembly Bill No. 305–Committee
on Commerce and Labor

CHAPTER.....

AN ACT relating to providers of health care; limiting the amount a provider of health care may charge to fill out certain forms necessary to take a leave of absence authorized by the Family and Medical Leave Act of 1993; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Family and Medical Leave Act of 1993, certain employees have the right to take an unpaid leave of absence from work for certain medical or family reasons, including, without limitation: (1) because of a serious health condition of the employee that makes the employee unable to perform the functions of his or her position; (2) to care for certain family members who have a serious health condition; or (3) to care for certain veterans or members of the Armed Forces who have suffered a serious injury or illness. (29 U.S.C. § 2612) The Act authorizes an employer of an employee who requests leave for one of those reasons to require the employee to provide a certification issued by a health care provider that contains certain information concerning the serious health condition or serious injury or illness. (29 U.S.C. § 2613; 29 C.F.R. §§ 825.305-825.310) This bill prohibits a provider of health care from charging a person more than $30 to fill out a form for such a certification. This bill requires that amount to be adjusted annually based on the Consumer Price Index (All Items) for the immediately preceding year. The Department of Health and Human Services is required to determine the amount of the adjustment on or before January 1 of each year and establish the adjusted amount to take effect on January 1 of that year. This bill also requires the Department to post the adjusted amount on its Internet website.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A provider of health care shall not charge a person more than $30 to fill out a form for a certification required by an employer pursuant to 29 U.S.C. § 2613.

2. The amount specified in subsection 1 must be increased or decreased annually in an amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the immediately preceding year. On or before January 1 of each year, the Department of Health and Human Services shall determine the amount of the increase or decrease required by this subsection

and establish the adjusted amount to take effect on January 1 of that year. The Department shall also post the adjusted amount on its Internet website.

20 ~~~~~ 25

Assembly Bill No. 444–Assemblymember Hafen

Joint Sponsor: Senator Neal

CHAPTER.....

AN ACT relating to governmental administration; revising provisions relating to the adoption of regulations by certain agencies of the Executive Department of the State Government; revising provisions relating to the adoption by a governing body of a local government of certain ordinances or the taking of certain actions relating to fees paid by businesses; revising provisions relating to impact fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Administrative Procedure Act establishes procedural requirements for the adoption of administrative regulations by agencies, officers and employees of the Executive Department of the State Government, with certain exceptions. (NRS 233B.010-233B.120) Under the Act, such state agencies, officers and employees are required to take certain actions to determine the impact of a proposed regulation on for-profit businesses that employ less than 150 employees before adopting a regulation that is likely to impose a direct and significant economic burden upon such a small business or that directly restricts the formation, operation or expansion of such a small business. (NRS 233B.0382, 233B.0608) The Act further requires that after such actions are taken, the state agency, officer or employee is required to prepare a small business impact statement and prescribes the information required to be included in the statement. (NRS 233B.0608, 233B.0609) The Act also requires that an agency, before holding an initial public hearing on a proposed regulation, conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in the regulation. (NRS 233B.061) Existing law also establishes procedural requirements for the adoption by a local government of a rule, which is defined in existing law to mean an ordinance and, with certain exceptions, an action taken that imposes, increases or changes the basis for the calculation of a fee that is paid by a for-profit business. (NRS 237.030-237.150) One of the procedural prerequisites for the adoption by a local government of such a rule that is likely to impose a direct and significant economic burden upon a business or directly restricts the formation, operation or expansion of a business is the notification of chambers of commerce and trade associations of the proposed rule. (NRS 237.080) Existing law requires inclusion in the business impact statement prepared by the local government regarding such a proposed rule: (1) the number of businesses likely to be affected by the proposed rule; and (2) a list of the chambers of commerce and trade associations notified of the proposed rule. (NRS 237.090) **Section 1** of this bill imposes the same prerequisite of notifying chambers of commerce and trade associations on a state agency, officer or employee subject to the Nevada Administrative Procedure Act, in determining the impact of a proposed regulation on small businesses, insofar as is practicable. **Section 2** of this bill similarly requires the state agency, officer or employee to include in the small business impact statement for the proposed regulation the total number of small businesses likely to be affected by the proposed regulation and a list of any chambers of commerce and trade associations notified pursuant to **section 1**. **Section 2.5** of this

bill requires an agency to notify by electronic mail chambers of commerce, trade associations or owners and officers of businesses which are likely be affected by a proposed regulation of the time and place set for a workshop to solicit comments from interested persons on one or more general topics to be addressed in the regulation. **Section 2.5** also requires an agency to maintain an electronic mailing list of local chambers of commerce, trade associations and owners and officers of businesses and to update the list not later than January 31 of each year.

Under existing law, a local government is not required to comply with the procedural requirements for adopting a rule if the local government is taking action that imposes, increases or changes the basis for the calculation of an impact fee or sales and use taxes. (NRS 237.060) **Section 3** of this bill eliminates these exemptions, thereby requiring a local government to comply with those procedural requirements with respect to a proposed rule that imposes, increases or changes the basis for the calculation of an impact fee or sales and use taxes.

Existing law further provides that any action of a local government to adopt a proposed rule in violation of the requirements for adopting such a rule is void. (NRS 237.140) **Section 4** of this bill clarifies that any such action is also unenforceable.

Existing law authorizes local governments to impose by ordinance impact fees to pay the cost of constructing a capital improvement or facility expansions necessitated or attributable to certain new development. (NRS 278B.160) Under existing law, a local government that wishes to impose an impact fee is required to set a public hearing to consider the land use assumptions and to provide certain notice of such a public hearing. (NRS 278B.180) **Section 5** of this bill requires copies of such notice be provided, insofar as is practicable, to chambers of commerce and trade associations whose members are owners or officers of businesses that are likely to be affected by the proposed impact fee.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. NRS 233B.0608 is hereby amended to read as follows:

233B.0608 1. Before conducting a workshop for a proposed regulation pursuant to NRS 233B.061, an agency shall make a concerted effort to determine whether the proposed regulation is likely to:

(a) Impose a direct and significant economic burden upon a small business; or

(b) Directly restrict the formation, operation or expansion of a small business.

2. If an agency determines pursuant to subsection 1 that a proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business, the agency shall:

(a) Insofar as practicable, consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.

(b) ***Insofar as practicable, notify chambers of commerce and trade associations whose members are owners or officers of small businesses that are likely to be affected by the proposed regulation.***

(c) Conduct or cause to be conducted an analysis of the likely impact of the proposed regulation on small businesses. Insofar as practicable, the analysis must be conducted by the employee of the agency who is most knowledgeable about the subject of the proposed regulation and its likely impact on small businesses or by a consultant or other independent contractor who has such knowledge and is retained by the agency.

~~[(c)]~~ ***(d)*** Consider methods to reduce the impact of the proposed regulation on small businesses, including, without limitation:

(1) Simplifying the proposed regulation;

(2) Establishing different standards of compliance for a small business; and

(3) Modifying a fee or fine set forth in the regulation so that a small business is authorized to pay a lower fee or fine.

~~[(d)]~~ ***(e)*** Prepare a small business impact statement and make copies of the statement available to the public not less than 15 days before the workshop conducted and the public hearing held pursuant to NRS 233B.061. A copy of the statement must accompany the notice required by subsection 2 of NRS 233B.061 and the agenda for the public hearing held pursuant to that section.

3. The agency shall prepare a statement identifying the methods used by the agency in determining the impact of a proposed regulation on a small business and the reasons for the conclusions of the agency. The director, executive head or other person who is responsible for the agency shall sign the statement certifying that, to the best of his or her knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

4. Each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 must be accompanied by a copy of the small business impact statement and the statement made pursuant to subsection 3. If the agency revises a regulation after preparing the small business impact statement and the statement made pursuant to subsection 3, the agency must include an explanation of the revision and the effect of the change on small businesses.

Sec. 2. NRS 233B.0609 is hereby amended to read as follows:

233B.0609 1. A small business impact statement prepared pursuant to NRS 233B.0608 must set forth the following information:

(a) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

(b) ***The total number of small businesses likely to be affected by the proposed regulation.***

(c) A list of the chambers of commerce and trade associations notified of the proposed regulation pursuant to paragraph (b) of subsection 2 of NRS 233B.0608.

(d) The manner in which the analysis ***required pursuant to paragraph (c) of subsection 2 of NRS 233B.0608*** was conducted.

~~[(c)]~~ ***(e)*** The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(1) Both adverse and beneficial effects; and

(2) Both direct and indirect effects.

~~[(d)]~~ ***(f)*** A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

~~[(e)]~~ ***(g)*** The estimated cost to the agency for enforcement of the proposed regulation.

~~[(f)]~~ ***(h)*** If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

~~[(g)]~~ ***(i)*** If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

~~[(h)]~~ ***(j)*** The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

2. The director, executive head or other person who is responsible for the agency shall sign the small business impact statement certifying that, to the best of his or her knowledge or belief, the information contained in the statement was prepared properly and is accurate.

Sec. 2.5. NRS 233B.061 is hereby amended to read as follows:

233B.061 1. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing.

2. Before holding the public hearing required pursuant to subsection 3, an agency shall conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in a proposed regulation, except that a workshop is not required if it is the second or subsequent hearing on the regulation. Not less than 15 days before the workshop, the agency shall provide notice of the time and place set for the workshop:

(a) In writing to each person who has requested to be placed on a mailing list; ~~[and]~~

(b) ***By electronic mail to chambers of commerce, trade associations or owners and officers of businesses which are likely to be affected by the proposed regulation; and***

(c) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

3. With respect to substantive regulations, the agency shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the agency may proceed immediately to act upon any written submissions. The agency shall consider fully all written and oral submissions respecting the proposed regulation.

4. An agency shall not hold the public hearing required pursuant to subsection 3 on the same day that the agency holds the workshop required pursuant to subsection 2.

5. Each workshop and public hearing required pursuant to subsections 2 and 3 must be conducted in accordance with the provisions of chapter 241 of NRS.

6. The agency shall maintain an electronic mailing list of chambers of commerce, trade associations and owners and officers of businesses. The electronic mailing list must be updated on or before January 31 of each year. The agency must provide notification pursuant to this section to each chamber of commerce and trade association by electronic mail regardless of whether the chamber of commerce or trade association has requested that it be placed on the electronic mailing list. Nothing in this section prohibits the agency from also providing notification pursuant to this section by mail.

Sec. 3. NRS 237.060 is hereby amended to read as follows:

237.060 1. "Rule" means:

(a) An ordinance by the adoption of which the governing body of a local government exercises legislative powers; and

(b) An action taken by the governing body of a local government that imposes, increases or changes the basis for the calculation of a fee that is paid in whole or in substantial part by businesses ~~[.]~~ ***, including, without limitation, an impact fee.***

2. "Rule" does not include:

(a) An action taken by the governing body of a local government that imposes, increases or changes the basis for the calculation of:

(1) Special assessments imposed pursuant to chapter 271 of NRS;

(2) ~~[Impact fees imposed pursuant to chapter 278B of NRS;~~

~~(3)]~~ Fees for remediation imposed pursuant to chapter 540A of NRS;

~~[(4)]~~ ***(3)*** Taxes ad valorem; ***or***

~~[(5) Sales and use taxes; or~~

~~(6)]~~ ***(4)*** A fee that has been negotiated pursuant to a contract between a business and a local government.

(b) An action taken by the governing body of a local government that approves, amends or augments the annual budget of the local government.

(c) An ordinance adopted by the governing body of a local government pursuant to a provision of chapter 271, 271A, 278, 278A, 278B or 350 of NRS.

(d) An ordinance adopted by or action taken by the governing body of a local government that authorizes or relates to the issuance of bonds or other evidence of debt of the local government.

Sec. 4. NRS 237.140 is hereby amended to read as follows:

237.140 Any action of the governing body of a local government to adopt a proposed rule in violation of the provisions of NRS 237.030 to 237.150, inclusive, is void ~~[.]~~ ***and unenforceable,*** including, without limitation, if the governing body does not comply with the provisions of subsection 3 of NRS 237.100.

Sec. 5. NRS 278B.180 is hereby amended to read as follows:

278B.180 1. A local government which wishes to impose an impact fee must set a time at least 20 days thereafter and place for a public hearing to consider the land use assumptions within the designated service area which will be used to develop the capital improvements plan.

2. The notice must be given:

(a) By publication of a copy of the notice at least once a week for 2 weeks in a newspaper of general circulation in the jurisdiction of the local government.

(b) By posting a copy of the notice at the principal office of the local government and at least three other separate, prominent places within the jurisdiction of the local government.

(c) Insofar as practicable, by providing copies of the notice to chambers of commerce and trade associations whose members are owners and officers of businesses that are likely to be affected by the proposed impact fee.

3. Proof of publication must be by affidavit of the publisher.

4. Proof of posting must be by affidavit of the clerk or any deputy posting the notice.

5. The notice must contain:

(a) The time, date and location of the hearing;

(b) A statement that the purpose of the hearing is to consider the land use assumptions which will be used to develop a capital improvements plan for which an impact fee may be imposed;

(c) A map of the service area to which the land assumptions apply; and

(d) A statement that any person may appear at the hearing and present evidence for or against the land use assumptions.

20 ~~~~~ 25

Assembly Bill No. 498–Committee
on Commerce and Labor

CHAPTER.....

AN ACT relating to motor clubs; revising certain information which a motor club is required to provide to its members; revising certain qualifications for a license as a club agent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every motor club to furnish to its members certain information about the address of the motor club, including the exact location of: (1) the home office of the motor club; and (2) the usual place of business of the motor club in this State. (NRS 696A.190) **Section 1** of this bill removes the requirement for a motor club to provide information about the usual place of business of the motor club in this State. Existing law requires, for an individual who is not a resident of this State to be licensed as a club agent, that the state in which the individual resides also permits a resident of this State to act as a club agent. (NRS 696A.280) **Section 2** of this bill additionally authorizes an individual who is not a resident of this State to be licensed as a club agent if the state in which the individual resides does not require a license to act as a club agent.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. NRS 696A.190 is hereby amended to read as follows:

696A.190 1. Every motor club shall furnish to its members a service contract or a membership card and the following information:

(a) The exact name of the motor club;

(b) The exact location of the motor club's home office, ~~[and of its usual place of business in this state, giving]~~ ***including the*** street, number and city; and

(c) A description of the services or benefits to which the member is entitled.

2. A completed application for membership and the description of services ~~[shall constitute]~~ ***constitutes*** the service contract.

Sec. 2. NRS 696A.280 is hereby amended to read as follows:

696A.280 The Commissioner shall license as a club agent only an individual who has otherwise complied with this chapter, and who has furnished evidence satisfactory to the Commissioner that the individual:

1. Is at least 21 years of age.

2. ~~[Has been]~~ ***Is*** a bona fide resident of this state or is a resident of a state which ~~[will permit]~~ ***:***

(a) Does not require a license to act as a club agent; or

(b) Permits residents of this state to act as club agents in such other state.

3. Is a trustworthy ~~[person]~~ ***individual*** with a good reputation.

20 ~~~~ 25

Assembly Bill No. 502–Committee
on Government Affairs

CHAPTER.....

AN ACT relating to public works; revising provisions relating to the compliance of a contractor or subcontractor with certain requirements relating to apprentices on a public work; revising requirements relating to identifying numbers for public works; revising provisions relating to the imposition of penalties for certain violations; revising provisions relating to the period within which a person is disqualified from being awarded a contract for a public work in certain circumstances; revising provisions relating to the investigation of certain possible violations; creating the Public Works Compliance Division within the Office of Labor Commissioner and prescribing its duties; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the requirements for the State and its political subdivisions to award a contract for the new construction, repair or reconstruction of specified projects that are financed in whole or in part from public money, known as public works. (Chapter 338 of NRS) Existing law creates the Office of Labor Commissioner and requires the Labor Commissioner to enforce specified provisions relating to employment on public works. (NRS 338.010-338.130, 607.010) Existing law requires contractors or subcontractors engaged on public works to use apprentices for a certain percentage of the total hours performed on a public work, depending on certain conditions related to the public work, and to report certain information regarding the public works for the previous year to the Labor Commissioner, except identifying information about a public work or an apprentice or employee. Existing law further requires a contractor or subcontractor on a public work to maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with the apprenticeship requirement. Such a good faith effort includes submitting to an apprenticeship program a request for an apprentice: (1) not earlier than 10 days before the contractor or subcontractor is scheduled to begin work on the public work; and (2) if a contractor or subcontractor does not work continuously on a public work, not earlier than 10 days before the contractor or subcontractor is scheduled to resume work on the public work. (NRS 338.01165) **Section 1** of this bill increases the 10-day time limitation on requesting an apprentice to 30 days. **Section 1** also removes the exception for not reporting identifying information about a public work, thereby requiring the reporting of such information to the Labor Commissioner.

Existing law, in part, requires a public body that undertakes a public work to: (1) request an identifying number with a designation of the work and include the number in any advertisement or other type of solicitation; and (2) report to the Labor Commissioner the award of a contract within 10 days after the award and subsequently report the completion of the work under the contract. (NRS 338.013) **Section 2** of this bill requires that a public body request such an identifying number not less than 3 business days before any advertisement or other type of solicitation

for the public work is published or made, as applicable. **Section 2** also authorizes a penalty for each calendar day or portion thereof that a public body is not in compliance with the reporting requirements.

Under existing law, if an administrative penalty is imposed against a person for a violation of certain provisions relating to public works, the Labor Commissioner is authorized to prohibit the person from being awarded a contract for a public work: (1) for the first offense, for a period of 3 years after the date of the imposition of the administrative penalty; and (2) for the second or subsequent offense, for a period of 5 years after the date of the imposition of the administrative penalty. (NRS 338.017) **Section 4** of this bill revises the duration of the period of the disqualification as follows: (1) for the first offense, for a period of up to 180 days after the date of the imposition of the administrative penalty; (2) for the second offense, for a period of up to 3 years but not less than 180 days after the date of the imposition of the administrative penalty; (3) for the third offense, for a period of up to 5 years but not less than 3 years after the date of the imposition of the administrative penalty; and (4) for the fourth or subsequent offense, for a period of not less than 5 years after the date of the imposition of the administrative penalty.

Existing law requires any public body awarding a contract for a public work to investigate possible violations of certain laws relating to public works and determine whether a violation has been committed and inform the Labor Commissioner of any such violations. (NRS 338.070) **Section 5** of this bill requires a public body, within 90 days after substantial completion of a contract for a public work, to: (1) conduct an investigation and make a determination regarding any violation; or (2) refer the matter to the Public Works Compliance Division, which is created within the Office of Labor Commissioner in **section 8** of this bill. **Section 7** of this bill requires the Division to: (1) investigate possible violations of certain laws relating to public works at the direction of the Labor Commissioner or upon receipt of a referral from a public body; (2) submit to the Labor Commissioner a written report concerning such an investigation and, if applicable, provide a copy of the report to the referring public body upon completion of the investigation; and (3) perform any other duties related to the enforcement of certain provisions relating to public works, as directed by the Labor Commissioner. **Sections 9 and 10** of this bill make conforming changes related to the creation of the Division.

Existing law requires a public body to withhold and retain from payments to a contractor on a public work sums that are forfeited as a result of the violation of certain laws relating to public works. Existing law also prohibits any sums from being withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body. (NRS 338.070) **Section 5** requires a public body who refers the investigation of possible offenses to the Division to withhold and retain all sums believed to be forfeited by the violation of such laws until an investigation has been completed by the Division and the Labor Commissioner has determined if any violations were committed. **Section 5** authorizes the Labor Commissioner to impose against a public body that fails to investigate possible violations of certain laws relating to a public work or refer possible violations to the Public Works Compliance Division within the prescribed time period: (1) a fee of $1,000 for each contractor or subcontractor found to be in violation of such provisions; and (2) an administrative penalty of $2,000 for each contractor or subcontractor found to be in violation of such provisions. **Section 5** also prohibits a public body from withholding from any contractor or subcontractor engaged on a public work any amount due to the contractor or subcontractor in order to recover any fee or penalty assessed against the public body by the Labor Commissioner pursuant to **section 5**.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

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

Section 1. NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs workers on one or more public works during a calendar year pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent, or any increased percentage established pursuant to subsection 3, of the total hours of labor worked for each apprenticed craft or type of work to be performed on those public works.

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs workers on one or more public works during a calendar year pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent, or any increased percentage established pursuant to subsection 3, of the total hours of labor worked for each apprenticed craft or type of work to be performed on those public works.

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. If a contractor or subcontractor who is a signatory to a collective bargaining agreement with a union that sponsors an apprenticeship program for an apprenticed craft or type of work for which the term of apprenticeship is not more than 3 years requests an apprentice from that apprenticeship program and an apprentice in the appropriate craft or type of work is not available, the contractor

or subcontractor may utilize a person who graduated from the apprenticeship program in that craft or type of work within the 3 years immediately preceding the request from the contractor or subcontractor. Such a person:

(a) Shall be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Shall be deemed a journeyman for all other purposes, including, without limitation, the payment of wages and benefits to a journeyman pursuant to the collective bargaining agreement.

6. A contractor or subcontractor engaged on a public work is not required to use an apprentice in a craft or type of work performed in a jurisdiction recognized by the State Apprenticeship Council as not having apprentices in that craft or type of work.

7. A contractor or subcontractor engaged on a public work shall maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner. For purposes of this subsection, a contractor or subcontractor:

(a) Makes a good faith effort to comply with subsection 1 or 2, as applicable, if the contractor or subcontractor:

(1) Submits to the apprenticeship program, on the form prescribed by the Labor Commissioner, a request for an apprentice not earlier than ~~[10]~~ ***30*** days before the contractor or subcontractor is scheduled to begin work on the public work and not later than 5 days after the contractor or subcontractor actually begins work on the public work.

(2) If the apprenticeship program does not provide an apprentice for the appropriate apprenticed craft or type of work upon a request pursuant to subparagraph (1), submits additional requests to the apprenticeship program, on the form prescribed by the Labor Commissioner, at least once every 30 days during the period that the contractor or subcontractor is working on the public work. If a contractor or subcontractor does not work continuously on the public work, the contractor or subcontractor shall submit an additional request each time that the contractor or subcontractor resumes work on the public work not earlier than ~~[10]~~ ***30*** days before the contractor or subcontractor is scheduled to resume work on the public work and not later than 5 days after the contractor or subcontractor actually resumes work on the public work. The requirement for the submission of an additional request in this subparagraph does not apply whenever a contractor or subcontractor

has one or more apprentices employed for that apprenticed craft or type of work.

(b) Does not make a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner, if the contractor or subcontractor is required to enter into an apprenticeship agreement pursuant to subsection 16 and refuses to do so.

8. The supporting documentation required pursuant to subsection 7 may include, without limitation:

(a) Documentation of the submission by the contractor or subcontractor of one or more requests, as applicable, pursuant to subsection 7; and

(b) Documentation that the apprenticeship program denied such a request, did not respond to such a request or responded that the program was unable to provide the requested apprentice.

9. The contractor or subcontractor and the apprenticeship program shall coordinate the starting date for any apprentice provided by the program.

10. On or before February 15 of each year, a contractor or subcontractor engaged in vertical or horizontal construction, as applicable, who employs a worker on one or more public works pursuant to NRS 338.040 shall report to the Labor Commissioner, on the form prescribed by the Labor Commissioner, the following information regarding those public works for the previous calendar year:

(a) For each apprenticed craft or type of work, the total number of hours worked on vertical construction.

(b) For each apprenticed craft or type of work, the total number of hours worked on horizontal construction.

(c) For each apprenticed craft or type of work, the total number of hours worked by apprentices on vertical construction.

(d) For each apprenticed craft or type of work, the total number of hours worked by apprentices on horizontal construction.

(e) For each apprenticed craft or type of work, the percentage of the total number of hours worked on vertical construction that were worked by apprentices.

(f) For each apprenticed craft or type of work, the percentage of the total number of hours worked on horizontal construction that were worked by apprentices.

11. The information required to be reported pursuant to subsection 10 must not include any identifying information about ~~[a public work or]~~ an apprentice or employee.

12. If the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination based on the information submitted pursuant to subsection 10 that a contractor or subcontractor did not make a good faith effort to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall notify the contractor or subcontractor in writing of the determination and:

(a) Except as otherwise provided in paragraph (b), shall assess a penalty as follows:

(1) If the apprentice utilization rate by the contractor or subcontractor on vertical construction of a public work is:

(I) Seven and one-half percent or more but less than 10 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $2,500 or $2 for each hour below the percentage required, whichever is higher.

(II) More than 4 percent but less than 7.5 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $3,000 or $4 for each hour below the percentage required, whichever is higher.

(III) Four percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $5,000 or $6 for each hour below the percentage required, whichever is higher.

(2) If the apprentice utilization rate by the contractor or subcontractor on horizontal construction of a public work is:

(I) Two percent or more but less than 3 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $2,500 or $2 for each hour below the percentage required, whichever is higher.

(II) More than 1 percent but less than 2 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $3,000 or $4 for each hour below the percentage required, whichever is higher.

(III) One percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $5,000 or $6 for each hour below the percentage required, whichever is higher.

(b) Shall not assess a penalty if the total number of hours of labor required to be worked by apprentices:

(1) On vertical construction pursuant to subsection 1, as applicable, during the previous calendar year is less than 40 hours.

(2) On horizontal construction pursuant to subsection 2, as applicable, during the previous calendar year is less than 24 hours.

13. Except for good cause, the Labor Commissioner may not initiate his or her own investigation or accept a complaint based on the information submitted by a contractor or subcontractor pursuant to subsection 10 after May 1 immediately following the date on which the report was received by the Labor Commissioner.

14. In addition to the penalties set forth in subsection 12, if the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination that a contractor or subcontractor did not submit the report required pursuant to subsection 10 or made no attempt to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall:

(a) Impose a penalty of not less than $10,000 but not more than $75,000; or

(b) Disqualify the contractor or subcontractor from being awarded a contract for a public work for at least 180 days but not more than 2 years.

15. A contractor or subcontractor may request a hearing on the determination of the Labor Commissioner pursuant to subsection 12 or 14 within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

16. A contractor or subcontractor who is not a signatory to a collective bargaining agreement with the union sponsoring the apprenticeship program for an apprenticed craft or type of work engaged on a public work shall enter into an apprenticeship agreement for each apprentice required to be used in the construction of a public work.

17. As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) "Journeyman" has the meaning ascribed to it in NRS 624.260.

(e) "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

Sec. 2. NRS 338.013 is hereby amended to read as follows:

338.013 1. A public body that undertakes a public work shall request from the Labor Commissioner ~~[, and include in any advertisement or other type of solicitation,]~~ an identifying number with a designation of the work ~~[.]~~ ***not less than 3 business days before any advertisement or other type of solicitation is published or made for the public work.*** That number must be included in any ***such advertisement or solicitation or any*** bid or other document submitted in response to the advertisement or ~~[other type of]~~ solicitation.

2. Each public body which awards a contract for any public work shall report its award to the Labor Commissioner within 10 days after the award, giving the name and address of the contractor to whom the public body awarded the contract and the identifying number for the public work.

3. Each contractor engaged on a public work shall report to the Labor Commissioner and the public body that awarded the contract the name and address of each subcontractor whom the contractor engages for work on the project within 10 days after the subcontractor commences work on the contract and the identifying number for the public work.

4. The public body which awarded the contract shall report the completion of all work performed under the contract to the Labor Commissioner before the final payment of money due the contractor by the public body.

5. If a public body fails to comply with subsection 2 or 4, the Labor Commissioner may impose against the public body a penalty of $50 for each calendar day or portion thereof that the public body is not in compliance.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 338.017 is hereby amended to read as follows:

338.017 1. If any administrative penalty is imposed pursuant to this chapter against a ~~[person]~~ ***contractor or subcontractor*** for the commission of an offense, ~~[that person,]~~ ***the Labor Commissioner may disqualify the contractor or subcontractor*** and the corporate officers, if any, of ~~[that person, may not be awarded a contract for a public work:]~~ ***the contractor or subcontractor from being awarded a contract for a public work or entering into a contract to perform work on a public work:***

(a) For the first offense, ***for a period of up to 180 days after the date of the imposition of the administrative penalty;***

(b) For the second offense, for a period of ***up to*** 3 years ***but not less than 180 days*** after the date of the imposition of the administrative penalty; ~~[and~~

~~(b)]~~ ***(c) For the third offense, for a period of up to 5 years but not less than 3 years after the date of the imposition of the administrative penalty; and***

(d) For the ~~[second]~~ ***fourth*** or subsequent offense, for a period of ***not less than*** 5 years after the date of the imposition of the administrative penalty.

2. A person, and the corporate officers, if any, of that person, who is identified in the System for Award Management Exclusions operated by the General Services Administration as being excluded from receiving contracts from the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being debarred may not be awarded a contract for a public work for the period of debarment of the contractor from receiving contracts from the Federal Government.

3. The Labor Commissioner, upon learning that a contractor has been excluded from receiving contracts from the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being debarred, shall disqualify the contractor from being awarded a contract for a public work as provided in subsection 2.

4. The Labor Commissioner shall notify the State Contractors' Board of each contractor ***or subcontractor*** who is ~~[prohibited or]~~ disqualified from being awarded a contract for a public work pursuant to this section.

Sec. 5. NRS 338.070 is hereby amended to read as follows:

338.070 1. Any public body awarding a contract shall ~~[.]~~ ***, within 90 days after substantial completion of the contract:***

(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive, committed in the course of the execution of the contract, and determine whether a violation has been committed and inform the Labor Commissioner of any such violations; ~~[and]~~ ***or***

(b) ***Refer a possible violation of the provisions of NRS 338.010 to 338.090, inclusive, to the Public Works Compliance Division in the Office of Labor Commissioner. Such a referral must be made on a form prescribed by the Labor Commissioner.***

2. ~~[When]~~ ***Except as otherwise provided in this subsection, when*** making payments to the contractor engaged on the public work of money becoming due under the contract, ***a public body shall*** withhold and retain all sums forfeited pursuant to the provisions of NRS 338.010 to 338.090, inclusive.

~~[2.]~~ No sum may be withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body ~~[.]~~ ***or the Public Works Compliance Division pursuant to section 7 of this act.***

3. Except as otherwise provided in subsection 7, it is lawful for any contractor engaged on a public work to withhold from any subcontractor engaged on the public work sufficient sums to cover any penalties withheld from the contractor by the awarding public body on account of the failure of the subcontractor to comply with the terms of NRS 338.010 to 338.090, inclusive. If payment has already been made to the subcontractor, the contractor may recover from the subcontractor the amount of the penalty or forfeiture in a suit at law.

4. A contractor engaged on a public work and each subcontractor engaged on the public work shall:

(a) Inquire of each worker employed by the contractor or subcontractor in connection with the public work:

(1) Whether the worker wishes to specify voluntarily his or her gender; and

(2) Whether the worker wishes to specify voluntarily his or her ethnicity; and

(b) For each response the contractor or subcontractor receives pursuant to paragraph (a):

(1) If the worker chose voluntarily to specify his or her gender or ethnicity, or both, record the worker's responses; and

(2) If the worker declined to specify his or her gender or ethnicity, or both, record that the worker declined to specify such information.

➥ A contractor or subcontractor shall not compel or coerce a worker to specify his or her gender or ethnicity and shall not penalize or otherwise take any adverse action against a worker who declines to specify his or her gender or ethnicity. Before inquiring as to whether a worker wishes to specify voluntarily his or her gender or ethnicity, the applicable contractor or subcontractor must inform the worker that such information, if provided, will be open to public inspection as set forth in subsection 6.

5. A contractor engaged on a public work and each subcontractor engaged on the public work shall keep or cause to be kept:

(a) An accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work:

(1) The name of the worker;

(2) The occupation of the worker;

(3) The gender of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;

(4) The ethnicity of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;

(5) If the worker has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card; and

(6) The actual per diem, wages and benefits paid to the worker; and

(b) An additional accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work who has a driver's license or identification card:

(1) The name of the worker;

(2) The driver's license number or identification card number of the worker; and

(3) The state or other jurisdiction that issued the license or card.

6. The records maintained pursuant to subsection 5 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of each record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy of the record maintained pursuant to paragraph (a) of subsection 5 must be open to public inspection as provided in NRS 239.010. The copy of the record maintained pursuant to paragraph (b) of subsection 5 is confidential and not open to public inspection. The records in the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work. The Labor Commissioner shall adopt regulations authorizing and prescribing the procedures for the electronic filing of the copies of the records required to be provided monthly by a contractor or subcontractor to a public body pursuant to this subsection.

7. A contractor engaged on a public work shall not withhold from a subcontractor engaged on the public work the sums necessary to cover any penalties provided pursuant to subsection 3 of NRS 338.060 that may be withheld from the contractor by the public body awarding the contract because the public body did not

receive a copy of the record maintained by the subcontractor pursuant to subsection 5 for a calendar month by the time specified in subsection 6 if:

(a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:

(1) Ten days after the end of the month; or

(2) A date agreed upon by the contractor and subcontractor; and

(b) The contractor failed to submit the copy of the record to the public body by the time specified in subsection 6.

➥ Nothing in this subsection prohibits a subcontractor from submitting a copy of a record for a calendar month directly to the public body by the time specified in subsection 6.

8. Any contractor or subcontractor, or agent or representative thereof, performing work for a public work who neglects to comply with the provisions of this section is guilty of a misdemeanor.

9. If the Labor Commissioner finds that a public body has failed to comply with the requirements of subsection 1, the Labor Commissioner may impose against the public body:

(a) A fee of $1,000 for each contractor or subcontractor found to be in violation of the provisions of NRS 338.010 to 338.090, inclusive, on the public work; and

(b) An administrative penalty of $2,000 for each contractor or subcontractor found to be in violation of the provisions of NRS 338.010 to 338.090, inclusive, on the public work.

10. A public body shall not withhold from a contractor or subcontractor engaged on a public work any amount due to the contractor or subcontractor in order to recover any fee or penalty assessed by the Labor Commissioner pursuant to subsection 9.

11. As used in this section, "substantial completion" means that the construction of a public work is, in accordance with the contract documents, sufficiently complete that the owner can occupy and use the public work as intended.

Sec. 6. (Deleted by amendment.)

Sec. 7. Chapter 607 of NRS is hereby amended by adding thereto a new section to read as follows:

The Public Works Compliance Division shall:

1. At the direction of the Labor Commissioner or upon receipt of a referral made by a public body pursuant to NRS 338.070:

(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive; and

(b) Submit to the Labor Commissioner a written report concerning an investigation conducted pursuant to paragraph (a). If the investigation was conducted pursuant to a referral made by a public body pursuant to NRS 338.070, a copy of the report must be provided to the public body.

2. Perform any other duties related to the enforcement of NRS 338.010 to 338.130, inclusive, as directed by the Labor Commissioner.

Sec. 8. NRS 607.010 is hereby amended to read as follows:

607.010 The Office of Labor Commissioner is hereby created. ***The Office consists of the Labor Commissioner and the Public Works Compliance Division.***

Sec. 9. NRS 607.060 is hereby amended to read as follows:

607.060 The Labor Commissioner may employ:

1. One Chief Assistant, who is in the unclassified service of the State.

2. Stenographic, clerical and statistical assistance.

3. Any personnel necessary to carry out the duties of the Public Works Compliance Division.

Sec. 10. NRS 607.130 is hereby amended to read as follows:

607.130 Upon the written request of the ***Office of*** Labor Commissioner, all state and county officers shall furnish all information in their power necessary to assist in carrying out the objects of this chapter.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, 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, 2026, for all other purposes.

20 ~~~~~ 25

Assembly Bill No. 540–Committee
on Government Affairs

CHAPTER.....

AN ACT relating to governmental administration; creating the Nevada Attainable Housing Account and setting forth the allowable uses of money in the Account; requiring an eligible entity to provide or secure certain matching funds as a condition of receiving money from the Account; requiring the Administrator of the Housing Division of the Department of Business and Industry to adopt annually an allocation plan for attainable housing; requiring the Division to submit a report to the Interim Finance Committee relating to the Account; creating and setting forth the duties of the Nevada Attainable Housing Council; renaming the position of Housing Advocate within the Division as the Housing Liaison; revising provisions relating to the statewide low-income housing database maintained by the Division; revising provisions relating to the Account for Affordable Housing; authorizing the Division to establish programs for the reporting of rental payments to credit reporting agencies; revising provisions governing the sale, lease or conveyance of certain real property by the governing body of a county or city; requiring the governing body of a county or city to adopt certain expedited processes relating to attainable housing; revising provisions relating to the tiers of affordable housing; revising provisions relating to certain reports submitted to the Division by certain local governments relating to affordable housing; requiring, under certain circumstances, the State Contractors' Board to issue licenses by endorsement or provisional licenses to certain persons to perform work on attainable housing projects in certain rural areas; requiring, under certain circumstances, the State Contractors' Board to waive certain fees relating to contractor's licenses in certain rural areas; requiring the issuance of certain bonds; making various other changes relating to housing; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law charges the Housing Division of the Department of Business and Industry with certain duties relating to low-income housing and affordable housing. (Chapter 319 of NRS) **Section 9** of this bill creates the Nevada Attainable Housing Account in the State General Fund, to be administered by the Division. **Section 10** of this bill authorizes the Division to distribute money in the Account to eligible

entities for certain expenditures relating to attainable housing. **Section 50** of this bill appropriates $133,000,000 to the Account.

Section 11 of this bill requires the Administrator of the Division to adopt an annual allocation plan for disbursing money from the Account. **Section 50.5** of this bill requires the Division to include in the initial allocation plan adopted pursuant to **section 11** certain allocations of money from the Account for certain purposes authorized by **section 10**.

Section 22 of this bill exempts the Division from complying with the provisions of the Administrative Procedures Act in adopting the annual allocation plan.

Section 12 of this bill requires that an eligible entity provide or secure matching funds in an amount not less than the amount of the money awarded to the eligible entity from the Account.

Section 14.5 of this bill requires the Division to submit a report of certain information to the Interim Finance Committee at the last meeting of each fiscal year and the last meeting of each calendar year relating to the Account.

Section 15 of this bill: (1) creates the Nevada Attainable Housing Council to provide oversight and strategic guidance for the administration and allocation of the Account; and (2) sets forth the membership of the Council.

Section 16 of this bill requires the Division to establish procedures to ensure that any member of the Council discloses any direct or indirect financial interest in any attainable housing project or eligible entity that applies for or receives funding from the Account.

Section 17 of this bill requires the Council to: (1) review and comment on certain housing reports; and (2) provide recommendations to the Division regarding the allocation and use of money from the Account.

Existing law creates the position of Housing Advocate within the Division and establishes the duties for the position, which include providing information and assistance to persons who reside in affordable housing and manufactured housing. (NRS 319.141) **Section 17.3** of this bill renames the position of Housing Advocate as the Housing Liaison.

Existing law requires the Division to create and maintain a statewide low-income housing database. The database is required to include certain information relating to low-income housing, including compilations and analysis of demographic, economic and housing data from a variety of sources. (NRS 319.143) **Section 17.6** of this bill requires the inclusion of any survey conducted by the Division in the database. **Section 17.6** also revises the data that is required to be included in the database by: (1) changing the measure for determining the number of households in various population groups experiencing high housing costs from 50 percent to 30 percent of household income; (2) increasing from 2 years to 3 years the length of the planning period for identifying when subsidized units are forecast to convert to market-rate units; and (3) adding information regarding certain multi-family residential housing. **Section 17.6** further requires the Division, on or before December 31 of each year, to analyze the data in the database and prepare and post on its website a report of its analysis.

Existing law authorizes, with certain exceptions, the Division to: (1) establish certain funds or accounts; and (2) invest or deposit its money, but does not require the Division to keep any of its money in the State Treasury. (NRS 319.170) **Section 18** of this bill creates an additional exception to these provisions for the Account created by **section 9**.

Existing law creates the Account for Affordable Housing in the State General Fund, which is required to be administered by the Division, and prescribes the distribution and use of money in the Account. (NRS 319.500, 319.510) Under

existing law, the costs to create and maintain the statewide low-income housing database are required to be paid from the Account up to a maximum of $175,000 per year. (NRS 319.143, 319.510) **Sections 17.6 and 18.5** of this bill: (1) require payment from the Account of the costs to prepare the new annual report required by **section 17.6**; and (2) change the maximum annual amount authorized from the Account for the payment of costs related to the database from the fixed amount of $175,000 to not more than 6 percent of the money deposited in the Account in each fiscal year.

Existing law also authorizes the Division to expend not more than $40,000 per year or an amount equal to 6 percent of money received pursuant to the federal HOME Investment Partnerships Act, whichever is greater, as reimbursement for administering the Account and that federal money. (NRS 319.510; 42 U.S.C. §§ 12701 et seq.) **Section 18.5**: (1) eliminates the authority of the Division to receive reimbursement from the Account for administering that federal money; and (2) changes the maximum amount authorized from the Account as reimbursement for administering the Account to not more than 6 percent of the money deposited in the Account in each fiscal year.

Existing law requires the Division to distribute a certain portion of the remaining money in the Account to the Division of Welfare and Supportive Services of the Department of Health and Human Services for a program to provide emergency assistance to needy families with children. (NRS 319.510) **Section 18.5** eliminates this required distribution to the Division for this program, but specifically authorizes the use of money in the Account for the same purpose. With the elimination of this distribution to the Division, all of the remaining money in the Account will effectively be distributed to the other authorized recipients in existing law, which are certain charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of affordable housing for eligible families, subject to certain requirements. One such eligibility requirement in existing law is that not less than 15 percent of the units acquired, constructed or rehabilitated be affordable to persons whose income is at or below the federally designated level signifying poverty. (NRS 319.510) **Section 18.5**: (1) changes the income level for that requirement to be at or below 30 percent of the median monthly gross household income for the applicable county; and (2) clarifies that the money is authorized to be distributed to one or more of the types of entities that are eligible recipients. **Section 18.5** also eliminates the eligibility requirement in existing law that a local government sponsor such a project.

Sections 2-8 of this bill define certain terms relating to the provisions of **sections 2-17**.

Sections 19 and 20 of this bill authorize the Division to establish a program for the reporting of rental payments to a credit reporting agency.

Existing law sets forth certain procedures for a board of county commissioners or governing body of a city to sell or lease real property. (NRS 244.281, 268.061) **Sections 23 and 26** of this bill require, before approving the sale or lease of real property for the development of attainable housing, in addition to other procedures, the board or governing body to evaluate the capacity and commitment of the developer to provide long-term benefits to the county in a manner that promotes transparency and does not interfere with equitable competition. **Sections 23 and 26** also require the developer to submit certain information to the board or governing body.

Existing law authorizes a nonprofit organization to submit to a board of county commissioners or governing body of a city an application for conveyance of certain property that is owned by the county or city, as applicable. The board or governing body may approve such an application if the nonprofit organization demonstrates

that the organization or its assignee will use the property to develop affordable housing. (NRS 244.287, 268.058) **Sections 24 and 25** of this bill: (1) instead authorize the board or governing body to approve such an application for attainable housing; and (2) require an application to include certain information.

Existing law establishes three tiers of affordable housing for various purposes in existing law and defines "affordable housing" as housing that falls within any of the three tiers. (NRS 232.860, 244.189, 244.287, 268.058, 268.190, 278.0105, 279.385, 279A.020, 279B.020, 315.9625, 319.042) **Section 33** of this bill revises the term "affordable housing" to be "attainable housing."

Under existing law, the tiers are based on both household income and the costs of housing as a percentage of that income. With respect to household income: (1) "tier one affordable housing" is housing for a household which has a total monthly gross income that is equal to not more than 60 percent of the median monthly gross household income for the county in which the housing is located, which is commonly known as the area median household income; (2) "tier two affordable housing" is housing for a household which has a total monthly gross income that is equal to more than 60 percent but not more than 80 percent of the area median household income; and (3) "tier three affordable housing" is housing for a household which has a total monthly gross income that is equal to more than 80 percent but not more than 120 percent of the area median household income. In addition, with respect to the costs of housing, affordable housing under existing law is housing that costs not more than 30 percent of the total monthly gross household income of the household with an income at the maximum percentage of the area median household income for the tier. (NRS 278.01902, 278.01904, 278,01906) **Section 29.5** of this bill creates a new tier of affordable housing, to be known as "tier one affordable housing," that addresses housing for a household that has a total monthly gross income that is equal to not more than 30 percent of the area median household income. As a result of the creation of this new tier of affordable housing, **section 34** of this bill renames "tier one affordable housing" in existing law as "tier two affordable housing" and changes the percentage range for median income for that tier to more than 30 percent but not more than 60 percent of the area median household income. **Section 36** of this bill renames "tier two affordable housing" in existing law for which the percentage range for median income is more than 60 percent, but not more than 80 percent of the area median household income, as "tier three affordable housing." **Section 35** of this bill renames "tier three affordable housing" in existing law, for which the percentage range for median income is more than 80 percent but not more than 120 percent of the area median household income, as "tier four affordable housing."

Section 29 of this bill creates a new tier of affordable housing, to be known as "tier five affordable housing," that addresses housing for a household that has a total monthly gross income that is equal to not more than 120 percent but not more than 150 percent of the area median household income.

Section 37.5 of this bill makes a conforming change to reflect the changes in the tiers.

Existing law sets forth an approval process for the subdivision of land that requires a subdivider to submit a tentative map to the planning commission or governing body of a county or city, as applicable. (NRS 278.330) Existing law also requires the tentative map to be forwarded to certain state agencies and local governments for review. (NRS 278.335) **Section 31** of this bill requires each reviewing agency to adopt a process for the expedited review of and comment on a tentative map that includes attainable housing.

Existing law requires the governing body of each county and city, on or before July 1, 2024, to enact by ordinance an expedited process for the consideration and

approval of projects for affordable housing. (Section 12 of Assembly Bill No. 213, chapter 200, Statutes of Nevada 2023, at p. 1171) **Section 30** of this bill requires the governing body of each county and the governing body of each city to adopt an expedited process for the consideration and approval of projects for attainable housing.

Section 32 of this bill applies the definitions of certain terms relating to planning and zoning and the newly defined terms in **sections 29 and 29.5** to **sections 29-31**.

Sections 34-36 of this bill, respectively, revise the definitions of "tier one affordable housing," "tier three affordable housing" and "tier two affordable housing" to provide that the costs of such housing may be offset by certain energy cost savings.

Existing law requires the governing body of certain cities and counties to adopt at least 6 of 12 specified measures in implementing a plan for maintaining and developing affordable housing, which may include a measure to reduce or subsidize impact fees, fees for the issuance of building permits and fees imposed for the purpose for which an enterprise fund was created. (NRS 278.235) **Section 37** of this bill authorizes that the governing body of such a county or city include a measure to also reimburse such fees.

Existing law requires the governing body of certain cities or counties to submit to the Division annual progress reports relating to affordable housing. (NRS 278.235) Existing law requires: (1) the inclusion of these reports in the statewide low-income housing database; and (2) the Division to compile and post these reports on its Internet website. (NRS 278.235, 319.143) **Section 37** moves the deadline for: (1) the submission of the reports to the Division from July 15 to March 15; and (2) the posting of the compilation of the reports by the Division from August 15 to April 15. The new deadlines apply starting in 2026, as **section 49.5** of this bill requires: (1) the governing body of a city or county to submit the 2025 report to the Division on or before July 15, 2025; and (2) the Division to compile the reports and post the compilation on the Internet website of the Division on or before August 15, 2025.

Existing law sets forth the requirements for obtaining a contractor's license from the State Contractors' Board. (Chapter 624 of NRS) **Section 39** of this bill requires, under certain circumstances, the Board to issue a contractor's license by endorsement to certain applicants who will perform work on an attainable housing project in certain rural areas.

Section 40 of this bill provides that, if the Director of the Department of Business and Industry determines that there is a shortage of skilled labor or licensed contractors in a rural area that is adversely impacting the availability of attainable housing for essential workers who are employed in the area, the Director may issue a declaration of such shortage for not more than 3 years. Upon such a declaration, the Board is required to implement a process to issue provisional contractors' licenses to certain applicants who will perform work on an attainable housing project in certain rural areas.

Sections 41 and 42 of this bill exempt the license by endorsement issued pursuant to **section 39** or a provisional license issued pursuant to **section 40** from certain licensing requirements and the expiration date that generally apply to contractors' licenses. **Sections 42-46** of this bill exempt applicants for a new contractor's license and existing licensed contractors in rural areas from any application, license or renewal fee or certain other fees relating to a contractor's license under circumstances where the Director of the Department of Business and Industry has issued a declaration of shortage pursuant to **section 40**.

Sections 48 and 49 of this bill require the Board to: (1) adopt regulations to carry out the provisions of **sections 39 and 40**, respectively, before January 1, 2026; and (2) submit a report to the Governor and Director of the Legislative Counsel Bureau that includes a recommendation as to whether the requirements to issue such licenses by endorsement and provisional licenses, as required by **sections 39 and 40**, should be continued, modified or terminated.

Section 49.7 of this bill requires the issuance of not more than $50,000,000 in general obligation bonds to provide certain loans for the development or construction of certain projects. **Section 37.2** makes a conforming change.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

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

Section 1. Chapter 319 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Attainable housing" has the meaning ascribed to it in NRS 278.0105.***

Sec. 4. ***"Attainable housing project" means any project or program that receives a grant of money from the Nevada Attainable Housing Account pursuant to section 10 of this act.***

Sec. 5. ***"Council" means the Nevada Attainable Housing Council created by section 15 of this act.***

Sec. 6. ***"Eligible entity" means a person or entity that is eligible to receive money from the Nevada Attainable Housing Account in accordance with the allocation plan for attainable housing adopted by the Administrator pursuant to section 11 of this act. The term includes, without limitation:***

1. A state agency.

2. A local government.

3. A nonprofit organization.

4. A housing authority, as defined in NRS 315.021.

5. A tribal government or agency.

6. A housing counseling agency that is certified by the United States Department of Housing and Urban Development.

7. Any private entity that enters into a public-private partnership with the State or a local government to offer any of the following:

(a) Competitive loans, grants or rebates to support the development of attainable housing.

(b) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863.

(c) The acquisition of land for the development of attainable housing projects.

Sec. 7. *"Essential worker" means a person employed in:*

1. Health care;

2. Education;

3. Public safety;

4. Construction labor; or

5. Any other industry that is a critical sector of employment in this State, as determined by executive order of the Governor.

Sec. 8. *"Nevada Attainable Housing Account" or "Account" means the Nevada Attainable Housing Account created by section 9 of this act.*

Sec. 9. *1. The Nevada Attainable Housing Account is hereby created in the State General Fund. All money that is collected for the use of the Account from any source must be deposited in the Account.*

2. The money in the Nevada Attainable Housing Account must be used for the purposes described in section 10 of this act.

3. The Nevada Attainable Housing Account must be administered by the Division. The Division may apply for and accept any gift, grant, donation, bequest or other source of money for deposit in the Account.

4. The interest and income earned on money in the Nevada Attainable Housing Account, after deducting any applicable charges, must be credited to the Account.

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

Sec. 10. *1. Except as otherwise provided in this section, money in the Account may be distributed by the Division, in consultation with the Council, to eligible entities for expenditures relating to attainable housing, including, without limitation, for:*

(a) Competitive loans, grants or rebates to support the development of attainable housing;

(b) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863;

(c) Financial assistance for supportive housing;

(d) Programs for rental assistance or eviction diversion;

(e) The acquisition of land for the development of attainable housing projects;

(f) Programs that assist essential workers to purchase homes, including, without limitation, programs that provide down payment assistance, interest rate buydowns or other forms of direct financial support to essential workers for purchasing homes;

(g) Programs that provide down payment assistance, interest rate buydowns or other forms of direct financial support for purchasing homes to households that have a total monthly gross household income that is not more than 150 percent of the median monthly gross household income for the county in which the housing is located; and

(h) Incentives for local governments to increase the supply of attainable housing, including, without limitation:

(1) Incentives for local governments to expedite the approval of attainable housing projects;

(2) Reimbursing local governments for waiving or deferring the payment of fees or taxes for attainable housing projects that are affordable for households that have a total monthly gross income that is not more than 150 percent of the median monthly gross household income for the county in which the housing is located; or

(3) Taking any other action within the authority of the local government that increases the supply of attainable housing.

2. Any eligible entity that is a private entity that enters into a public-private partnership with the State or a local government may only receive money from the Account for the following:

(a) Competitive loans, grants or rebates to support the development of attainable housing;

(b) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863; or

(c) The acquisition of land for the development of attainable housing projects.

3. In awarding money from the Account, the Division, in consultation with the Council:

(a) Shall prioritize projects that demonstrate the highest potential impact on addressing the attainable housing needs of the State, including, without limitation, prioritizing the need for single-family homes that are affordable for households that have a

total monthly gross income that is not more than 150 percent of the median monthly gross household income for the county in which the housing is located; and

(b) May prioritize projects that:

(1) Request to purchase land owned by:

(I) The Federal Government at a discounted price for the creation of affordable housing pursuant to federal law, including, without limitation, the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263; or

(II) The State or a local government at a discounted rate for the creation of attainable housing;

(2) Utilize innovative strategies for expanding the supply of attainable housing; or

(3) Utilize cost-effective methods and efficient use of allocated resources.

4. Any eligible entity that receives any money from the Nevada Attainable Housing Account for an attainable housing project shall ensure that:

(a) Only households that meet the applicable income requirements for the attainable housing project rent or purchase, as applicable, the units of attainable housing;

(b) Each unit of attainable housing in the attainable housing project is used as the primary residence of the household that rents or purchases, as applicable, the unit; and

(c) No for-profit business entity purchases a unit of the attainable housing in the attainable housing project.

Sec. 11. ***1. For each calendar year, the Administrator shall adopt an allocation plan for disbursing money from the Nevada Attainable Housing Account for attainable housing. A disbursement of money from the Account must comply with the allocation plan for the calendar year in which the disbursement is made.***

2. The allocation plan adopted pursuant to subsection 1 must, without limitation, set forth:

(a) The application and eligibility requirements for an eligible entity to apply for and receive money from the Nevada Attainable Housing Account, including, without limitation, requirements for an eligible entity to demonstrate:

(1) The necessary expertise and capacity to properly carry out the proposed attainable housing project for which the eligible entity receives money from the Account;

(2) The extent to which the proposed attainable housing project maximizes the use of money from the Account by obtaining additional financial support from federal, local, private or other sources; and

(3) The long-term sustainability of the proposed attainable housing project and its potential to contribute to community stability, foster economic development and increase access to attainable housing.

(b) Any requirements for an eligible entity that receives money from the Nevada Attainable Housing Account to demonstrate compliance with any condition upon the receipt of money from the Account.

3. Before adopting a proposed allocation plan pursuant to subsection 1, the Administrator must:

(a) Hold at least one public hearing on the proposed allocation plan that complies with the provisions set forth in chapter 241 of NRS; and

(b) Make the proposed allocation plan available on the Internet website of the Division at least 14 days before the first public hearing held pursuant to paragraph (a).

Sec. 12. ***An eligible entity must provide or secure matching funds in an amount that is not less than the amount of money awarded to the eligible entity from the Account. Such matching funds may come from, without limitation, private investment, contributions from local governments or federal money.***

Secs. 13 and 14. (Deleted by amendment.)

Sec. 14.5. ***1. The Division shall submit a report to the Interim Finance Committee for consideration at the last meeting of each fiscal year and the last meeting of each calendar year relating to the Nevada Attainable Housing Account.***

2. The report required pursuant to subsection 1 must include, without limitation:

(a) The amount and purpose of all money awarded from the Account during the reporting period broken down by eligible entity and authorized use, as described in section 10 of this act;

(b) The number and the income levels of all households that were assisted by money awarded from the Account during the reporting period;

(c) The number of new attainable housing units that were built in part with money from the Account during the reporting period;

(d) The number of parcels purchased in part with money from the Account for the purposes of attainable housing projects, broken down by geographic area of the State;

(e) The number of households and demographic information of recipients of rental assistance from programs for rental assistance or eviction diversion that receive money from the Account;

(f) The average amount of time for processing an application for rental assistance from a program for rental assistance or eviction diversion that received money from the Account;

(g) A description of the outcomes resulting from early intervention efforts, including, without limitation, whether eviction proceedings were reduced as a result of the program for rental assistance or eviction diversion;

(h) Recommendations for improvements or adjustments to programs for rental assistance or eviction diversion, based on the performance data of the programs;

(i) Any other information that the Division determines is necessary to include in the report; and

(j) Any other information requested by the Interim Finance Committee.

Sec. 15. ***1. The Nevada Attainable Housing Council is hereby created to provide oversight and strategic guidance for the administration and allocation of the Nevada Attainable Housing Account.***

2. The Nevada Attainable Housing Council consists of:

(a) The Director of the Department of Business and Industry or his or her designee, who is chair of the Council;

(b) The Administrator of the Division or his or her designee;

(c) One member appointed by the Majority Leader of the Senate;

(d) One member appointed by the Minority Leader of the Senate;

(e) One member appointed by the Minority Leader of the Assembly;

(f) One member appointed by the Speaker of the Assembly; and

(g) One member appointed by the Governor.

3. Of the members appointed pursuant to paragraphs (c) to (g), inclusive, of subsection 2:

(a) One member must have expertise in banking and the financing of housing projects;

(b) One member must represent the builders and developers of housing projects;

(c) One member must have expertise in the multifamily housing industry;

(d) One member must represent a low-income housing organization; and

(e) One member must represent the general public.

4. Each person who is required to appoint a member pursuant to subsection 2 must make his or her appointment from a list of persons recommended by the Division. To the extent practicable, the membership of the Council must represent the geographic diversity of this State.

5. Each appointed member of the Council serves a term of 2 years and may be reappointed for additional terms of 2 years in the same manner as the original appointments.

6. Any vacancy occurring in the appointed membership of the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term.

7. Each appointed member of the Council:

(a) Serves without compensation; and

(b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

8. The Department of Business and Industry shall provide the Council with administrative support.

Sec. 16. ***The Division shall establish procedures to ensure that any member of the Council discloses any direct or indirect financial interest in an attainable housing project or eligible entity. Such procedures must be consistent with the provisions of chapter 281A of NRS and any regulation adopted by the Nevada Commission on Ethics pursuant to that chapter.***

Sec. 17. ***The Nevada Attainable Housing Council shall:***

1. Review and comment on:

(a) The annual housing progress report compiled by the Division pursuant to NRS 278.235;

(b) The reports compiled by the Division pursuant to NRS 278.237; and

(c) The report concerning housing prepared by the Advisory Committee on Housing pursuant to NRS 319.174; and

2. Provide recommendations to the Division regarding the allocation and use of money from the Nevada Attainable Housing Account pursuant to the allocation plan adopted pursuant to section 11 of this act.

Sec. 17.3. NRS 319.141 is hereby amended to read as follows:

319.141 1. The Housing ~~[Advocate]~~ ***Liaison*** is hereby created within the Division.

2. The Administrator shall appoint a person to serve in the position of Housing ~~[Advocate.]~~ ***Liaison.*** The Housing ~~[Advocate]~~ ***Liaison*** is in the unclassified service of the State and serves at the pleasure of the Administrator.

3. The person so appointed pursuant to subsection 2 must be knowledgeable about affordable housing and manufactured housing.

4. The Housing ~~[Advocate]~~ ***Liaison*** shall:

(a) Respond to written and telephonic inquiries received from residents who reside in affordable housing and manufactured housing and provide assistance to such residents in understanding their rights and responsibilities;

(b) Conduct community outreach and provide information concerning housing to residents who reside in affordable housing and manufactured housing;

(c) Identify and investigate complaints of residents of affordable housing and manufactured housing that relate to their housing and provide assistance to such residents to resolve the complaints;

(d) Establish and maintain a system to collect and maintain information pertaining to written and telephonic inquiries received by the Division; and

(e) ~~[Any]~~ ***Perform any*** other duties specified by the Administrator.

5. The Administrator may remove the Housing ~~[Advocate]~~ ***Liaison*** from the office for any reason not prohibited by law.

Sec. 17.6. NRS 319.143 is hereby amended to read as follows:

319.143 1. The Division shall create and maintain a statewide low-income housing database.

2. The database must include, without limitation, the compilation ~~[and analysis]~~ of demographic, economic and housing data from a variety of sources, including, without limitation, reports submitted pursuant to NRS 278.235 ~~[, that:]~~ ***and any survey conducted by the Division, relating to the information that must be included in the report required by subsection 3.***

3. On or before December 31 of each year, the Division shall:

(a) ~~[Provides for an annual assessment of]~~ ***Analyze the data in the database and prepare a report which must:***

(1) Assess the affordable housing market at the city and county level, including data relating to housing units, age of housing, rental rates and rental vacancy rates, new home sales and resale of homes, new construction permits, mobile homes, lots available for mobile homes and conversions of multifamily condominiums;

~~[(b) Addresses]~~

(2) Address the housing needs of various population groups in Nevada, such as households that rent, homeowners, elderly households, veterans, persons with disabilities or special needs, homeless persons, recovering persons with a substance use disorder, persons suffering from mental health ailments and victims of domestic violence, with each group distinguished to show the percentage of the population group at different income levels, and a determination of the number of households within each special-needs group experiencing housing costs greater than ~~[50]~~ ***30*** percent of their income, overcrowding or substandard housing;

~~[(c) Contains]~~

(3) Contain an estimate of the number and condition of subsidized and other low-income housing units at the county level and the identification of any subsidized units that are forecast to convert to market-rate units within a ~~[2-year]~~ ***3-year*** planning period;

~~[(d) Provides]~~

(4) Provide a demographic and economic overview by local and county jurisdiction, if feasible, for the population of Nevada, including age, race and ethnicity, household size, migration, current and forecast employment, household income and a summary relating to the effects of demographics and economic factors on housing demand;

~~[(e) Provides]~~

(5) Provide the number of housing units available to a victim of domestic violence from any housing authority, as defined in NRS 315.021, and from participation in the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f; and

~~[(f) Provides]~~

(6) Provide the number of terminations of victims of domestic violence in this State from the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

~~[3. The costs of creating and maintaining the database:~~

~~(a) Must be paid from the Account for Affordable Housing created by NRS 319.500; and]~~

(b) ~~[May not exceed $175,000 per year.]~~ ***Post the report on the Internet website of the Division.***

4. If an owner of multifamily residential housing that is offered for rent or lease in this State and is:

(a) Accessible to persons with disabilities; and

(b) ~~[~~Affordable~~]~~ ***Attainable*** housing, as defined in NRS 278.0105,

➥ has received any loan, grant or contribution for the multifamily residential housing from the Federal Government or the State, the owner shall, not less than quarterly, report to the Division ***for inclusion in the database*** information concerning each unit of the multifamily residential housing that is available and suitable for use by a person with a disability.

5. The Division shall adopt regulations to carry out the provisions of subsection 4.

Sec. 18. NRS 319.170 is hereby amended to read as follows:

319.170 Except as otherwise provided in NRS 319.169 and 319.500 ~~[.]~~ ***and section 9 of this act,*** the Division may:

1. Establish such funds or accounts as may be necessary or desirable for furtherance of the purposes of this chapter.

2. Invest or deposit its money, subject to any agreement with bondholders or noteholders, and is not required to keep any of its money in the State Treasury. The provisions of chapters 355 and 356 of NRS do not apply to such investments or deposits.

Sec. 18.5. NRS 319.510 is hereby amended to read as follows:

319.510 1. Except as otherwise provided in subsection 2, money deposited in the Account for Affordable Housing must be used:

(a) For the acquisition, construction or rehabilitation of affordable housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of affordable housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the Division for the costs of administering the Account;

(e) To assist eligible persons by supplementing their monthly rent for the manufactured home lots, as defined by NRS 118B.016, on which their manufactured homes, as defined by NRS 118B.015, are located; ~~[~~and~~]~~

(f) ***To pay the costs of creating and maintaining the statewide low-income housing database and preparing the annual report required by NRS 319.143;***

(g) To assist families that have children and whose income is at or below the federally designated level signifying poverty; and

(h) In any other manner consistent with this section to assist eligible families in obtaining or keeping affordable housing, including use as the State's contribution to facilitate the receipt of related federal money.

2. ~~[Except as otherwise provided in this subsection, the]~~ ***The*** Division may expend ***each fiscal year not more than:***

(a) Six percent of the money ~~[from]~~ ***deposited in*** the Account as reimbursement for the necessary costs of efficiently administering the Account ***.*** ~~[and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the Division expend more than $40,000 per year or an amount equal to 6 percent of any money made available to the State pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater. In addition, the Division may expend not more than $175,000 per year from]~~

(b) Six percent of the money deposited in the Account to create and maintain the statewide low-income housing database ***and prepare the annual report*** required by NRS 319.143. ~~[The Division may expend not more than $75,000 per year]~~

(c) Seventy-five thousand dollars of the money deposited in the Account pursuant to NRS 375.070 for the purpose set forth in paragraph (e) of subsection 1. ~~[Of the]~~

3. The remaining money allocated from the Account ~~[:]~~ ***after the expenditures made pursuant to subsections 1 and 2***

~~[(a) Except as otherwise provided in subsection 3, 15 percent must be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for use in its program developed pursuant to 45 C.F.R. § 233.120, as that section existed on December 4, 1997, to provide emergency assistance to needy families with children, subject to the following:~~

~~(1) The Division of Welfare and Supportive Services shall adopt regulations governing the use of the money that are consistent with the provisions of this section.~~

~~(2) The money must be used solely for activities relating to affordable housing that are consistent with the provisions of this section.~~

~~(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.~~

~~(4) All money provided by the Federal Government to match the money distributed to the Division of Welfare and Supportive Services pursuant to this section must be expended for activities consistent with the provisions of this section.~~

~~(b) Eighty-five percent~~] must be distributed to public or private nonprofit charitable organizations, housing authorities ~~[and]~~ ***or*** local governments for the acquisition, construction and rehabilitation of affordable housing for eligible families, subject to the following:

~~[(1)]~~ ***(a)*** Priority may be given to those projects that provide a preference for:

~~[(I)]~~ ***(1)*** Women who are veterans;

~~[(II)]~~ ***(2)*** Women who were previously incarcerated;

~~[(III)]~~ ***(3)*** Survivors of domestic violence;

~~[(IV)]~~ ***(4)*** Elderly women who do not have stable or adequate living arrangements; and

~~[(V)]~~ ***(5)*** Unmarried persons with primary physical custody of a child.

~~[(2)]~~ ***(b)*** Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

~~[(3)]~~ ***(c)*** Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

~~[(4)]~~ ***(d)*** Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

~~[(5)]~~ ***(e)*** All money must be used to benefit families whose income does not exceed 120 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.

~~[(6)]~~ ***(f)*** Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below ~~[the federally designated level signifying poverty.]~~ ***30 percent of the median monthly gross household income for the county in which the housing is located.*** For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

~~[(7) To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.~~

~~3. The Division may, pursuant to contract and in lieu of distributing money to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, distribute any~~

~~amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.]~~

Sec. 19. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Housing Division of the Department of Business and Industry may establish a program for the reporting of rental payments to a credit reporting agency. Any such program must be offered at no cost to a landlord or tenant.

2. The Division may not require any landlord or tenant to participate in such a program. A landlord shall not require any tenant to participate in the program or subject a tenant to any penalty or consequence for not participating in the program.

3. The Division may:

(a) Establish requirements for any landlord or tenant to voluntarily participate in the program, including, without limitation, any safeguard necessary to ensure that participation in the program is voluntary and that tenants are not subject to any adverse action for participating or not participating in the program.

(b) Provide guidelines for the use of an independent third-party vendor to manage the collection and reporting of rental payments. The Division shall maintain and publish a list of third-party vendors that are approved by the Division to manage the reporting of rental payments pursuant to the program.

4. The Division may adopt any regulation necessary to carry out the provisions of this section, including, without limitation:

(a) Criteria for approving an independent third-party vendor to manage the collection and reporting of rental payments;

(b) Requirements for tenants to be notified and provide proper consent to participate in the program; and

(c) Procedures for resolving any dispute relating to the reporting of rental payments pursuant to the program.

Sec. 20. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division may establish a program for the reporting of rental payments to a credit reporting agency. Any such program must be offered at no cost to a landlord or tenant.

2. The Division may not require any landlord or tenant to participate in such a program. A landlord shall not require any tenant to participate in the program or subject a tenant to any penalty or consequence for not participating in the program.

3. The Division may:

(a) Establish requirements for any landlord or tenant to voluntarily participate in the program, including, without limitation, any safeguard necessary to ensure that participation in the program is voluntary and that tenants are not subject to any adverse action for participating or not participating in the program.

(b) Provide guidelines for the use of an independent third-party vendor to manage the collection and reporting of rental payments. The Division shall maintain and publish a list of third-party vendors that are approved by the Division to manage the reporting of rental payments pursuant to the program.

4. The Division may adopt any regulations necessary to carry out the provisions of this section, including, without limitation:

(a) Criteria for approving an independent third-party vendor to manage the collection and reporting of rental payments;

(b) Requirements for tenants to be notified and provide proper consent to participate in the program; and

(c) Procedures for resolving any dispute relating to the reporting of rental payments pursuant to the program.

Sec. 21. (Deleted by amendment.)

Sec. 22. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in subsection 7 and NRS 209.221 and 209.2473, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Administrator of the Housing Division of the Department of Business and Industry in adopting the allocation plan pursuant to section 11 of this act.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

(h) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;

(i) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; or

(j) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

7. The Department of Corrections is subject to the provisions of this chapter for the purpose of adopting regulations relating to fiscal policy, correspondence with inmates and visitation with inmates of the Department of Corrections.

Sec. 23. NRS 244.281 is hereby amended to read as follows:

244.281 1. Except as otherwise provided in this ~~[subsection]~~ ***section*** and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county

commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

(a) When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(1) Sell the real property in the manner prescribed for the sale of real property in NRS 244.282.

(2) Lease the real property in the manner prescribed for the lease of real property in NRS 244.283.

(b) Before the board of county commissioners may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the county; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) Except as otherwise provided in this paragraph and paragraph (h), if the board of county commissioners by its resolution further finds that the real property to be sold or leased is worth more than $1,000, the board shall select two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the real property. If the board of county commissioners holds a public hearing on the matter of the fair market value of the property, one disinterested, competent appraisal of the real property

is sufficient before selling or leasing it. Except for real property acquired pursuant to NRS 371.047, the board of county commissioners shall not sell or lease it for less than:

(1) If two independent appraisals were obtained, the average of the appraisals of the real property.

(2) If only one independent appraisal was obtained, the appraised value of the real property.

(d) If the real property is appraised at $1,000 or more, the board of county commissioners may:

(1) Lease the real property; or

(2) Sell the real property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

(e) A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that the sale will be in the best interest of the county and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

(f) A board of county commissioners that disposes of real property pursuant to paragraph (d) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. The board of county commissioners must obtain a new appraisal or appraisals, as applicable, of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time if:

(1) There is a material change relating to the title, the zoning or an ordinance governing the use of the real property; or

(2) The appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is offered for sale or lease the second time.

(h) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value or average of the appraised value if two or more appraisals were obtained, as applicable, with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property. If the appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is listed with a licensed real estate broker, the board of county commissioners must obtain one new appraisal of the real property pursuant to the provisions of NRS 244.2795 before listing the real property for sale or lease at the new appraised value.

2. ***Before approving the sale or lease of real property owned by the county for the development of attainable housing, in addition to complying with the provisions of subsection 1, the board of county commissioners shall evaluate the capacity and commitment of the developer to provide long-term benefits to the county in a manner that promotes transparency and does not interfere with equitable competition. The developer shall submit to the board of county commissioners:***

(a) Information that sets forth:

(1) The number of employees of the developer or any affiliate of the developer who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the developer or any affiliate of the developer;

(b) A description of any previous project for which the developer received federal low-income housing tax credits, as defined in NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the developer has obtained additional federal low-income housing tax credits, as defined in NRS 360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

3. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

~~[3.]~~ ***4.*** As used in this section ~~[, "flood]~~ ***:***

(a) "Attainable housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Flood control facility" has the meaning ascribed to it in NRS 244.276.

Sec. 24. NRS 244.287 is hereby amended to read as follows:

244.287 1. A nonprofit organization may submit to a board of county commissioners an application for conveyance of property that is owned by the county if the property was:

(a) Received by donation for the use and benefit of the county pursuant to NRS 244.270.

(b) Purchased by the county pursuant to NRS 244.275.

2. Before the board of county commissioners makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the county.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not fewer than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The board of county commissioners may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop ~~[affordable]~~ ***attainable*** housing. ***An application must include, without limitation:***

(a) Information that sets forth:

(1) The number of employees of the nonprofit organization or its affiliates who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the nonprofit organization or any affiliate of the nonprofit organization;

(b) A description of any previous project for which the nonprofit organization received federal low-income housing tax credits, as defined in NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the nonprofit organization has obtained additional federal low-income housing tax credits, as defined in NRS 360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

4. If the board of county commissioners receives more than one application for conveyance of the property, the board must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop ~~[affordable]~~ ***attainable*** housing for persons who are ***seniors or*** disabled***.*** ~~[or elderly.~~

~~4.]~~ ***5.*** If the board of county commissioners approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the county.

~~[5.]~~ ***6.*** As a condition to the conveyance of the property pursuant to subsection ~~[4,]~~ ***5,*** the board of county commissioners shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide ~~[affordable]~~ ***attainable*** housing for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement, the board of county commissioners may take reasonable action to return the property to use as ~~[affordable]~~ ***attainable*** housing, including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide ~~[affordable]~~ ***attainable*** housing.

~~[6.]~~ ***7.*** The agreement required by subsection ~~[5]~~ ***6*** must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide ~~[affordable]~~ ***attainable*** housing; and

(b) The action that the board of county commissioners will take if the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement.

~~[7.]~~ ***8.*** A board of county commissioners that has conveyed property pursuant to subsection ~~[4]~~ ***5*** shall:

(a) Prepare annually a list which includes a description of all property that was conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the county which is conducted pursuant to NRS 354.624.

~~[8.]~~ ***9.*** If, 5 years after the date of a conveyance pursuant to subsection ~~[4,]~~ ***5,*** a nonprofit organization or its assignee has not commenced construction of ~~[affordable]~~ ***attainable*** housing, or entered into such contracts as are necessary to commence the construction of ~~[affordable]~~ ***attainable*** housing, the property that was conveyed automatically reverts to the county.

~~[9.]~~ ***10.*** A board of county commissioners may subordinate the interest of the county in property conveyed pursuant to subsection ~~[4]~~ ***5*** to a first or subsequent holder of a mortgage on that property to the extent the board deems necessary to promote investment in the construction of ~~[affordable]~~ ***attainable*** housing.

~~[10.]~~ ***11.*** As used in this section, unless the context otherwise requires:

(a) ~~[“Affordable]~~ ***“Attainable*** housing” has the meaning ascribed to it in NRS 278.0105.

(b) “Nonprofit organization” means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

Sec. 25. NRS 268.058 is hereby amended to read as follows:

268.058 1. A nonprofit organization may submit to the governing body of a city an application for conveyance of property

that is owned by the city if the property was purchased or received by the city pursuant to NRS 268.008.

2. Before the governing body makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the city.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not fewer than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The governing body may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop ~~[affordable]~~ ***attainable*** housing. ***An application must include, without limitation:***

(a) Information that sets forth:

(1) The number of employees of the nonprofit organization or its affiliates who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the nonprofit organization or any affiliate of the nonprofit organization;

(b) A description of any previous project for which the nonprofit organization received federal low-income housing tax credits, as defined in NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the nonprofit organization has obtained additional federal low-income housing tax credits, as defined in NRS 360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

4. If the governing body receives more than one application for conveyance of the property, the governing body must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the governing body that the organization or its

assignee will use the property to develop ~~[affordable]~~ ***attainable*** housing for persons who are ***seniors or*** disabled ***.*** ~~[or elderly.~~

~~4.]~~ ***5.*** If the governing body approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the city.

~~[5.]~~ ***6.*** As a condition to the conveyance of the property pursuant to subsection ~~[4,]~~ ***5,*** the governing body shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide ~~[affordable]~~ ***attainable*** housing for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement, the governing body may take reasonable action to return the property to use as ~~[affordable]~~ ***attainable*** housing, including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide ~~[affordable]~~ ***attainable*** housing.

~~[6.]~~ ***7.*** The agreement required by subsection ~~[5]~~ ***6*** must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide ~~[affordable]~~ ***attainable*** housing; and

(b) The action that the governing body will take if the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement.

~~[7.]~~ ***8.*** A governing body that has conveyed property pursuant to subsection ~~[4]~~ ***5*** shall:

(a) Prepare annually a list which includes a description of all property conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the city which is conducted pursuant to NRS 354.624.

~~[8.]~~ ***9.*** If, 5 years after the date of a conveyance pursuant to subsection ~~[4,]~~ ***5,*** a nonprofit organization or its assignee has not commenced construction of ~~[affordable]~~ ***attainable*** housing, or entered into such contracts as are necessary to commence the construction of ~~[affordable]~~ ***attainable*** housing, the property that was conveyed automatically reverts to the city.

~~[~~9.~~]~~ ***10.*** A governing body may subordinate the interest of the city in property conveyed pursuant to subsection ~~[~~4~~]~~ ***5*** to a first or subsequent holder of a mortgage on that property to the extent the governing body deems necessary to promote investment in the construction of ~~[~~affordable~~]~~ ***attainable*** housing.

~~[~~10.~~]~~ ***11.*** As used in this section, unless the context otherwise requires:

(a) ~~[~~"Affordable~~]~~ ***"Attainable*** housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

Sec. 26. NRS 268.061 is hereby amended to read as follows:

268.061 1. Except as otherwise provided in this ~~[~~subsection~~]~~ ***section*** and NRS 268.048 to 268.058, inclusive, 268.063, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

(a) If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.

(b) Before the governing body may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the city; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) If the governing body by its resolution finds additionally that the real property to be sold is worth more than $1,000, the governing body shall, as applicable, conduct an appraisal or appraisals pursuant to NRS 268.059 to determine the value of the real property. Except for real property acquired pursuant to NRS 371.047, the governing body shall not sell or lease it for less than:

(1) If two independent appraisals were obtained, the average of the appraisals of the real property.

(2) If only one independent appraisal was obtained, the appraised value of the real property.

(d) If the real property is appraised at $1,000 or more, the governing body may:

(1) Lease the real property; or

(2) Sell the real property for:

(I) Cash; or

(II) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.

(e) A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that the sale or lease will be in the best interest of the city and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

(f) A governing body that disposes of real property pursuant to paragraph (e) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. The governing body must obtain a new appraisal or appraisals, as applicable, of the real property pursuant to the provisions of NRS 268.059 before offering the real property for sale or lease a second time if:

(1) There is a material change relating to the title, zoning or an ordinance governing the use of the real property; or

(2) The appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is offered for sale or lease the second time.

(h) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value or average of the appraised value if two or more appraisals were obtained, as applicable, with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property. If the appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is listed with a licensed real estate broker, the governing body must obtain one new appraisal of the real property pursuant to the provisions of NRS 268.059 before listing the real property for sale or lease at the new appraised value.

2. ***Before approving the sale or lease of real property owned by the city for the development of attainable housing, as defined in NRS 278.0105, in addition to complying with the provisions of***

subsection 1, the governing body shall evaluate the capacity and commitment of the developer to provide long-term benefits to the city in a manner that promotes transparency and does not interfere with equitable competition. The developer shall submit to the governing body:

(a) Information that sets forth:

(1) The number of employees of the developer or any affiliate of the developer who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the developer or any affiliate of the developer;

(b) A description of any previous project for which the developer received federal low-income housing tax credits, as defined in NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the developer has obtained additional federal low-income housing tax credits, as defined in NRS 360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

3. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 27. (Deleted by amendment.)

Sec. 28. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 29 to 31, inclusive, of this act.

Sec. 29. ***1. "Tier five affordable housing" means housing for a household:***

(a) Which has a total monthly gross income that is equal to more than 120 percent but not more than 150 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 150 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section:

(a) Median monthly gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located; and

(b) The cost of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by cost savings to the household of energy efficiency measures.

Sec. 29.5. ***1. "Tier one affordable housing" means housing for a household:***

(a) Which has a total monthly gross income that is equal to not more than 30 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 30 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section:

(a) Median monthly gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located; and

(b) The cost of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by cost savings to the household of energy efficiency measures.

Sec. 30. ***1. Each governing body of a county or city shall enact by ordinance:***

(a) An expedited process for the consideration and approval of projects for attainable housing in the county or city, as applicable. Such expedited process must prioritize, to the extent practicable, the processing of projects for attainable housing in the county or city, as applicable, over all other projects and allow deviation from the current process for the consideration and approval of projects for attainable housing. Any such deviation includes, without limitation, authorizing the administrative approval for any applications relating to attainable housing projects by a person authorized by the governing body.

(b) Incentives for the development of projects for attainable housing in the county or city, as applicable, that encourage the use of the expedited process required pursuant to paragraph (a).

2. As used in this section, "attainable housing" has the meaning ascribed to it in NRS 278.0105.

Sec. 31. *1. Each reviewing agency shall adopt a process for the expedited review of and comment on a tentative map pursuant to NRS 278.330 to 278.3485, inclusive, that prioritizes the review of and comment on tentative maps that include attainable housing.*

2. The expedited process adopted pursuant to subsection 1 must, without limitation, comply with the applicable provisions of NRS 278.330 to 278.3485, inclusive.

3. If the reviewing agency is not able to use the expedited process adopted pursuant to subsection 1 for the expedited review of and comment on a tentative map, the reviewing agency must:

(a) Document the specific reasons why the use of the expedited process is not possible, including, without limitation, any deficiency with the tentative map;

(b) Notify the subdivider of the specific reasons documented pursuant to paragraph (a) and provide the subdivider with an estimated date on which the reviewing agency will complete its review of and comment on the tentative map; and

(c) Complete the review of and comment on a tentative map as soon as possible and not later than any deadline set forth in NRS 278.330 to 278.3485, inclusive, for the reviewing agency to review and comment on a tentative map not subject to the expedited process.

4. As used in this section, "reviewing agency" means any state agency, local government or quasi-governmental entity that is required to review tentative maps pursuant to NRS 278.330 to 278.3485, inclusive. The term includes, without limitation:

(a) The Division of Water Resources of the State Department of Conservation and Natural Resources;

(b) The Division of Environmental Protection of the State Department of Conservation and Natural Resources;

(c) The Public Utilities Commission of Nevada and any utility, person or other entity that is regulated by the Commission;

(d) The Department of Wildlife;

(e) The Board of Wildlife Commissioners;

(f) A district board of health;

(g) A public water system;

(h) A planning commission;

(i) An irrigation district;

(j) The governing body of a county;

(k) The governing body of a city;

(l) The board of trustees of a school district; and

(m) The board of trustees of a general improvement district.

Sec. 32. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and sections 29 to 31, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, ***and sections 29 and 29.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 33. NRS 278.0105 is hereby amended to read as follows:

278.0105 ~~[~~"Affordable"~~]~~ ***"Attainable*** housing" means tier one affordable housing, tier two affordable housing ***,*** ~~[~~or~~]~~ tier three affordable housing ~~[~~.~~]~~ ***, tier four affordable housing or tier five affordable housing.***

Sec. 34. NRS 278.01902 is hereby amended to read as follows:

278.01902 1. "Tier ~~[~~one~~]~~ ***two*** affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to ***more than 30 percent but*** not more than 60 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 60 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section ~~[~~, median~~]~~ ***:***

(a) Median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located ~~[~~.~~]~~ ***; and***

(b) The costs of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by the cost savings to the household of energy efficiency measures.

Sec. 35. NRS 278.01904 is hereby amended to read as follows:

278.01904 1. "Tier ~~[~~three~~]~~ ***four*** affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to more than 80 percent but not more than 120 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 120

percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section ~~[, median]~~ ***:***

(a) Median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located ~~[.]~~ ***; and***

(b) The costs of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by the cost savings to the household of energy efficiency measures.

Sec. 36. NRS 278.01906 is hereby amended to read as follows:

278.01906 1. "Tier ~~[two]~~ ***three*** affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to more than 60 percent but not more than 80 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 80 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section ~~[, median]~~ ***:***

(a) Median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located ~~[.]~~ ***; and***

(b) The costs of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by the cost savings to the household of energy efficiency measures.

Sec. 37. NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing ~~[affordable]~~ ***attainable*** housing to meet the housing needs of the community, which is required to be included in the housing element pursuant to subparagraph (8) of paragraph (c) of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) Reducing ***,*** ~~[or]~~ subsidizing ***or reimbursing,*** in whole or in part impact fees, fees for the issuance of building permits collected

pursuant to NRS 278.580 and fees imposed for the purpose for which an enterprise fund was created.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of ~~[affordable]~~ ***attainable*** housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for ~~[affordable]~~ ***attainable*** housing.

(d) Leasing land by the city or county to be used for ~~[affordable]~~ ***attainable*** housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of ~~[affordable]~~ ***attainable*** housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for ~~[affordable]~~ ***attainable*** housing that must be used for the acquisition, construction or rehabilitation of ~~[affordable]~~ ***attainable*** housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing ~~[affordable]~~ ***attainable*** housing.

(h) Providing money, support or density bonuses for ~~[affordable]~~ ***attainable*** housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for ~~[affordable]~~ ***attainable*** housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented or multi-story housing developments that would include an ~~[affordable]~~ ***attainable*** housing component.

(j) Offering density bonuses or other incentives to encourage the development of ~~[affordable]~~ ***attainable*** housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of ~~[affordable]~~ ***attainable*** housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in ~~[affordable]~~ ***attainable*** housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city

or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. A governing body may reduce ***,*** ~~[or]~~ subsidize ***or reimburse*** impact fees, fees for the issuance of building permits or fees imposed for the purpose for which an enterprise fund was created to assist in maintaining or developing a project for ~~[affordable]~~ ***attainable*** housing, pursuant to paragraph (a) of subsection 1, only if:

(a) ~~[When the incomes of all the residents of the project for affordable housing are averaged, the housing would be affordable on average for a family with a total gross income that does not exceed 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.~~

~~(b) The governing body has adopted an ordinance that establishes the criteria that a project for affordable housing must satisfy to receive assistance in maintaining or developing the project for affordable housing. Such criteria must be designed to put into effect all relevant elements of the master plan adopted by the governing body pursuant to NRS 278.150.~~

~~(c) The project for affordable housing satisfies the criteria set forth in the ordinance adopted pursuant to paragraph (b).~~

~~(d)]~~ The governing body makes a determination that reducing ***,*** ~~[or]~~ subsidizing ***or reimbursing*** such fees will not impair adversely the ability of the governing body to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from such fees was pledged.

~~[(e)]~~ ***(b)*** The governing body holds a public hearing concerning the effect of the reduction ***,*** ~~[or]~~ subsidization ***or reimbursement*** of such fees on the economic viability of the general fund of the city or county, as applicable, and, if applicable, the economic viability of any affected enterprise fund.

3. On or before ~~[July]~~ ***March*** 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Housing Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing ~~[affordable]~~ ***attainable*** housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for ~~[affordable]~~ ***attainable*** housing within the city or county that exists at the end of the reporting period. The governing body shall cooperate with the Housing Division to ensure

that the information contained in the report is appropriate for inclusion in, and can be effectively incorporated into, the statewide low-income housing database created pursuant to NRS 319.143.

4. On or before ~~[August]~~ ***April*** 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 3 and post the compilation on the Internet website of the Housing Division.

Sec. 37.2. NRS 349.294 is hereby amended to read as follows:

349.294 All moneys received from the issuance of any securities herein authorized shall be used solely for the purpose or purposes for which issued and to defray wholly or in part the cost of the project thereby delineated ~~[.]~~ ***, including, without limitation, any proceeds received from the general obligation bonds issued pursuant to section 49.7 of this act.*** Any accrued interest and any premium shall be applied to the cost of the project or to the payment of the interest on or the principal of the securities, or both interest and principal, or shall be deposited in a reserve therefor, or any combination thereof, as the Commission may determine.

Sec. 37.5. NRS 375.070 is hereby amended to read as follows:

375.070 1. The county recorder shall transmit the proceeds of the tax imposed by NRS 375.020 at the end of each quarter in the following manner:

(a) An amount equal to that portion of the proceeds which is equivalent to 10 cents for each $500 of value or fraction thereof must be transmitted to the State Controller who shall deposit that amount in the Account for Affordable Housing created pursuant to NRS 319.500.

(b) In a county whose population is 700,000 or more, an amount equal to that portion of the proceeds which is equivalent to 60 cents for each $500 of value or fraction thereof must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

(c) The remaining proceeds must be transmitted to the State Controller for deposit in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective accounts of Carson City and each county.

2. In addition to any other authorized use of the proceeds it receives pursuant to subsection 1, a county or city may use the proceeds to pay expenses related to or incurred for the development of tier one affordable housing ***,*** ~~[and]~~ tier two affordable housing ~~[.]~~ ***, tier three affordable housing and tier four affordable housing.*** A county or city that uses the proceeds in that manner must give

priority to the development of tier one affordable housing ***,*** ~~[and]~~ tier two affordable housing ***, tier three affordable housing and tier four affordable housing*** for persons who are elderly or persons with disabilities.

3. The expenses authorized by subsection 2 include, but are not limited to:

(a) The costs to acquire land and developmental rights;

(b) Related predevelopment expenses;

(c) The costs to develop the land, including the payment of related rebates;

(d) Contributions toward down payments made for the purchase of affordable housing; and

(e) The creation of related trust funds.

4. As used in this section:

(a) "Tier one affordable housing" has the meaning ascribed to it in ~~[NRS 278.01902.]~~ ***section 29.5 of this act.***

(b) "Tier two affordable housing" has the meaning ascribed to it in NRS ~~[278.01906.]~~ ***278.01902.***

(c) "Tier three affordable housing" has the meaning ascribed to it in NRS 278.01906.

(d) "Tier four affordable housing" has the meaning ascribed to it in NRS 278.01904.

Sec. 38. Chapter 624 of NRS is hereby amended by adding thereto the provisions set forth as sections 39 and 40 of this act.

Sec. 39. ***1. The Board shall issue a contractor's license by endorsement to an applicant who:***

(a) Submits to the Board proof of a contractual agreement to perform work on an attainable housing project in a rural area for which a contractor's license is required;

(b) Holds a valid and unrestricted contractor's license in the District of Columbia or any state or territory of the United States and the Board determines that the qualifications for that contractor's license are substantially similar to the requirements for the issuance of a contractor's license in this State;

(c) Has held the contractor's license described in paragraph (a) for at least 4 consecutive years;

(d) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a contractor's license;

(e) Does not have pending any disciplinary action concerning his or her contractor's license in the District of Columbia or any state or territory of the United States;

(f) Submits to the Board a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check; and

(g) Submits to the Board the statement required by NRS 425.520.

2. The Board shall approve or deny an application for a contractor's license by endorsement submitted pursuant to this section not more than 60 days after the receipt of a completed application, including, without limitation, evidence that the applicant meets the requirements set forth in subsection 1.

3. The Board shall not charge any fee in connection with a contractor's license by endorsement issued pursuant to this section.

4. Before issuing a contractor's license by endorsement pursuant to this section, the Board shall require that the applicant comply with the requirements set forth in NRS 624.256 and 624.270.

5. A person who obtains a contractor's license by endorsement pursuant to this section:

(a) May only perform work relating to an attainable housing project in a rural area of the State; and

(b) Shall not perform any other work in this State unless the person obtains a contractor's license in this State.

6. Notwithstanding the provisions of subsections 4 and 7 of NRS 624.3015, a person who meets the requirements of paragraphs (b) to (e), inclusive, of subsection 1, may submit a bid on an attainable housing project or enter into a contractual agreement to perform work on an attainable housing project in a rural area for which a contractor's license is required.

7. An applicant for a contractor's license by endorsement shall not perform any work on an attainable housing project until the Board has issued the applicant the contractor's license by endorsement.

8. A contractor's license by endorsement issued pursuant to this section expires on December 31, 2029.

9. The Board shall adopt any regulation necessary to carry out the provisions of this section.

10. As used in this section:

(a) "Attainable housing project" has the meaning ascribed to it in section 4 of this act.

(b) "Rural area" means:

(1) Any county whose population is less than 100,000;

(2) Any city in a county whose population is less than 100,000; or

(3) Any city whose population is less than 60,000 in a county whose population is 100,000 or more.

Sec. 40. *1. Notwithstanding any provision of law to the contrary, if the Director of the Department of Business and Industry determines that there is a shortage of skilled labor or licensed contractors in a rural area of this State that is adversely impacting the availability of attainable housing for essential workers who are employed in the rural area, the Director may issue a declaration of such shortage. No declaration of shortage may be in effect for more than 3 years.*

2. Upon the issuance of a declaration pursuant to subsection 1, the Board shall implement a process to issue provisional contractors' licenses to any applicant who:

(a) Submits to the Board proof of a contractual agreement to perform work on an attainable housing project in a rural area for which a contractor's license is required;

(b) Successfully passes an examination prescribed by the Board relating to Nevada-specific construction standards or otherwise demonstrates knowledge and experience of Nevada-specific construction standards;

(c) Holds a valid and unrestricted contractor's license in the District of Columbia or any state or territory of the United States and the Board determines that the qualifications for that contractor's license are substantially similar to the requirements for the issuance of a contractor's license in this State;

(d) Has held the contractor's license described in paragraph (a) for at least 3 consecutive years;

(e) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a contractor's license;

(f) Does not have pending any disciplinary action concerning his or her contractor's license in the District of Columbia or any state or territory of the United States;

(g) Submits to the Board a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for

Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check; and

(h) Submits to the Board the statement required by NRS 425.520.

3. The Board shall not charge any fee in connection with a provisional contractor's license issued pursuant to this section.

4. The Board shall approve or deny an application for a provisional contractor's license submitted pursuant to this section not more than 60 days after the receipt of a completed application, including, without limitation, evidence that the applicant meets the requirements set forth in subsection 2.

5. Before issuing a provisional contractor's license pursuant to this section, the Board shall require that the applicant complies with the requirements set forth in NRS 624.256 and 624.270.

6. A person who obtains a provisional contractor's license pursuant to this section:

(a) May only perform work relating to an attainable housing project in the rural area of the State described in the declaration issued by the Director of the Department of Business and Industry pursuant to subsection 1; and

(b) Shall not perform any other work in this State for which a contractor's license is required unless the person obtains a contractor's license in this State.

7. Notwithstanding the provisions of subsections 4 and 7 of NRS 624.3015, a person who meets the requirements of paragraphs (b) to (e), inclusive, of subsection 1, may submit a bid on an attainable housing project or enter into a contractual agreement to perform work on an attainable housing project in a rural area for which a contractor's license is required.

8. An applicant for a contractor's license by endorsement shall not perform any work on an attainable housing project until the Board has issued the applicant the contractor's license by endorsement.

9. A provisional contractor's license issued pursuant to this section expires on December 31, 2029.

10. The Board shall adopt any regulation necessary to carry out the provisions of this section.

11. As used in this section:

(a) "Attainable housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Attainable housing project" has the meaning ascribed to it in section 4 of this act.

(c) "Essential worker" has the meaning ascribed to it in section 7 of this act.

(d) "Rural area" means:

(1) Any county whose population is less than 100,000;

(2) Any city in a county whose population is less than 100,000; or

(3) Any city whose population is less than 60,000 in a county whose population is 100,000 or more.

Sec. 41. NRS 624.240 is hereby amended to read as follows:

624.240 1. ~~[Under]~~ ***Except as otherwise provided in section 39 or 40 of this act, under*** reasonable regulations adopted by the Board, the Board may investigate, classify and qualify applicants for contractors' licenses by written or oral examinations, or both, and may issue contractors' licenses to qualified applicants. The examinations may, in the discretion of the Board, be given in specific classifications only.

2. If a natural person passes the technical examination given by the Board on or after July 1, 1985, to qualify for a classification established pursuant to this chapter, demonstrates to the Board the degree of experience and knowledge required in the regulations of the Board, and is granted a license, the person is qualified for a master's license, if issued by any political subdivision, in the classification for which the examination was given, if the examination required the person to demonstrate his or her knowledge and ability to:

(a) Utilize and understand;

(b) Direct and supervise work in compliance with; and

(c) Perform and apply any calculations required to ensure that work performed is in compliance with,

➥ the applicable codes, standards and regulations.

3. If a natural person qualified for a license before July 1, 1985, in accordance with NRS 624.260 in a trade for which a master's license is required by any political subdivision, and if the license is active on or after July 1, 1985, and if the person so qualified wishes to obtain a master's license, the person must pass either the appropriate examination given by the Board on or after July 1, 1985, in accordance with NRS 624.260 and the regulations of the Board, or the examination given by the political subdivision in the trade for which a master's license is required.

Sec. 42. NRS 624.250 is hereby amended to read as follows:

624.250 1. To obtain or renew a license, an applicant must submit to the Board an application in writing containing:

(a) The statement that the applicant desires the issuance of a license under the terms of this chapter.

(b) The street address or other physical location of the applicant's place of business.

(c) The name of a person physically located in this State for service of process on the applicant.

(d) The street address or other physical location in this State and, if different, the mailing address, for service of process on the applicant.

(e) Except as otherwise provided in paragraph (f) or (g), the names and physical and mailing addresses of any owners, partners, officers, directors, members and managerial personnel of the applicant.

(f) If the applicant is a corporation, the names and physical and mailing addresses of the president, secretary, treasurer, any officers responsible for contracting activities in this State, any officers responsible for renewing the license of the applicant, any persons used by the applicant to qualify pursuant to NRS 624.260 and any other persons required by the Board.

(g) If the applicant is a limited-liability company, the names and physical and mailing addresses of any managers or members with managing authority, any managers or members responsible for contracting activities in this State, any managers or members responsible for renewing the license of the applicant, any persons used by the applicant to qualify pursuant to NRS 624.260 and any other persons required by the Board.

(h) Any information requested by the Board to ascertain the background, financial responsibility, experience, knowledge and qualifications of the applicant.

(i) All information required to complete the application.

2. The application must be:

(a) Made on a form prescribed by the Board in accordance with the rules and regulations adopted by the Board.

(b) ~~[Accompanied]~~ ***Except as otherwise provided in this paragraph, accompanied*** by the application fee fixed by this chapter. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge any application fee in connection with obtaining or renewing any contractor's license in a rural area until the declaration of shortage is no longer in effect.***

3. The Board shall include on an application form for the issuance or renewal of a license, a method for allowing an applicant to make a monetary contribution to the Construction Education Account created pursuant to NRS 624.580. The application form must state in a clear and conspicuous manner that a contribution to the Construction Education Account is voluntary and is in addition to any fees required for licensure. If the Board receives a contribution from an applicant, the Board shall deposit the contribution with the State Treasurer for credit to the Construction Education Account.

4. ~~[Before]~~ ***Except as otherwise provided in this subsection, before*** issuing a license to any applicant, the Board shall require the applicant to pay the license fee fixed by this chapter and, if applicable, any assessment required pursuant to NRS 624.470. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge any license fee to an applicant in a rural area until the declaration of shortage is no longer in effect.***

5. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 43. NRS 624.253 is hereby amended to read as follows:

624.253 1. A licensee may make application for classification and be classified in one or more classifications if the licensee meets the qualifications prescribed by the Board for such additional classification or classifications.

2. ~~[An]~~ ***Except as otherwise provided in this subsection, an*** additional application and license fee may be charged for qualifying or classifying a licensee in additional classifications. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge any additional application and license fee for qualifying or classifying a licensee in additional classifications in a rural area until the declaration of shortage is no longer in effect.***

3. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 44. NRS 624.265 is hereby amended to read as follows:

624.265 1. An applicant for a contractor's license or a licensed contractor, each officer, director, partner and associate thereof, and any person who qualifies on behalf of the applicant pursuant to subsection 2 of NRS 624.260 must possess good character. Lack of character may be established by showing that the applicant or licensed contractor, any officer, director, partner or

associate thereof, or any person who qualifies on behalf of the applicant has:

(a) Committed any act which would be grounds for the denial, suspension or revocation of a contractor's license;

(b) A bad reputation for honesty and integrity;

(c) Entered a plea of guilty, guilty but mentally ill or nolo contendere to, been found guilty or guilty but mentally ill of, or been convicted, in this State or any other jurisdiction, of a crime arising out of, in connection with or related to the activities of such person in such a manner as to demonstrate his or her unfitness to act as a contractor, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal; or

(d) Had a license revoked or suspended for reasons that would preclude the granting or renewal of a license for which the application has been made.

2. Upon the request of the Board, an applicant for a contractor's license, any officer, director, partner or associate of the applicant and any person who qualifies on behalf of the applicant pursuant to subsection 2 of NRS 624.260 must submit to the Board completed fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of the fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The fingerprint cards and authorization form submitted must be those that are provided to the applicant by the Board. The applicant's fingerprints may be taken by an agent of the Board or an agency of law enforcement.

3. Except as otherwise provided in NRS 239.0115, the Board shall keep the results of the investigation confidential and not subject to inspection by the general public.

4. The Board shall establish by regulation the fee for processing the fingerprints to be paid by the applicant. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge a fee for processing the fingerprints of an applicant for a contractor's license in a rural area or any officer, director, partner or associate of the applicant or any person who qualifies on behalf of the applicant until the declaration of shortage is no longer in effect.***

5. The Board may obtain records of a law enforcement agency or any other agency that maintains records of criminal history, including, without limitation, records of:

(a) Arrests;

(b) Guilty and guilty but mentally ill pleas;

(c) Sentencing;

(d) Probation;

(e) Parole;

(f) Bail;

(g) Complaints; and

(h) Final dispositions,

➥ for the investigation of a licensee or an applicant for a contractor's license.

6. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 45. NRS 624.281 is hereby amended to read as follows:

624.281 1. ~~[If]~~ ***Except as otherwise provided in this section, if*** an applicant wishes to have a license issued in an expedited manner, the applicant must pay a fee for an application equal to two times the amount of the fee regularly paid for an application pursuant to subsection 1 of NRS 624.280.

2. ~~[The]~~ ***Except as otherwise provided in this section, the*** applicant must pay one-half of the fee required pursuant to subsection 1 when submitting the application and the other one-half of the fee when the Board issues the license.

3. ~~[In]~~ ***Except as otherwise provided in this section, in*** addition to the fee required pursuant to subsection 1, the applicant shall reimburse the Board for the actual costs and expenses incurred by the Board in processing the application.

4. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge an applicant in a rural area any fee pursuant to subsection 1 or for the costs and expenses incurred by the Board, as described in subsection 3, in processing the application until the declaration of shortage is no longer in effect.***

5. The Board shall adopt regulations prescribing the procedures for making an application pursuant to this section.

6. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 46. NRS 624.283 is hereby amended to read as follows:

624.283 1. ~~[Each]~~ ***Except as otherwise provided in sections 39 and 40 of this act, each*** license issued under the provisions of this chapter expires 2 years after the date on which it is issued,

except that the Board may by regulation prescribe shorter or longer periods and prorated fees to establish a system of staggered biennial renewals. Any license which is not renewed on or before the date for renewal is automatically suspended.

2. Except as otherwise provided in subsection 5, a license may be renewed by submitting to the Board:

(a) An application for renewal;

(b) ~~[The]~~ ***Except as otherwise provided in subsection 7, the*** fee for renewal fixed by the Board;

(c) Any assessment required pursuant to NRS 624.470 if the holder of the license is a residential contractor as defined in NRS 624.450; and

(d) All information required to complete the renewal.

3. The Board may require a licensee to demonstrate financial responsibility at any time through the submission of:

(a) A financial statement that is:

(1) Prepared by an independent certified public accountant; or

(2) Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and

(b) If the licensee performs residential construction, such additional documentation as the Board deems appropriate.

4. Except as otherwise provided in subsection 5, if a license is automatically suspended pursuant to subsection 1, the licensee may have the license reinstated upon filing an application for renewal within 6 months after the date of suspension and paying, in addition to the fee for renewal, a fee for reinstatement fixed by the Board, if the licensee is otherwise in good standing and there are no complaints pending against the licensee. If the licensee is otherwise not in good standing or there is a complaint pending, the Board shall require the licensee to provide a current financial statement prepared by an independent certified public accountant or establish other conditions for reinstatement. An application for renewal must be accompanied by all information required to complete the renewal. A license which is not reinstated within 6 months after it is automatically suspended may be cancelled by the Board, and a new license may be issued only upon application for an original contractor's license.

5. If a license is automatically suspended pursuant to subsection 1 while the licensee was on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, the licensee may submit an application to the

Board requesting the reinstatement of his or her license without the imposition of any penalty, punishment or disciplinary action authorized by the provisions of this chapter. The Board may reinstate the license if:

(a) The application for reinstatement is submitted while the licensee is serving in the Armed Forces of the United States, a reserve component thereof or the National Guard; and

(b) Except as otherwise provided in subsection 6, the application for reinstatement is accompanied by an affidavit setting forth the dates of service of the licensee and the fee for renewal fixed by the Board pursuant to subsection 2.

6. The Board may waive the fee for renewal of a license for a licensee specified in subsection 5 if:

(a) The license was valid at the time the licensee was called to active duty in the Armed Forces of the United States, a reserve component thereof or the National Guard; and

(b) The licensee provides written documentation satisfactory to the Board substantiating his or her claim of service on active duty in the Armed Forces of the United States, a reserve component thereof or the National Guard.

7. If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge an applicant for renewal in a rural area or an applicant for reinstatement in a rural area whose license was automatically suspended pursuant to subsection 1 any fee for renewal or reinstatement until the declaration of shortage is no longer in effect.

8. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 47. Section 9 of this act is hereby amended to read as follows:

Sec. 9. 1. The Nevada Attainable Housing Account is hereby created in the State General Fund. All money that is collected for the use of the Account from any source must be deposited in the Account.

2. The money in the Nevada Attainable Housing Account must be used for the purposes described in section 10 of this act.

3. The Nevada Attainable Housing Account must be administered by the Division. The Division may apply for and accept any gift, grant, donation, bequest or other source of money for deposit in the Account.

4. The interest and income earned on money in the Nevada Attainable Housing Account, after deducting any applicable charges, must be credited to the Account.

5. ~~[Any]~~ ***Except as otherwise provided in subsection 6, any*** money remaining in the Account at the end of the fiscal year must remain in the Account and does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

6. At the end of each fiscal year, any money in the Account that exceeds $133,000,000 must be transferred to the State General Fund.

Sec. 48. 1. The State Contractors' Board shall adopt any regulation necessary to carry out the provisions of section 39 of this act before January 1, 2026.

2. On or before December 31, 2028, the Board shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 85th Session of the Legislature that, without limitation:

(a) Evaluates the impact in rural areas on workforce mobility, local businesses and economic development that can be attributed to the issuance of contractor's licenses by endorsement pursuant to section 39 of this act; and

(b) Provides recommendations relating to whether the requirement for the Board to issue contractor's licenses by endorsement pursuant to section 39 of this act should be continued, modified or terminated.

Sec. 49. 1. The State Contractors' Board shall adopt any regulation necessary to carry out the provisions of section 40 of this act before January 1, 2026.

2. On or before December 31, 2028, the Board shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 85th Session of the Legislature that, without limitation:

(a) Evaluates the impact in rural areas on attainable housing, local businesses and economic development that can be attributed to the issuance of provisional contractor's licenses pursuant to section 40 of this act; and

(b) Provides recommendations relating to whether the requirement for the Board to issue provisional contractor's licenses pursuant to section 40 of this act should be continued, modified or terminated.

Sec. 49.5. 1. Each governing body of a city or county shall submit to the Housing Division of the Department of Business and

Industry the report required pursuant to subsection 3 of NRS 278.235, as that section existed on June 30, 2025, on or before July 15, 2025.

2. On or before August 15, 2025, the Housing Division shall compile the reports required pursuant to subsection 1 and post the compilation on the Internet website of the Housing Division, as required pursuant to NRS 278.235, as that section existed on June 30, 2025.

3. As used in this section, "governing body" has the meaning ascribed to it in NRS 278.015.

Sec. 49.7. 1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than $50,000,000 in the 2025-2027 biennium, the proceeds of which must be deposited in the Nevada Attainable Housing Infrastructure Account created by subsection 2 and used by the Housing Division of the Department of Business and Industry to make loans for the development or construction of a project:

(a) That will serve attainable housing that is located in a special improvement district or special assessment district; and

(b) For which not less than 85 percent of the total cost of developing or constructing the infrastructure will be paid from assessments levied within the district, or by the applicant, or any combination thereof.

2. The Nevada Attainable Housing Infrastructure Account is hereby created in the State General Fund. All money that is collected for the use of the Account from any source must be deposited in the Account. The Account must be administered by the Housing Division.

3. The proceeds of any bonds issued pursuant to subsection 1 that are deposited in the Nevada Attainable Housing Infrastructure Account must be used for the purposes set forth in subsection 1.

4. Interest and income earned on money in the Nevada Attainable Housing Infrastructure Account, after deducting any applicable charges, must be credited to the Account.

5. Any money remaining in the Nevada Attainable Housing Infrastructure Account at the end of the fiscal year must remain in the Account and does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

6. The Housing Division shall adopt regulations to carry out its duties set forth in subsection 1 and for the administration of the Nevada Attainable Housing Infrastructure Account, but such

regulations must not authorize the use of any proceeds from the bonds issued pursuant to subsection 1 for forgivable loans.

7. Each calendar year, if the uncommitted balance in the Nevada Attainable Housing Infrastructure Account exceeds $1,000,000, the Administrator of the Housing Division shall create an allocation plan for disbursing the money in the Account. The allocation plan must prioritize projects that are committed to longer periods of affordability and that serve households that have a total monthly gross income that is more than 80 percent but not more than 120 percent of the median monthly gross household income for the county in which the attainable housing is located.

8. Before adopting a proposed allocation plan pursuant to subsection 7, the Administrator of the Housing Division must:

(a) Hold at least one public hearing on the proposed allocation plan that complies with the provisions set forth in chapter 241 of NRS; and

(b) Make the proposed allocation plan available on the Internet website of the Housing Division at least 14 days before the first public hearing held pursuant to paragraph (a).

9. The adoption of an allocation plan pursuant to subsection 7 must comply with the regulations adopted pursuant to subsection 6 but is not subject to the requirements of chapter 233B of NRS.

10. A disbursement of money from the Nevada Attainable Housing Infrastructure Account pursuant to this section must be in the form of a loan and must comply with the allocation plan for the calendar year in which the disbursement is made. Any project that receives a loan must serve households whose income does not exceed the income levels established in the allocation plan for that calendar year and must remain affordable for a period of not less than 20 years or a longer period, as established by regulation or contract.

11. The Housing Division shall submit an annual report to the Interim Finance Committee that sets forth:

(a) For each loan made from the Nevada Attainable Housing Infrastructure Account during the reporting period:

(1) The amount and purpose of the loan;

(2) The location and description of the project for which the loan was made; and

(3) The number and the income levels of all households that are or will be served by the project;

(b) Any other information that the Housing Division determines is necessary to include in the report; and

(c) Any other information requested by the Interim Finance Committee.

12. A governing body, an applicant, any contractor who is awarded or enters into an agreement to perform the construction work on a project, and any subcontractor who performs any portion of the construction work on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body had undertaken the project or awarded the contract, only with respect to construction work funded through a special improvement district or special assessment district.

13. As used in this section:

(a) "Attainable housing" has the meaning ascribed to it in section 3 of this act.

(b) "Applicant" means the owners of all of the assessable property within a proposed special improvement district or special assessment district who have entered into a written agreement with a governing body pursuant to subsection 1 of NRS 271.710.

(c) "Governing body" has the meaning ascribed to it in NRS 271.115.

(d) "Proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon.

(e) "Project" has the meaning ascribed to it in NRS 271.175.

Sec. 50. There is hereby appropriated from the State General Fund to the Nevada Attainable Housing Account created by section 9 of this act the sum of $133,000,000.

Sec. 50.5. 1. Notwithstanding any other provision of this act, the Housing Division of the Department of Business and Industry shall include in the initial allocation plan adopted pursuant to section 11 of this act the following allocations of money from the Nevada Attainable Housing Account:

(a) The amount of $83,000,000 to be distributed to eligible entities for any combination of the following:

(1) Competitive loans, grants or rebates to support the development of attainable housing;

(2) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863; and

(3) The acquisition of land for the development of attainable housing projects;

(b) The amount of $25,000,000 to be distributed to eligible entities for programs that assist essential workers to purchase homes, including, without limitation, programs that provide down

payment assistance, interest rate buydowns or other forms of direct financial support to essential workers for purchasing homes;

(c) The amount of $25,000,000 to be distributed to eligible entities for incentives for local governments to increase the supply of attainable housing, including, without limitation:

(1) Incentives for local governments to expedite the approval of attainable housing projects;

(2) Reimbursing local governments for waiving or deferring the payment of fees or taxes for attainable housing projects that are affordable for households that have a total monthly gross income that is not more than 150 percent of the median monthly gross household income for the county in which the housing is located; or

(3) Taking any other action within the authority of the local government that increases the supply of attainable housing.

2. The provisions of section 12 of this act apply to any eligible entity that receives a disbursement of money from the Nevada Attainable Housing Account pursuant to this section.

3. The Division shall include in the reports required pursuant to section 14.5 of this act information about the disbursements of money from the Nevada Attainable Housing Account required pursuant to this section.

4. As used in this section:

(a) "Attainable housing" has the meaning ascribed to it in section 3 of this act.

(b) "Attainable housing project" has the meaning ascribed to it in section 4 of this act.

(c) "Eligible entity" has the meaning ascribed to it in section 6 of this act.

(d) "Essential worker" has the meaning ascribed to it in section 7 of this act.

(e) "Nevada Attainable Housing Account" means the Account created by section 9 of this act.

Sec. 50.6. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 50.8. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended

by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 51. The provisions 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. 52. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 53. 1. This section and sections 51 and 52 of this act become effective upon passage and approval.

2. Sections 1 to 46, inclusive, 48, 49, 49.5, 49.7, 50.5, 50.6 and 50.8 of this act become effective:

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

(b) On July 1, 2025, for all other purposes.

3. Section 50 of this act becomes effective on July 1, 2025.

4. Sections 39 to 46, inclusive, of this act expire by limitation on December 31, 2029.

5. Section 47 of this act becomes effective on January 1, 2030.

20 ~~~~ 25

Assembly Joint Resolution No. 6–Assemblymember Miller

FILE NUMBER.....

ASSEMBLY JOINT RESOLUTION—Urging Congress to extend the Social Security Fairness Act.

WHEREAS, The Social Security Fairness Act was signed into law on January 5, 2025, thereby repealing the Government Pension Offset and the Windfall Elimination Provision; and

WHEREAS, The Social Security Fairness Act applies to monthly Social Security benefits affected by the Government Pension Offset and Windfall Elimination Provision from December 2023 forward; and

WHEREAS, The repeal of the Government Pension Offset restored benefits to an estimated 9 out of 10 public employees who lost their entire spousal benefit under the Government Pension Offset formula, regardless of whether such employee's spouse paid Social Security taxes; and

WHEREAS, The repeal of the Windfall Elimination Provision stopped the reduction of Social Security benefits for employees who have earned a federal, state or local government pension and who have, at some point, been employed in jobs where the employees were required to pay Social Security taxes and paid said taxes for the period required to qualify for such benefits; and

WHEREAS, More than 2 million government employees and retirees across the United States of America now benefit from the repeal of the Government Pension Offset or the Windfall Elimination Provision; and

WHEREAS, Up to 11.8 percent of Social Security beneficiaries in Nevada affected by the Windfall Elimination Provision are expected to receive an estimated increase to their duly earned Social Security benefits of up to $558 per month; and

WHEREAS, Social Security benefit recipients affected by the Government Pension Offset will receive an estimated increase to their monthly Social Security benefits of between $700 and $1,190; and

WHEREAS, Social Security benefit recipients are expected to receive an estimated $4,320 in backdated payments of benefits for the months of January 2024 to December 2024 alone; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature hereby urges Congress to enact legislation to extend the Social Security Fairness Act to apply from the month of December 2013 forward and for the

President of the United States to sign that legislation into law; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

20 ~~~~~ 25

Senate Bill No. 6–Committee on Natural Resources

CHAPTER.....

AN ACT making an appropriation to the Desert Research Institute of the Nevada System of Higher Education to support the Nevada State Cloud Seeding Program; and providing other matters properly relating thereto.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Desert Research Institute of the Nevada System of Higher Education to support the Nevada State Cloud Seeding Program administered by the Desert Research Institute the following sums:

For the Fiscal Year 2025-2026 ..... $600,000
For the Fiscal Year 2026-2027 ..... $600,000

2. The Desert Research Institute shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before September 1, 2026, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Desert Research Institute through June 30, 2026; and

(b) Prepare and transmit a report to the Interim Finance Committee on or before September 1, 2027, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Desert Research Institute through June 30, 2027.

Sec. 2. Any balance of the sums appropriated by section 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 3. This act becomes effective on July 1, 2025.

Senate Bill No. 36–Committee on Natural Resources

CHAPTER.....

AN ACT relating to water; requiring the State Engineer to retire certain groundwater rights; creating the Nevada Conservation and Recreation Program; creating the Account for Retiring Water Rights; establishing the Nevada Voluntary Water Rights Retirement Program; requiring the Director of the State Department of Conservation and Natural Resources to purchase certain water rights for the purpose of retiring the water rights; revising provisions governing a program to provide grants of money for certain purposes relating to improvements to water systems and to conserve water; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any person who wishes to appropriate public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, must apply to the State Engineer for a permit to do so. (NRS 533.325) Existing law further provides that all underground waters within the boundaries of the State are subject to appropriation for beneficial use only under the laws of this State relating to the appropriation and use of water. (NRS 534.020) **Section 10.5** of this bill creates the Account for Retiring Water Rights, to be administered by the Director of the State Department of Conservation and Natural Resources, and requires that the money in the Account only be used for the purchase of decreed or certificated groundwater rights for certain purposes. **Section 10.7** of this bill establishes the Nevada Voluntary Water Rights Retirement Program in the Nevada Conservation and Recreation Program, to be administered by the Director and establishes requirements for: (1) the purchase and retirement of decreed or certificated groundwater rights; and (2) the acceptance of donations of decreed or certificated groundwater rights. **Section 10.7** also prohibits the Director from accepting donations or applications for the purchase and retirement of such groundwater rights after June 30, 2035. **Section 16** of this bill makes conforming changes to reflect that the Director may not accept applications or donations after this date.

Section 8 of this bill: (1) requires the State Engineer to retire all decreed or certificated groundwater rights purchased by or donated to the Nevada Voluntary Water Rights Retirement Program; and (2) prohibits the State Engineer from retiring any groundwater rights from the Program unless the purchase or donation of the groundwater right was approved by the Director on or before June 30, 2035.

Sections 1-3 of this bill prohibit the appropriation of water for which rights have been retired pursuant to the Nevada Voluntary Water Rights Retirement Program.

Existing law requires the Department to make grants to state agencies, local governments, water conservancy districts, conservation districts and certain nonprofit organizations to protect, preserve and obtain the benefits of the property and natural and cultural resources of this State and requires the Director to adopt regulations to make such grants. (Section 2 of Assembly Bill No. 84, chapter 480, Statutes of Nevada 2019, at page 2861) Existing regulations establish the Nevada Conservation and Recreation Program to make such grants. (LCB File No. R025-22) **Section 10.3** of this bill creates the Program in statute. **Section 10.3** further

provides that the Program consists of a grant program to make such grants and the Nevada Voluntary Water Rights Retirement Program. **Section 12** of this bill provides that the Program is within the Department. **Section 11** of this bill applies the definitions in existing law relating to the Department to the provisions of **sections 10.3-10.7**.

Existing law establishes a program to provide grants of money to purveyors of water and eligible recipients to pay for certain costs related to capital improvements to water systems and water conservation. Under this program, eligible recipients may receive grants of money to pay the cost of improvements to conserve water. (NRS 349.981) **Section 14** of this bill includes the permanent retirement of groundwater rights for certain purposes in the types of improvements for which an eligible recipient could receive a grant.

Existing law requires certain recipients of a grant of money from this program to provide an amount of money determined by the Board for Financing Water Projects that will be used for the same purpose as the grant and which must be based upon the average household income of the customers of the recipient. (NRS 349.983) **Section 15** of this bill instead requires the amount of money provided by a recipient to be based upon the median household income of the customers of the recipient.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. NRS 533.030 is hereby amended to read as follows:

533.030 1. Subject to existing rights, and except as otherwise provided in this section and NRS 533.0241, 533.027 and 533.028, ***and section 8 of this act,*** all water may be appropriated for beneficial use as provided in this chapter and not otherwise.

2. The use of water, from any stream system as provided in this chapter and from underground water as provided in NRS 534.080, for any recreational purpose, or the use of water from the Muddy River or the Virgin River to create any developed shortage supply or intentionally created surplus, is hereby declared to be a beneficial use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

(b) "Intentionally created surplus" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

3. Except as otherwise provided in subsection 4, in any county whose population is 700,000 or more:

(a) The board of county commissioners may prohibit or restrict by ordinance the use of water and effluent for recreational purposes

in any artificially created lake or stream located within the unincorporated areas of the county.

(b) The governing body of a city may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the boundaries of the city.

4. In any county whose population is 700,000 or more, the provisions of subsection 1 and of any ordinance adopted pursuant to subsection 3 do not apply to:

(a) Water stored in an artificially created reservoir for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage;

(b) Water used in a mining reclamation project; or

(c) A body of water located in a recreational facility that is open to the public and owned or operated by the United States or the State of Nevada.

Sec. 2. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, ***and section 8 of this act,*** the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10, ~~[where there]~~ ***the State Engineer shall reject an application and refuse to issue the requested permit if:***

(a) There is no unappropriated water in the proposed source of supply ~~[, where the]~~ ***;***

(b) The groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 ***;***

(c) The application requests a change to or reinstatement of groundwater rights that have been retired pursuant to section 8 of this act; or ~~[where its]~~

(d) The proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest ***.*** ~~[, the State Engineer shall reject the application and refuse to issue the requested permit.]~~

➥ If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

(a) Upon written authorization to do so by the applicant.

(b) If an application is protested.

(c) If the purpose for which the application was made is municipal use.

(d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.

(e) Where court actions or adjudications are pending, which may affect the outcome of the application.

(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.

(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.

(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished and reposted pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication and reposting, a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the

prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 3. NRS 533.371 is hereby amended to read as follows:

533.371 The State Engineer shall reject the application and refuse to issue a permit to appropriate water for a specified period if the State Engineer determines that:

1. The application is incomplete;
2. The prescribed fees have not been paid;
3. The proposed use is not temporary;
4. There is no water available from the proposed source of supply without exceeding the perennial yield or safe yield of that source;
5. The groundwater that has not been committed for use from the proposed source of supply has been reserved pursuant to NRS 533.0241;
6. ***The application requests a change to or reinstatement of groundwater rights that have been retired pursuant to section 8 of this act;***
7. The proposed use conflicts with existing rights; or
~~[7.]~~ ***8.*** The proposed use threatens to prove detrimental to the public interest.

Sec. 4. Chapter 534 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 9, inclusive, of this act.

Secs. 5-7. (Deleted by amendment.)

Sec. 8. ***1. The State Engineer shall retire all decreed or certificated groundwater rights purchased by or donated to the Nevada Voluntary Water Rights Retirement Program pursuant to section 10.7 of this act using any appropriate mechanism, as determined by the State Engineer, and preclude that groundwater from appropriation. Any decreed or certificated groundwater right that has been retired pursuant to this section is not available for any use and shall be deemed to be retired in the source in perpetuity.***

2. The State Engineer shall not retire any decreed or certificated groundwater rights pursuant to subsection 1 unless the purchase of the groundwater right or donation of the groundwater right was approved by the Director of the State Department of Conservation and Natural Resources pursuant to section 10.7 of this act on or before June 30, 2035.

Sec. 9. (Deleted by amendment.)

Sec. 10. Chapter 232 of NRS is hereby amended by adding the provisions set forth as sections 10.3, 10.5 and 10.7 of this act.

Sec. 10.3. ***1. The Nevada Conservation and Recreation Program is hereby created within the Department to protect, preserve and obtain the benefits of the property and natural and cultural resources of this State. The Director shall administer the Program.***

2. The Nevada Conservation and Recreation Program consists of:

(a) A grant program to make grants in accordance with subsections 8, 9 and 10 of section 2 of chapter 480, Statutes of Nevada 2019, at page 2861; and

(b) The Nevada Voluntary Water Rights Retirement Program established by section 10.7 of this act.

3. The Director may adopt regulations to carry out the provisions of this section.

Sec. 10.5. ***1. The Account for Retiring Water Rights is hereby created in the State General Fund.***

2. The Account for Retiring Water Rights must be administered by the Director in accordance with the Nevada Voluntary Water Rights Retirement Program established by section 10.7 of this act. In addition to any direct legislative appropriation, the Director may apply for and accept any gift,

donation, bequest, grant, federal money or other source of money for deposit in the Account for Retiring Water Rights.

3. The money in the Account for Retiring Water Rights must only be used for administering the Nevada Voluntary Water Rights Retirement Program established by section 10.7 of this act, to purchase decreed or certificated groundwater rights for retirement pursuant to section 10.7 of this act and to provide matching money required as a condition of accepting any source of money that would result in the retirement of groundwater rights pursuant to sections 8 and 10.7 of this act.

4. The money in the Account for Retiring Water Rights or any portion of the money in the Account for Retiring Water Rights may be invested or reinvested in accordance with the provisions of chapter 355 of NRS. The proceeds of such investments and the interest and income earned on the money in the Account for Retiring Water Rights, after deducting any applicable charges, must be credited to the Account for Retiring Water Rights.

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

6. The Director may enter into an agreement with a public or private entity to apply for, obtain or manage any money contributed to the Account for Retiring Water Rights.

Sec. 10.7. ***1. The Nevada Voluntary Water Rights Retirement Program is hereby established in the Nevada Conservation and Recreation Program created by section 10.3 of this act to purchase and retire decreed or certificated groundwater rights from willing sellers and to accept donations of groundwater rights for retirement in order to:***

(a) Protect the natural resources of this State;

(b) Address declining levels of groundwater; or

(c) Address conflicts with existing rights or with protectable interests in existing domestic wells.

2. The Nevada Voluntary Water Rights Retirement Program must be administered by the Director. In administering the Program, the Director shall, to the extent money is available in the Account for Retiring Water Rights created by section 10.5 of this act, identify and purchase decreed or certificated groundwater rights for retirement by the State Engineer pursuant to section 8 of this act from persons willing to retire those groundwater rights in groundwater basins where:

(a) An order issued by the State Engineer precludes the issuance of permits for new appropriations of groundwater in the groundwater basin; or

(b) The retirement of groundwater rights in the groundwater basin meets any purpose set forth in subsection 1.

3. The Director shall document in writing the purpose of each decreed or certificated groundwater right that is purchased by or donated to the Program and file the written document with the State Engineer.

4. When sufficient money is available in the Account for Retiring Water Rights created by section 10.5 of this act, the Director may accept applications for the purchase and retirement of decreed or certificated groundwater rights.

5. The Director shall not accept donations or applications for the purchase and retirement of decreed or certificated groundwater rights after June 30, 2035.

Sec. 11. NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.162, inclusive ~~[:]~~ ***, and sections 10.3, 10.5 and 10.7 of this act:***

1. "Department" means the State Department of Conservation and Natural Resources.

2. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 12. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

(a) The Division of Water Resources.
(b) The Division of State Lands.
(c) The Division of Forestry.
(d) The Division of State Parks.
(e) The Division of Environmental Protection.
(f) The Office of Historic Preservation.
(g) The Division of Outdoor Recreation.
(h) The Division of Natural Heritage.
(i) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, the Commission on Off-Highway Vehicles, the Conservation Districts Program, the Sagebrush Ecosystem Council ***, the Nevada Conservation and Recreation Program*** and the Board to Review Claims are within the Department.

Sec. 13. (Deleted by amendment.)

Sec. 14. 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]~~ ***Recovering*** or recycling ~~[of]~~ wastewater or tailwater;

(3) Scheduling of irrigation;

(4) ~~[Measurement]~~ ***Measuring*** 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 ~~[.]~~ ***; and***

(7) Permanently retiring groundwater rights pursuant to section 8 of this act to:

(I) Protect the natural resources of this State;

(II) Address declining levels of groundwater; or

(III) Address conflicts with existing rights or with protectable interests in existing domestic wells.

(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 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 approves a program or project for the protection of groundwater quality developed by the State or a local government that provides for the abandonment of an individual sewage disposal system and the connection of the property upon which the individual sewage disposal system was located 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.

(f) An eligible recipient to pay the following costs associated with plugging and abandoning a well and connecting 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.

(g) 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. 15. NRS 349.983 is hereby amended to read as follows:

349.983 1. Grants may be made pursuant to paragraph (a) of subsection 1 of NRS 349.981 only for the Lincoln County Water District and those community and nontransient water systems that:

(a) Were in existence on January 1, 1995; and

(b) Are currently publicly owned.

2. In making its determination of which purveyors of water are to receive grants pursuant to paragraph (a) of subsection 1 of NRS 349.981, the Board shall give preference to those purveyors of water whose public water systems regularly serve fewer than 6,000 persons.

3. Each recipient of a grant pursuant to paragraph (a) of subsection 1 of NRS 349.981 shall provide an amount of money for the same purpose. The Board shall develop a scale to be used to determine that amount, but the recipient must not be required to provide an amount less than 15 percent or more than 75 percent of the total cost of the project for which the grant is awarded. The scale must be based upon the ~~[average]~~ ***median*** household income of the customers of the recipient, and provide adjustments for the demonstrated economic hardship of those customers, the existence of an imminent risk to public health and any other factor that the Board determines to be relevant.

Sec. 16. Section 10.7 of this act is hereby amended to read as follows:

Sec. 10.7. 1. The Nevada Voluntary Water Rights Retirement Program is hereby established in the Nevada Conservation and Recreation Program created by section 10.3 of this act to purchase and retire decreed or certificated groundwater rights from willing sellers and to accept donations of groundwater rights for retirement in order to:

(a) Protect the natural resources of this State;

(b) Address declining levels of groundwater; or

(c) Address conflicts with existing rights or with protectable interests in existing domestic wells.

2. The Nevada Voluntary Water Rights Retirement Program must be administered by the Director. ~~[In administering the Program, the Director shall, to the extent money is available in the Account for Retiring Water Rights created by section 10.5 of this act, identify and purchase decreed or certificated groundwater rights for retirement by the State Engineer pursuant to section 8 of this act from persons willing to retire those groundwater rights in groundwater basins where:~~

~~(a) An order issued by the State Engineer precludes the issuance of permits for new appropriations of groundwater in the groundwater basin; or~~

~~(b) The retirement of groundwater rights in the groundwater basin meets any purpose set forth in subsection 1.~~]

3. ~~[The Director shall document in writing the purpose of each decreed or certificated groundwater right that is purchased by or donated to the Program and file the written document with the State Engineer.~~

~~4. When sufficient money is available in the Account for Retiring Water Rights created by section 10.5 of this act, the Director may accept applications for the purchase and retirement of decreed or certificated groundwater rights.~~

~~5.~~] The Director shall not accept donations or applications for the purchase and retirement of decreed or certificated groundwater rights after June 30, 2035.

Sec. 17. 1. This section and sections 1 to 15, inclusive, of this act become effective on July 1, 2025.

2. Section 10.5 of this act expires by limitation on June 30, 2035.

3. Section 16 of this act becomes effective on July 1, 2035.

20 ~~~~~ 25

Senate Bill No. 39–Committee on Government Affairs

CHAPTER.....

AN ACT relating to emergency management; creating the Nevada Hazard Mitigation Revolving Loan Account in the State General Fund; requiring the Division of Emergency Management of the Office of the Military to develop and carry out a program to grant loans to certain eligible recipients to fund hazard mitigation projects; requiring the Division to adopt regulations relating to the loan program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Safeguarding Tomorrow through Ongoing Risk Mitigation Act, more commonly known as the "STORM Act," authorizes the Administrator of the Federal Emergency Management Agency to provide capitalization grants to a state for the purpose of providing financial assistance in the form of loans to local governments and tribal governments for hazard mitigation projects. The STORM Act requires a state which receives such a capitalization grant to establish a loan fund. (42 U.S.C. § 5135)

Existing state law creates the Division of Emergency Management within the Office of the Military, which has various powers and duties related to emergency management. (NRS 414.040)

Section 8 of this bill creates the Nevada Hazard Mitigation Revolving Loan Account in the State General Fund as a revolving loan account administered by the Division.

Section 9 of this bill requires the Division to develop and carry out a program for an eligible recipient to apply for a loan from the Account for the purpose of financing a hazard mitigation project. **Section 9** further: (1) requires the Division to prioritize approving loans for hazard mitigation projects that will have the greatest impact on mitigating hazards in this State; (2) with certain exceptions, requires the Division to condition a loan of money from the Account on compliance by an eligible entity with certain provisions concerning prevailing wages and competitive bidding; and (3) authorizes the Division to provide certain technical assistance to eligible recipients.

Section 10 of this bill provides that any loan of money from the Account must not be used to replace or supplant any other money available to an eligible recipient for hazard mitigation.

Section 11 of this bill requires the Division to adopt regulations to carry out the provisions of this bill, including: (1) the procedures by which an eligible recipient may apply for a loan from the Account; and (2) the criteria for an eligible recipient to receive a loan from the Account.

Sections 3-7 of this bill, respectively, define the terms "Account," "Division," "eligible recipient," "hazard mitigation project" and "STORM Act."

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

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

Section 1. Chapter 414 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Account" means the Nevada Hazard Mitigation Revolving Loan Account created by section 8 of this act.***

Sec. 4. ***"Division" means the Division of Emergency Management of the Office of the Military.***

Sec. 5. ***"Eligible recipient" means:***

1. A local government; or

2. A tribal government.

Sec. 6. ***"Hazard mitigation project" means any hazard mitigation project of an eligible recipient that qualifies pursuant to the STORM Act for financial assistance in the form of a loan of money from the Account.***

Sec. 7. ***"STORM Act" means the federal Safeguarding Tomorrow through Ongoing Risk Mitigation Act, 42 U.S.C. § 5135.***

Sec. 8. ***1. The Nevada Hazard Mitigation Revolving Loan Account is hereby created in the State General Fund as a revolving loan account. The Account must be administered by the Division.***

2. The Account consists of:

(a) Capitalization grants received from the Federal Emergency Management Agency pursuant to the STORM Act;

(b) Money appropriated by the Legislature to satisfy any matching funding, as required by the STORM Act;

(c) Money from the repayment of any loan made by Division from the Account to an eligible recipient; and

(d) Interest and income earned on the money in the Account.

3. All interest and income earned on the money in the Account must be credited to the Account.

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

Sec. 9. ***1. The Division shall develop and carry out a program for an eligible recipient to apply for a loan from the Account for the purpose of financing a hazard mitigation project. Any loan of money from the Account to an eligible recipient must be made in compliance with any applicable requirement set forth in the STORM Act.***

2. In carrying out the program, the Division shall:

(a) Prioritize approving loans for hazard mitigation projects that the Division determines will have the greatest impact on mitigating hazards in this State; and

(b) Except as otherwise prohibited by federal law, require as a condition of a loan of money from the Account to fund all or part of the costs of a hazard mitigation project, an eligible entity to comply with the provisions of NRS 338.013 to 338.090, inclusive, and the competitive bidding requirements of chapter 338 of NRS.

3. The Division may provide technical assistance to eligible recipients in applying for and administering loans from the Account.

Sec. 10. ***Any loan of money from the Account must not be used to replace or supplant any other money available to an eligible recipient for hazard mitigation.***

Sec. 11. ***The Division shall adopt regulations to carry out the provisions of sections 2 to 11, inclusive, of this act. The regulations must include, without limitation:***

1. The procedures by which an eligible recipient may apply for a loan from the Account; and

2. The criteria for an eligible recipient to receive a loan from the Account, including, without limitation, a requirement for the eligible recipient to demonstrate:

(a) The need for the loan;

(b) The ability of the eligible recipient to repay the loan over a fixed term; and

(c) That the eligible recipient has the technical, managerial and financial ability to comply with any applicable requirement of the STORM Act.

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 11, 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, 2026, for all other purposes.

20 ~~~~~ 25

Senate Bill No. 43–Committee on
Health and Human Services

CHAPTER.....

AN ACT relating to public health; authorizing certain district boards of health to be designated to act as a solid waste management authority or exercise certain powers of a solid waste management authority under certain circumstances; revising provisions relating to public swimming pools; removing the authority of certain district boards of health to administer the collection and disposal of solid waste; requiring the State Environmental Commission to adopt regulations establishing certain criteria for a district board of health to demonstrate capability for certain purposes; authorizing certain district boards of health to issue certain permits and administer and enforce certain provisions relating to public water systems under certain circumstances; removing the authority of certain district boards of health to administer certain provisions relating to public water systems; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing the collection and disposal of solid waste. (NRS 444.440-444.645) For the purposes of such provisions, existing law defines a "solid waste management authority" to mean: (1) the district board of health in any area in which a health district has been created and, under certain circumstances, certain other areas under the jurisdiction of the board, if the board has adopted certain regulations; and (2) the Division of Environmental Protection of the State Department of Conservation and Natural Resources, in all other areas of the State and at any site previously used for the production of electricity from a coal-fired electric generating plant. (NRS 444.495) **Section 4** of this bill authorizes the Administrator of the Division to designate a district board of health to act as a solid waste management authority or to carry out limited duties of a solid waste management authority if the district board of health: (1) applies to the Administrator for such a designation; (2) demonstrates that the district board of health is capable of carrying out the provisions of existing law relating to solid waste management, as determined by the Administrator; and (3) has adopted certain regulations relating to solid waste management.

Section 13.5 of this bill requires the State Environmental Commission to adopt regulations establishing the criteria for a district board of health to demonstrate capability to be designated by the Administrator.

Section 34 of this bill provides that any district board of health that is currently acting as a solid waste management authority shall be deemed to have been determined capable by the Administrator and may continue to act as a solid waste management authority.

Section 7 of this bill revises the definition of "solid waste management authority" to mean: (1) a district board of health if the board is designated under **section 4**; and (2) the Division, in all other areas of the State and at any site previously used for the production of electricity from a coal-fired electric generating plant. As a result of this change, a district board of health that is not

designated by the Administrator is not authorized to act as a solid waste management authority.

Consistent with these changes, **sections 8, 13 and 16** of this bill provide that only a designated district board of health of a health district is required to adopt certain regulations relating to the collection and disposal of solid waste. **Sections 8.5, 9, 14, 18 and 19** of this bill make conforming changes to reflect the divestment of the authority of a district board of health of a health district that is not designated to act as a solid waste management authority.

Existing law authorizes any district board of health and any governing body of a municipality to adopt certain standards and regulations relating to solid waste disposal sites and solid waste management systems that are more restrictive than those adopted by the Commission and authorizes the district board of health to issue permits thereunder. Existing law also authorizes any district board of health to adopt such other regulations as are necessary to carry out provisions relating to the collection and disposal of solid waste. (NRS 444.580) **Section 15** of this bill provides that certain standards and regulations adopted by a district board of health or governing body must be consistent with an approved plan to provide for a solid waste management system. **Section 15** also provides that if a district board of health adopts regulations other than standards and regulations for the location, design, construction, operation and maintenance of a solid waste management system or solid waste disposal system that are more restrictive than those adopted by the Commission, the district board of health must provide reasonable notification of the proposed regulations to the Division.

Section 2 of this bill defines "health district" for the purposes of existing law governing the collection and disposal of solid waste. **Section 10** of this bill makes conforming changes to a reference to this term.

Section 3 of this bill defines the "Resource Conservation and Recovery Act" and, consistent with this definition, **sections 6, 11-13 and 16** of this bill revise references to that Act in existing law governing the collection and disposal of solid waste.

Section 5 of this bill applies the definitions in existing law and **sections 2 and 3** to the provisions of existing law and **section 4** that govern the collection and disposal of solid waste.

Sections 17 and 18 of this bill make provisions of existing law establishing the powers of a solid waste management authority to enforce existing law, recover civil penalties or damages, obtain injunctive relief or issue subpoenas apply to the provisions of **sections 2-4**.

Existing law sets forth certain provisions governing public water systems and authorizes the Division and a district board of health to administer and enforce these provisions. (NRS 445A.800-445A.955) Existing law also authorizes the State Environmental Commission to designate a district board of health to issue permits to an owner of a public water system to operate the system. (NRS 445A.860, 445A.885) **Section 20** of this bill authorizes the Administrator of the Division to designate the district board of health of the health district to issue permits or administer and enforce the provisions or limited provisions governing public water systems if the district board of health: (1) applies for such a designation; and (2) demonstrates to the Administrator that the district board is capable of performing such actions. **Section 23** of this bill requires the Commission to adopt regulations establishing the criteria for a district board of health to demonstrate capability to be designated by the Administrator.

Section 34 provides that any district board of health that is currently administering and enforcing the provisions governing public water systems shall be

deemed to have been designated by the Administrator and may continue to administer and enforce those provisions.

Consistent with these changes, **sections 23 and 24-28** of this bill limit the authority of a district board of health to issue permits or administer and enforce the provisions governing public water systems to only a district board of health designated by the Administrator.

Section 22 of this bill revises the definition of the term "district board of health" to clarify that a health district is created pursuant to certain provisions of existing law. **Section 21** of this bill applies the definitions in existing law governing public water systems to **section 20**.

Sections 29-33 of this bill make certain provisions of existing law governing the enforcement powers of the Division, the imposition of civil penalties, administrative fines and criminal penalties and obtaining injunctive relief apply to **section 20**.

Section 23.5 of this bill makes a conforming change to revise an internal reference to a provision of the Nevada Revised Statutes.

Existing law defines the term "public swimming pool" for the purposes of provisions governing the sanitation of such structures and provides that the term does not include any such structure at any location if the structure is a privately owned pool used by members of a private club or invited guests of the members. (NRS 444.065) **Section 4.5** of this bill instead provides that the term does not include any such structure at any location if the structure is a privately owned pool used by members of a private organization that is recognized as a social club exempt from taxation pursuant to certain provisions of the Internal Revenue Code or invited guests of members of such an organization.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Health district" means a health district created pursuant to NRS 439.362 or 439.370.***

Sec. 3. ***"Resource Conservation and Recovery Act" means subchapter IV of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6941 et seq., as amended, and the regulations adopted pursuant thereto.***

Sec. 4. ***1. The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources may, in accordance with the regulations adopted by the State Environmental Commission pursuant to NRS 444.560, designate a district board of health of a health district to act as a solid waste management authority or to act as a solid waste management authority for the purposes of carrying out limited provisions of NRS 444.440 to 444.620,***

inclusive, and sections 2, 3 and 4 of this act, and any regulations adopted pursuant thereto, if the district board of health:

(a) Applies to the Administrator for such a designation;

(b) Demonstrates that the district board of health is capable of carrying out the provisions or limited provisions of NRS 444.440 to 444.620, inclusive, and sections 2, 3 and 4 of this act, and any regulations adopted pursuant thereto, as determined by the Administrator; and

(c) Adopts all regulations that are necessary to carry out the provisions or limited provisions, as applicable, of NRS 444.440 to 444.620, inclusive, and sections 2, 3 and 4 of this act, and any regulations adopted pursuant thereto.

2. If the Administrator designates a district board of health pursuant to subsection 1, the Division of Environmental Protection shall periodically review the activities of the district board of health to evaluate the continued capability of the district board of health to carry out the provisions or limited provisions of NRS 444.440 to 444.620, inclusive, and sections 2, 3 and 4 of this act, and any regulations adopted pursuant thereto.

3. If, following a review of the capability of a district board of health by the Division of Environmental Protection pursuant to subsection 2, the Administrator determines that the district board of health is not capable, the Administrator shall provide written notice of a deficiency by certified mail to the district board of health of this determination. If the deficiency identified in the written notice:

(a) Does not present an imminent or substantial hazard to public health, safety or the environment, as determined by the Administrator, the written notice must set forth a date by which the district board of health must correct the deficiency, which must be not less than 60 days after the date the notice was mailed to the district board of health and may be extended by mutual agreement of the Administrator and the district board of health. If the district board of health fails to correct the deficiency, the Administrator may issue an order revoking the designation of the district board of health.

(b) Presents an imminent or substantial hazard to public health, safety or the environment, as determined by the Administrator, the Administrator may issue an order revoking the designation of the district board of health. A revocation issued pursuant to this paragraph is effective immediately. Notice of the order revoking the designation must be provided to the district board of health by certified mail and must set forth the date on

which the designation is revoked. The district board of health may petition the State Environmental Commission for a hearing on the revocation. Such a petition must be received not more than 30 days after the date on which the designation was revoked. If the district board of health does not petition the Commission for a hearing, the decision to revoke the designation is not subject to additional review.

Sec. 4.5. NRS 444.065 is hereby amended to read as follows:

444.065 1. Except as otherwise provided in subsection 2, as used in NRS 444.065 to 444.120, inclusive, "public swimming pool" means any structure containing an artificial body of water that is intended to be used collectively by persons for swimming or bathing, regardless of whether a fee is charged for its use.

2. The term does not include any such structure at:

(a) A private residence if the structure is controlled by the owner or other authorized occupant of the residence and the use of the structure is limited to members of the family of the owner or authorized occupant of the residence or invited guests of the owner or authorized occupant of the residence.

(b) A family foster home as defined in NRS 424.013.

(c) A child care facility, as defined in NRS 441A.030, furnishing care to 12 children or less.

(d) Any other residence or facility as determined by the State Board of Health.

(e) Any location if the structure is a privately owned pool used by members of a private ~~[club]~~ ***organization that is recognized as a social club exempt from taxation pursuant to section 501(c)(7) of the Internal Revenue Code, 26 U.S.C. § 501(c)(7)*** or invited guests of the members ~~[.]~~ ***of such an organization.***

Sec. 5. NRS 444.450 is hereby amended to read as follows:

444.450 As used in NRS 444.440 to 444.620, inclusive, ***and sections 2, 3 and 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 444.460 to 444.501, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 444.465 is hereby amended to read as follows:

444.465 "Municipal solid waste landfill" has the meaning ascribed to it in the Resource Conservation and Recovery Act of 1976 ***.*** ~~[, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto.]~~

Sec. 7. NRS 444.495 is hereby amended to read as follows:

444.495 "Solid waste management authority" means:

1. Except as otherwise provided in subsection 2, the district board of health ~~[in any area in which]~~ ***of*** a health district ~~[has been created pursuant to NRS 439.362 or 439.370 and in any area over which the board has authority pursuant to an interlocal agreement,]~~ if the ***district*** board ~~[has adopted all regulations that are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive.]~~ ***of health is designated pursuant to section 4 of this act to carry out the provisions or limited provisions of NRS 444.440 to 444.620, inclusive, and sections 2, 3 and 4 of this act, and any regulations adopted pursuant thereto.***

2. In all other areas of the State and pursuant to NRS 704.7318, at any site previously used for the production of electricity from a coal-fired electric generating plant in this State, the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 8. NRS 444.505 is hereby amended to read as follows:

444.505 1. The district board of health of a health district ~~[created pursuant to NRS 439.362 or 439.370]~~ ***, if designated pursuant to section 4 of this act,*** shall, in a timely manner, adopt regulations:

(a) For the issuance of a permit to operate a facility for the management of waste tires in the health district and in any area over which the board has authority pursuant to an interlocal agreement;

(b) If the district board of health issues a permit to operate a facility for the management of waste tires, prohibiting the disposal of waste tires in any municipal solid waste landfill in the health district and in any area over which the board has authority pursuant to an interlocal agreement by a retail seller of new motor vehicles tires or a wholesale seller of new motor vehicle tires; and

(c) To establish and carry out a program for the recycling and reuse of waste tires in the health district and in any area over which the board has authority pursuant to an interlocal agreement.

2. The regulations adopted pursuant to subsection 1 must:

(a) Provide for acceptable alternatives to the disposal of a waste tire in a municipal solid waste landfill;

(b) Provide for the inspection of a facility for the management of waste tires to ensure that the operator of the facility complies with those regulations;

(c) Prohibit a facility for the management of waste tires from refusing to accept a waste tire offered for disposal, except in accordance with the provisions of the permit issued to the operator of the facility;

(d) Establish requirements concerning the transportation and storage of waste tires prior to disposal;

(e) Establish a procedure for applications for exemptions or waivers from any of those regulations;

(f) Provide for an exemption from any penalty imposed pursuant to those regulations for any person who inadvertently or unintentionally disposes of a waste tire in a municipal solid waste landfill in violation of those regulations;

(g) Not prohibit the lawful disposal of a waste tire outside of the health district; and

(h) In addition to the penalties described in NRS 444.507 and 444.509, provide for a penalty for a violation of any of those regulations.

3. In ~~[a county]~~ ***any area*** in which a health district has not been ~~[created pursuant to NRS 439.362 or 439.370,]~~ ***designated pursuant to section 4 of this act,*** the State Environmental Commission may adopt regulations:

(a) Authorizing the Division of Environmental Protection of the State Department of Conservation and Natural Resources to issue a permit for the operation of a facility for the management of waste tires in the ~~[county;]~~ ***area;***

(b) If a facility for the management of waste tires has been issued a permit in the county, prohibiting the disposal of waste tires in a municipal solid waste landfill in the ~~[county;]~~ ***area;*** and

(c) To establish and carry out a program for the recycling and reuse of waste tires in the ~~[county.]~~ ***area.***

4. Any regulation adopted pursuant to this section which prohibits the disposal of a waste tire in a municipal solid waste landfill does not apply to the disposal of a waste tire if the unavailability of a facility for the management of waste tires makes disposal at such a facility impracticable. The provisions of this subsection do not exempt a person from any other regulation adopted pursuant to this section.

5. The regulations adopted by a district board of health pursuant to this section must not conflict with regulations adopted by the State Environmental Commission.

Sec. 8.5. NRS 444.507 is hereby amended to read as follows:

444.507 1. A person shall not operate a facility for the management of waste tires unless the operator:

(a) Holds a permit to operate the facility for the management of waste tires issued by the district board of health ***, if designated pursuant to section 4 of this act,*** or the Division of Environmental Protection of the State Department of Conservation and Natural

Resources in accordance with the regulations adopted pursuant to NRS 444.505; and

(b) Complies with the terms and conditions of the permit.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

3. Each day or part of a day during which the violation is continued or repeated constitutes a separate offense.

4. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive:

(a) A person convicted of violating subsection 1 is, in addition to any criminal penalty imposed, liable for a civil penalty upon each such conviction; and

(b) A court before whom a defendant is convicted of a violation of subsection 1 shall, for each violation, order the defendant to pay a civil penalty of at least $500 but not more than $5,000.

Sec. 9. NRS 444.509 is hereby amended to read as follows:

444.509 1. Except as otherwise provided in subsection 2, in any ***area with a district board of health of a*** health district ~~[created pursuant to NRS 439.362 or 439.370]~~ ***designated pursuant to section 4 of this act*** and any area over which the district board of health ***of the health district*** has authority pursuant to an interlocal agreement or any county in which a permit for the operation of a facility for the management of waste tires has been issued pursuant to NRS 444.505, a person who willfully disposes of a waste tire generated in that health district or county in any municipal solid waste landfill in this State is guilty of a misdemeanor and, except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, shall be punished by a fine of not less than $100 per violation. Each waste tire disposed of in violation of the provisions of this section constitutes a separate violation.

2. The provisions of subsection 1 do not apply:

(a) To a person who inadvertently or unintentionally disposes of a waste tire in a municipal solid waste landfill in violation of the provisions of subsection 1; or

(b) If the unavailability of a facility for the management of waste tires makes disposal of a waste tire at a site other than a municipal solid waste landfill impracticable.

Sec. 10. NRS 444.510 is hereby amended to read as follows:

444.510 1. The governing body of every municipality or district board of health ~~[created pursuant to NRS 439.362 or 439.370]~~ ***of a health district*** shall develop a plan to provide for a solid waste management system which adequately provides for the management and disposal of solid waste within the boundaries of

the municipality or within the area to be served by the ***solid waste management*** system, whether generated within or outside of the boundaries of the area.

2. The plan may include ordinances adopted pursuant to NRS 444.520 and 444.530.

3. Such a governing body may enter into agreements with governing bodies of other municipalities, or with any person, or with a combination thereof, to carry out or develop portions of the plan provided for in subsection 1, or both, and to provide a solid waste management system, or any part thereof.

4. Any plan developed by the governing body of a municipality or district board of health ~~[created]~~ pursuant to ~~[NRS 439.362 or 439.370]~~ ***this section*** must be submitted to the State Department of Conservation and Natural Resources for approval according to a schedule established by the State Environmental Commission. No action may be taken by that governing body or district board of health until the plan has been approved. The Department shall determine the adequacy of the plan within 90 days after receiving the plan. If the Department does not respond to the plan within 90 days, the plan shall be deemed approved and becomes effective immediately.

5. An approved plan remains in effect until the plan is revised and the revised plan is approved. A plan must not conflict with the statewide plan adopted by the State Environmental Commission pursuant to NRS 444.570. Plans must be revised to reflect proposed changes in the solid waste management system, and changes in applicable regulations.

Sec. 11. NRS 444.556 is hereby amended to read as follows:

444.556 1. Before constructing or operating a municipal solid waste landfill, the owner or operator of the landfill shall obtain a permit issued by the solid waste management authority.

2. A permit for the construction or operation of a municipal solid waste landfill is subject to the general conditions of the Resource Conservation and Recovery Act **.** ~~[of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto.]~~

3. Any documents submitted in connection with an application for a permit, including any modifications requested by the solid waste management authority that require corrective action to the proposed construction or operation, are public records and must be made available for public comment. The final determinations made by the solid waste management authority on an application for a permit are public records.

4. A permit issued by a solid waste management authority must be conditioned upon all requirements that are necessary to ensure continuing compliance with:

(a) The requirements of the Resource Conservation and Recovery Act ~~[of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto,]~~ which describe:

(1) General standards for a municipal solid waste landfill;

(2) Restrictions on the location of such a landfill;

(3) Criteria for the operation of such a landfill;

(4) Criteria for the design of such a landfill;

(5) Requirements for monitoring groundwater and standards for corrective actions related thereto;

(6) Standards of care related to the closure of such a landfill; and

(7) Financial requirements for the owners or operators of such landfills;

(b) The applicable regulations of the State Environmental Commission; and

(c) The applicable laws of this State.

5. A solid waste management authority may:

(a) Obtain, and the owner or operator of a municipal waste landfill shall deliver upon request, any information necessary to determine whether the owner or operator is or has been in compliance with the terms and conditions of the permit, the regulations of the State Environmental Commission, the applicable laws of this State and the provisions of the Resource Conservation and Recovery Act ; ~~[of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto;]~~

(b) Conduct monitoring or testing to ensure that the owner or operator is or has been in compliance with the terms and conditions of the permit; and

(c) Enter any site or premises subject to the permit, during normal business hours, on which records relevant to the municipal solid waste landfill are kept in order to inspect those records.

Sec. 12. NRS 444.557 is hereby amended to read as follows:

444.557 1. A solid waste management authority shall establish a program to monitor the compliance of a municipal solid waste landfill with the terms and conditions of the permit issued for that landfill, the regulations of the State Environmental Commission, the applicable laws of this state and the provisions of the Resource Conservation and Recovery Act . ~~[of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto.]~~ The program must include procedures to:

(a) Verify the accuracy of any information submitted by the owner or operator of the landfill to the authority;

(b) Verify the adequacy of sampling procedures and analytical methods used by the owner or operator of the landfill; and

(c) Require the owner or operator to produce all evidence which would be admissible in a proceeding to enforce compliance.

2. The solid waste management authority shall receive and give appropriate consideration to any information submitted by members of the public regarding the continuing compliance of an owner or operator with the permit issued by the authority.

3. In the administration of any permit issued by a solid waste management authority, the authority shall establish procedures that permit intervention pursuant to Rule 24 of the Nevada Rules of Civil Procedure. The authority shall not oppose intervention on the ground that the applicant's interest is adequately represented by the authority.

Sec. 13. NRS 444.558 is hereby amended to read as follows:

444.558 1. The State Environmental Commission and ~~[the]~~ ***any*** district board of health of a health district ~~[created pursuant to NRS 439.362 or 439.370]~~ ***seeking to apply for designation pursuant to section 4 of this act*** shall, in a timely manner, adopt all regulations that are necessary to establish and carry out a program of issuing permits for municipal solid waste landfills. The program must ensure compliance with the Resource Conservation and Recovery Act ~~[of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto,]~~ and carry out the purpose and intent of this section.

2. The regulations adopted by a district board of health pursuant to ~~[this section]~~ ***subsection 1*** must not conflict with regulations adopted by the State Environmental Commission.

Sec. 13.5. NRS 444.560 is hereby amended to read as follows:

444.560 1. The State Environmental Commission shall adopt regulations ~~[concerning]~~ ***:***

(a) Concerning solid waste management systems, or any part thereof, including regulations establishing standards for the issuance, renewal, modification, suspension, revocation and denial of, and for the imposition of terms and conditions for, a permit to construct or operate a disposal site ~~[.]~~ ***; and***

(b) Establishing the criteria for a district board of health to demonstrate capability to be designated by the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources pursuant to section 4 of this act.

2. The State Environmental Commission may establish a schedule of fees for the disposal of solid waste in areas subject to the jurisdiction of the State Department of Conservation and Natural Resources in accordance with NRS 444.495 or for the issuance of permits or other approvals by the Department for the operation of solid waste management facilities. The Department may use the money collected under the schedule to defray the cost of managing and regulating solid waste.

3. Notice of the intention to adopt and the adoption of any regulation or schedule of fees must be given to the clerk of the governing board of all municipalities in this State.

4. Within a reasonable time, as fixed by the State Environmental Commission, after the adoption of any regulation, no governing board of a municipality or person may operate or permit an operation in violation of the regulation.

Sec. 14. NRS 444.570 is hereby amended to read as follows:

444.570 1. The State Department of Conservation and Natural Resources shall:

(a) Advise, consult and cooperate with other agencies and commissions of the State, other states, the Federal Government, municipalities and persons in the formulation of plans for and the establishment of any solid waste management system.

(b) Accept and administer loans and grants from any person that may be available for the planning, construction and operation of solid waste management systems.

(c) Enforce the provisions of NRS 444.440 to 444.560, inclusive, ***and sections 2, 3 and 4 of this act*** and any regulation adopted by the State Environmental Commission pursuant thereto.

(d) ~~[Periodically review the programs of other solid waste management authorities in the State for issuing permits pursuant to NRS 444.505, 444.553 and 444.556 and ensuring compliance with the terms and conditions of such permits, the regulations of the State Environmental Commission, the laws of this State and the provisions of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto. The Director of the State Department of Conservation and Natural Resources shall review the adequacy of such programs in accordance with the standards adopted by the United States Environmental Protection Agency to review the adequacy of the state program. If the Director determines that a program is inadequate, the Department shall act as the solid waste management authority until the deficiency is corrected. A finding by the Director that a program is inadequate is not final until reviewed by the State~~

~~Environmental Commission. This paragraph does not limit the authority or responsibility of a district board of health to issue permits for disposal sites and enforce the laws of this State regarding solid waste management systems.~~

~~(e)~~] Make such investigations and inspections and conduct such monitoring and testing as may be necessary to require compliance with NRS 444.450 to 444.560, inclusive, ***and sections 2, 3 and 4 of this act*** and any regulation adopted by the State Environmental Commission.

2. The State Environmental Commission shall:

(a) In cooperation with governing bodies of municipalities, develop a statewide solid waste management system plan, and review and revise the plan every 5 years.

(b) Examine and approve or disapprove plans for solid waste management systems.

~~[(c) Review any determination by the Director of the State Department of Conservation and Natural Resources that a program for issuing permits administered by a solid waste management authority is inadequate. The Commission may affirm, modify or reverse the findings of the Director.]~~

3. Employees of the State Department of Conservation and Natural Resources or its authorized representatives may, during the normal hours of operation of a facility subject to the provisions of NRS 444.440 to 444.620, inclusive, ***and sections 2, 3 and 4 of this act,*** enter and inspect areas of the facility where:

(a) Solid waste may have been generated, stored, transported, treated or disposed; or

(b) Records are kept, and may inspect and copy any records, reports, information or test results relating to the management of the solid waste.

Sec. 15. NRS 444.580 is hereby amended to read as follows:

444.580 Except as otherwise provided in NRS 444.559:

1. Any district board of health ~~[created pursuant to NRS 439.362 or 439.370]~~ ***of a health district*** and any governing body of a municipality may adopt standards and regulations for the location, design, construction, operation and maintenance of solid waste ***management systems, including, without limitation, solid waste*** disposal sites ~~[and solid waste management systems]~~ or any part thereof ***,*** more restrictive than those adopted by the State Environmental Commission ***.*** ~~[, and any district board of health may issue permits thereunder.]~~ ***Any regulations adopted pursuant to this subsection must be consistent with the plan to provide for a solid***

waste management system approved by the State Department of Conservation and Natural Resources pursuant to NRS 444.510.

2. Any district board of health ~~[created pursuant to NRS 439.362 or 439.370]~~ ***of a health district*** may adopt such other regulations as are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act.*** Such regulations must not conflict with regulations adopted by the State Environmental Commission. ***If a district board of health adopts regulations pursuant to this subsection that are more restrictive than those adopted by the State Environmental Commission, the district board of health shall provide reasonable notification of the proposed adoption of the regulations to the Division of Environmental Protection of the State Department of Conservation and Natural Resources.***

3. Any district board of health of a health district:

(a) May issue permits under the standards and regulations adopted pursuant to subsection 1; and

(b) If designated pursuant to section 4 of this act, may issue permits for other purposes relating to a solid waste management system in accordance with the provisions of NRS 444.440 to 444.620, inclusive, and sections 2, 3 and 4 of this act.

Sec. 16. NRS 444.590 is hereby amended to read as follows:

444.590 1. The State Department of Conservation and Natural Resources is hereby designated the state agency for such purposes as are required by the Resource Conservation and Recovery Act **,** ~~[of 1976, 42 U.S.C. §§ 6941 et seq.,]~~ except that:

(a) The State Environmental Commission has the exclusive authority to adopt regulations pursuant to NRS 444.440 to 444.620, inclusive ~~[,]~~ ***, and sections 2, 3 and 4 of this act;*** and

(b) The district ~~[boards]~~ ***board*** of health of ***a*** health ~~[districts created pursuant to NRS 439.362 or 439.370 retain]~~ ***district, if designated pursuant to section 4 of this act, retains*** the authority to issue permits and adopt regulations pursuant to NRS 444.580.

2. The State Department of Conservation and Natural Resources may take any action necessary and appropriate to secure the benefits of any federal law relating to solid waste.

Sec. 17. NRS 444.592 is hereby amended to read as follows:

444.592 If the solid waste management authority receives information that the handling, storage, recycling, transportation, treatment or disposal of any solid waste presents or may present a threat to human health, public safety or the environment, or is in violation of a term or condition of a permit issued pursuant to NRS 444.505, 444.553 or 444.556, a statute, a regulation or an order

issued pursuant to NRS 444.594, the authority may, in addition to any other remedy provided in NRS 444.440 to 444.620, inclusive ~~[:]~~ ***, and sections 2, 3 and 4 of this act:***

1. Issue an order directing the owner or operator of the disposal site or any other site where the handling, storage, recycling, transportation, treatment or disposal has occurred or may occur, or any other person who has custody of the solid waste, to take such steps as are necessary to prevent the act or eliminate the practice which constitutes the threat or violation.

2. Commence an action in a court of competent jurisdiction to enjoin the act or practice which constitutes the threat or violation in accordance with the provisions of NRS 444.600.

3. Take any other action designed to reduce or eliminate the threat or violation.

Sec. 18. NRS 444.605 is hereby amended to read as follows:

444.605 1. In carrying out the provisions of NRS 444.440 to 444.620, inclusive, ***and sections 2, 3 and 4 of this act,*** the State Environmental Commission, a district board of health of a health district ~~[created pursuant to NRS 439.362 or 439.370,]~~ ***, if designated pursuant to section 4 of this act,*** and a solid waste management authority may by subpoena require the attendance and testimony of witnesses and the production of reports, papers, documents and other evidence which they deem necessary.

2. If any person to whom a subpoena has been directed pursuant to subsection 1 refuses to attend, testify or produce any evidence specified in the subpoena, the person who issued the subpoena may present a petition, to a court of competent jurisdiction where the person to whom the subpoena was directed is subject to service of process, setting forth that:

(a) Notice has been given of the time and place at which the person was required to attend, testify or produce evidence;

(b) A subpoena has been mailed to or personally served on the witness or custodian of the evidence in sufficient time to enable the person to comply with its provisions; and

(c) The person has failed or refused to attend, answer questions or produce evidence specified in the subpoena,

➥ and asking that the court issue an order compelling the person to attend and to testify or produce the evidence specified in the subpoena.

3. When a court receives a petition pursuant to subsection 2, it shall order the person to whom the subpoena was directed to appear at a time and place fixed by the court in its order, which must be not more than 10 days after the date of the order, and show cause why

the person should not be held in contempt. A certified copy of the order must be mailed to or personally served on the person to whom the subpoena was directed.

4. If it appears to the court that the subpoena was properly issued and that the person's failure or refusal to appear, answer questions or produce evidence was without sufficient reason, the court shall order the person to appear at a time and place fixed by the court and to testify or produce the specified evidence. If the person fails to comply with the order of the court, the person may be punished as for a contempt of court.

Sec. 19. NRS 444.629 is hereby amended to read as follows:

444.629 1. The solid waste management authority ~~[in each county]~~ may establish a program for the control of unlawful dumping and administer the program within its jurisdiction unless superseded.

2. The program established pursuant to subsection 1 must:

(a) Include standards and procedures for the control of unlawful dumping which are equivalent to or stricter than those established by statute or state regulation; and

(b) Provide for adequate administration and enforcement.

3. The solid waste management authority may delegate to an independent hearing officer or hearing board the authority to determine violations and levy administrative penalties for violations of the provisions of NRS 444.440 to 444.645, inclusive, ***and sections 2, 3 and 4 of this act*** or any regulation adopted pursuant to those sections.

Sec. 20. Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator of the Division may, in accordance with the regulations adopted by the Commission pursuant to NRS 445A.860, designate a district board of health of a health district to issue permits pursuant to NRS 445A.860 or 445A.885 or administer and enforce any of the provisions of this section and NRS 445A.800 to 445A.955, inclusive, and any regulations adopted pursuant thereto, or to administer and enforce limited provisions of this section and NRS 445A.800 to 445A.955, inclusive, and any regulations adopted pursuant thereto, if the district board of health:

(a) Applies to the Administrator for such a designation; and

(b) Demonstrates that the district board is capable of issuing permits or administering and enforcing the provisions or limited provisions of this section and NRS 445A.800 to 445A.955,

inclusive, and any regulations adopted pursuant thereto, as applicable, as determined by the Administrator.

2. If the Administrator designates a district board of health pursuant to subsection 1, the Division shall periodically review the activities of the district board of health to evaluate the continued capability of the district board of health to issue permits pursuant to NRS 445A.860 or 445A.885, administer and enforce any of the provisions of this section and NRS 445A.800 to 445A.955, inclusive, and any regulations adopted pursuant thereto, or to administer and enforce limited provisions of this section and NRS 445A.800 to 445A.955, inclusive, and any regulations adopted pursuant thereto, as applicable.

3. If, following a review of the capability of a district board of health by the Division pursuant to subsection 2, the Administrator determines that the district board of health is not capable, the Administrator shall provide written notice of a deficiency by certified mail to the district board of health of this determination. If the deficiency identified in the written notice:

(a) Does not present an imminent or substantial hazard to public health, safety or the environment, as determined by the Administrator, the written notice must set forth a date by which the district board of health must correct the deficiency, which must be not less than 60 days after the date the notice was mailed to the district board of health and may be extended by mutual agreement of the Administrator and the district board of health. If the district board of health fails to correct the deficiency, the Administrator may issue an order revoking the designation of the district board of health.

(b) Presents an imminent or substantial hazard to public health, safety or the environment, as determined by the Administrator, the Administrator may issue an order revoking the designation of the district board of health. A revocation issued pursuant to this paragraph is effective immediately. Notice of the order revoking the designation must be provided to the district board of health by certified mail and must set forth the date on which the designation is revoked. The district board of health may petition the State Environmental Commission for a hearing on the revocation. Such a petition must be received not more than 30 days after the date on which the designation was revoked. If the district board of health does not petition the Commission for a hearing, the decision to revoke the designation is not subject to additional review.

Sec. 21. NRS 445A.805 is hereby amended to read as follows:

445A.805 As used in NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445A.807 to 445A.850, inclusive, have the meanings ascribed to them in those sections.

Sec. 22. NRS 445A.812 is hereby amended to read as follows:

445A.812 "District board of health" means a district board of health ***of a health district*** created pursuant to NRS 439.362 or 439.370.

Sec. 23. NRS 445A.860 is hereby amended to read as follows:

445A.860 In addition to the regulations required to be adopted pursuant to NRS 445A.880, the Commission:

1. Shall adopt regulations establishing procedures for a system of permits to operate water systems which are constructed on or after July 1, 1991.

2. ***Shall adopt regulations establishing the criteria for a district board of health to demonstrate capability to be designated by the Administrator of the Division pursuant to section 20 of this act.***

3. May adopt such other regulations as may be necessary to govern the construction, operation and maintenance of public water systems if those activities affect the quality of water, but the regulations do not supersede any regulation of the Public Utilities Commission of Nevada.

~~[3.]~~ ***4.*** May establish by regulation a system for the issuance of operating permits for suppliers of water and set a reasonable date after which a person shall not operate a public water system constructed before July 1, 1991, without possessing a permit issued by the Division or ***, if designated pursuant to section 20 of this act,*** the ~~[appropriate]~~ district board of health.

~~[4.]~~ ***5.*** May adopt such other regulations as may be necessary to ensure that a community water system or nontransient water system that commences operation on or after October 1, 1999, demonstrates the technical capability, managerial capability and financial capability to comply with 40 C.F.R. Part 141, but the regulations do not supersede any regulation of the Public Utilities Commission of Nevada or the authority of the Public Utilities Commission of Nevada or other state agencies or local governing bodies to issue permits or certificates of authority for suppliers of water.

~~[5.]~~ ***6.*** May adopt such other regulations as may be necessary to evaluate the technical capability, managerial capability and financial capability of a community water system or nontransient

water system that commenced operation before October 1, 1999, to comply with 40 C.F.R. Part 141, but the regulations do not supersede any regulation of the Public Utilities Commission of Nevada or the authority of the Public Utilities Commission of Nevada or other state agencies or local governing bodies to issue permits or certificates of authority for suppliers of water.

~~[6.]~~ ***7.*** May establish by regulation reasonable fees as may be necessary to carry out the provisions of NRS 445A.800 to 445A.955, inclusive ~~[.]~~ ***, and section 20 of this act.*** All fees collected pursuant to this subsection must be deposited in the account created pursuant to NRS 445A.861.

~~[7.]~~ ***8.*** May adopt such other regulations as may be necessary to carry out the provisions of NRS 445A.800 to 445A.955, inclusive ~~[.]~~ ***, and section 20 of this act.***

Sec. 23.5. NRS 445A.861 is hereby amended to read as follows:

445A.861 1. All fees collected pursuant to NRS 278.3295 and subsection ~~[6]~~ *7* of NRS 445A.860 must be deposited in a separate account created in the State General Fund. The State Department of Conservation and Natural Resources shall administer the account.

2. The money in the account must be expended only to pay for the costs to carry out the provisions of NRS 278.3295, 278.335, 278.377 and 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or for any other purpose authorized by the Legislature.

3. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.

Sec. 24. NRS 445A.885 is hereby amended to read as follows:

445A.885 1. Except as otherwise provided in subsection 2, no water system which is constructed on or after July 1, 1991, may operate unless the owner of the water system receives a permit to operate the water system from the Division or the district board of health ***, if*** designated ~~[by the Commission.]~~ ***pursuant to section 20 of this act.*** The owner of such a water system is entitled to a permit to operate the water system upon satisfaction of the requirements set forth in NRS 445A.885 to 445A.915, inclusive, and the requirements set forth in the regulations adopted by the Commission pursuant to NRS 445A.860.

2. Subsection 1 does not apply to the expansion of a public utility.

Sec. 25. 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 ***, if*** designated ~~[by the Commission]~~ ***pursuant to section 20 of this act,*** 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 agrees:

(a) That, except as otherwise provided in paragraph (b), in the event of a default by the builder, 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 the continued operation and maintenance of the water system.

(b) 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:

(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:

(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 builder, developer or owner of the water system;

(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, 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. 26. NRS 445A.920 is hereby amended to read as follows:

445A.920 1. Except as otherwise provided in subsection 2, plans and specifications for any substantial addition to or alteration of a public water system subject to a regulation of the Commission must be submitted ***for review and approval*** to ~~[the]~~ ***:***

(a) The Division ***;*** or ~~[the appropriate]~~

(b) The district board of health ~~[for review and approval.]~~ ***, if designated pursuant to section 20 of this act.***

2. A public water system is not required to submit any plans and specifications if the addition or alteration complies with standards previously approved by the Division or the ~~[appropriate]~~ district board of health ~~[.]~~ ***, if designated pursuant to section 20 of this act.***

3. In approving the plans and specifications, the Division or the ~~[appropriate]~~ district board of health ***, if designated pursuant to section 20 of this act,*** may require such modifications or impose such conditions as are necessary to carry out the provisions of NRS 445A.800 to 445A.955, inclusive ~~[.]~~ ***, and section 20 of this act.***

Sec. 27. NRS 445A.925 is hereby amended to read as follows:

445A.925 1. The Division ~~[and]~~ ***or*** the district ~~[boards]~~ ***board*** of health ***, if designated pursuant to section 20 of this act,*** shall:

(a) Enforce the provisions of NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** and regulations adopted pursuant thereto; and

(b) Make such investigations and inspections as are necessary to ensure compliance with those sections and regulations.

2. Any representative of the Division or the ~~[appropriate]~~ district board of health ***, if designated pursuant to section 20 of this act,*** may enter the property of any public water system at any reasonable time for the purpose of inspecting and investigating the adequacy and sanitary condition of the system and the quality of its water.

3. Except in an emergency, the Division or the ~~[appropriate]~~ district board of health ***, if designated pursuant to section 20 of this act,*** shall notify and permit the supplier of water to be present when an inspection or investigation is being conducted.

Sec. 28. NRS 445A.940 is hereby amended to read as follows:

445A.940 1. A supplier of water shall immediately notify the Division or ***, if designated pursuant to section 20 of this act,*** the ~~[appropriate]~~ district board of health and the users of the supplier's public water system whenever:

(a) The system is not in compliance with the primary drinking water standards;

(b) The supplier fails to perform any required monitoring of water quality;

(c) The supplier has been granted a variance or exemption by the Commission; or

(d) The supplier fails to comply with the conditions imposed by the Commission in granting the variance or exemption.

2. The notification must be in the form and manner prescribed by the Division.

Sec. 29. NRS 445A.943 is hereby amended to read as follows:

445A.943 1. If the Division has reason to believe that a person is engaging or has engaged in any act or practice which violates the provisions of NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or a regulation adopted or order issued pursuant thereto, or any term or condition of a permit to operate a public water system issued pursuant to NRS 445A.860 or a certification of a laboratory for the analysis of water issued pursuant to NRS 445A.863, the Division may, in addition to any other action authorized or required by NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act,*** issue an order:

(a) Specifying the provision or provisions which the Division believes or has reason to believe the person is violating or has violated;

(b) Setting forth the facts alleged to constitute the violation;

(c) Prescribing the actions the person must take to correct the violation and the period during which the violation must be corrected; and

(d) Requiring the person to appear before the Administrator of the Division or a hearing officer appointed by the Administrator to show cause why the Division should not commence an action against the person in district court for appropriate relief.

2. If the Division has reasonable cause to believe, based on evidence satisfactory to it, that any person is about to violate the provisions of NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or a regulation adopted or order issued pursuant thereto, or any term or condition of a permit to operate a public water system issued pursuant to NRS 445A.860 or a certification of a laboratory for the analysis of water issued pursuant to NRS 445A.863, the Division may, without a prior hearing, issue a summary order against the person, directing the person to cease and desist from any further acts that constitute or would constitute a violation. The summary order to cease and desist must specify the provision of

NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or a regulation adopted or order issued pursuant thereto, or the term or condition of a permit or certification which the Division reasonably believes is about to be violated.

3. An order issued by the Division pursuant to subsection 1 or 2 is effective immediately and is not subject to review unless the person to whom the order is directed, not later than 30 days after the order is issued, submits a written petition to the Commission for a hearing.

Sec. 30. NRS 445A.945 is hereby amended to read as follows:

445A.945 1. The Division or the ~~[~~appropriate~~]~~ district board of health ***, if designated pursuant to section 20 of this act,*** may apply to a court of competent jurisdiction to enjoin the continuance or occurrence of any act or practice which violates the provisions of NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or of any regulation adopted or order issued pursuant thereto.

2. On a showing by the Division or the district board of health that such a violation has occurred or will occur, the court may issue, without bond, such prohibitory or mandatory injunction as the facts may warrant.

Sec. 31. NRS 445A.950 is hereby amended to read as follows:

445A.950 1. Any supplier of water who:

(a) Violates any standard established pursuant to NRS 445A.855;

(b) Violates or fails to comply with an order issued pursuant to NRS 445A.930 or subsection 1 or 2 of NRS 445A.943;

(c) Violates any condition imposed by the Commission upon granting a variance or exemption under NRS 445A.935;

(d) Violates a regulation adopted by the Commission pursuant to NRS 445A.860 or 445A.880; or

(e) Fails to give a notice as required by NRS 445A.940,

➥ is liable for a civil penalty, to be recovered by the Attorney General in the name of the Division, of not more than $25,000 for each day of the violation.

2. In addition to the civil penalty prescribed in subsection 1, the Division may impose an administrative fine against a supplier of water who commits any violation enumerated in subsection 1. The administrative fine imposed may not be more than $5,000 per day for each such violation.

3. The civil penalty and administrative fine prescribed in this section may be imposed in addition to any other penalties or relief prescribed in NRS 445A.800 to 445A.955, inclusive ~~[.]~~ ***, and section 20 of this act.***

4. In addition to any other remedy provided by this chapter, the Division may compel compliance with any provision of NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or of any permit, certificate, standard, regulation or final order adopted or issued thereto, by injunction or other appropriate remedy. The Division may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 32. NRS 445A.952 is hereby amended to read as follows:

445A.952 1. A laboratory for the analysis of water that:

(a) Violates any regulation adopted by the Commission pursuant to NRS 445A.863; or

(b) Violates or fails to comply with an order issued pursuant to subsection 1 or 2 of NRS 445A.943,

➥ is liable for a civil penalty, to be recovered by the Attorney General in the name of the Division, of not more than $5,000 for each day of the violation.

2. In addition to the civil penalty described in subsection 1, the Division may impose an administrative fine of not more than $2,500 per day for each violation described in subsection 1.

3. The civil penalty and administrative fine authorized by this section are in addition to any other penalties or relief prescribed by NRS 445A.800 to 445A.955, inclusive ~~,~~ ***, and section 20 of this act.***

4. In addition to any other remedy provided by this chapter, the Division may compel compliance with any provision of NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or of any permit, certificate, standard, regulation or final order adopted or issued thereto, by injunction or other appropriate remedy. The Division may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 33. NRS 445A.955 is hereby amended to read as follows:

445A.955 Any person who violates the provisions of NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or any regulation adopted by the Commission pursuant to those provisions is guilty of a misdemeanor. Each day of violation constitutes a separate offense.

Sec. 34. 1. Notwithstanding the amendatory provisions of section 4 of this act requiring the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources to determine that a district board of health of a health district is capable of acting as a solid waste management authority, any district board of health which on the effective date of this act is acting as a solid waste management authority for the

purposes of NRS 444.440 to 444.645, inclusive, as amended by sections 2 to 19, inclusive, of this act, shall be deemed to have been determined capable of acting as a solid waste management authority by the Administrator and may continue to act as a solid waste management authority.

2. Notwithstanding the amendatory provisions of section 20 of this act authorizing the Administrator to designate a district board of health of a health district to administer and enforce the provisions of NRS 445A.800 to 445A.955, inclusive, as amended by sections 20 to 33, inclusive, of this act, any district board of health which on the effective date of this act is administering and enforcing the provisions of NRS 445A.800 to 445A.955, inclusive, as amended by sections 20 to 33, inclusive, of this act, shall be deemed to have been so designated by the Administrator and may continue to administer and enforce the provisions of NRS 445A.800 to 445A.955, inclusive, as amended by sections 20 to 33, inclusive, of this act.

Sec. 35. This act becomes effective upon passage and approval.

20 ~~~~~ 25

Senate Bill No. 83–Committee on Natural Resources

CHAPTER.....

AN ACT relating to the Lake Tahoe Basin; requiring the issuance of general obligation bonds to carry out certain environmental improvement projects included in the second phase of the Environmental Improvement Program for the Lake Tahoe Basin; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Environmental Improvement Program was implemented in 1997 to carry out projects to improve the environment in the Lake Tahoe Basin. The costs of the Program are apportioned among the Federal Government, the States of Nevada and California and local governments and owners of private property in both states. In 1999, the Nevada Legislature authorized the issuance of not more than $56.4 million in general obligation bonds to pay for a significant portion of Nevada's share of the costs of the first phase of the Program. (Chapter 514, Statutes of Nevada 1999, at page 2626)

In 2009, the Nevada Legislature authorized the issuance of not more than $100 million in general obligation bonds to pay for Nevada's share of the costs of the second phase of the Program beginning on July 1, 2009, and ending on June 30, 2020. (Section 3 of chapter 431, Statutes of Nevada 2009, at page 2417) Issuance of those bonds requires the approval of the Legislature or the Interim Finance Committee. (*Id.*) In 2017, the Nevada Legislature extended the deadline for the issuance of the remainder of the general obligation bonds that were authorized in 2009 for the second phase of the Program from June 30, 2020, to June 30, 2030. (Chapter 32, Statutes of Nevada 2017, at page 137)

Of the $100 million in general obligation bonds authorized to pay for Nevada's share of the costs of the second phase of the Program, the Nevada Legislature required the issuance of: (1) not more than $4.42 million of those bonds in 2009; (2) not more than $12 million of those bonds in 2011; (3) not more than $8 million of those bonds in 2019; (4) not more than $4 million of those bonds in 2021; and (5) not more than $13 million of those bonds in 2023. (Section 1 of chapter 431, Statutes of Nevada 2009, at page 2416; section 1 of chapter 437, Statutes of Nevada 2011, at page 2638; section 1 of chapter 167, Statutes of Nevada 2019, at page 891; section 1 of chapter 215, Statutes of Nevada 2021, at page 1008; section 1 of chapter 99, Statutes of Nevada 2023, at page 501)

This bill requires the issuance of not more than $10.5 million of the $100 million in general obligation bonds authorized in 2009 to provide money to carry out certain environmental improvement projects included in the second phase of the Environmental Improvement Program and allows the use of interest accrued on the proceeds of the general obligation bonds for the Program.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

WHEREAS, The Lake Tahoe Basin exhibits unique environmental and ecological conditions that are irreplaceable; and

WHEREAS, This State has a compelling interest in preserving, protecting, restoring and enhancing the natural environment of the Lake Tahoe Basin; and

WHEREAS, The preservation, protection, restoration and enhancement of the natural environment of the Lake Tahoe Basin is of such significance that it must be carried out on a continual basis; and

WHEREAS, In October 1997, Governor Bob Miller, on behalf of the State of Nevada, signed a Memorandum of Agreement between the Federal Interagency Partnership on the Lake Tahoe Ecosystem, the States of Nevada and California, the Washoe Tribe of Nevada and California, the Tahoe Regional Planning Agency and interested local governments, in which the parties affirmed their commitment to the Tahoe Regional Planning Compact, to the sound management and protection of the resources within the Lake Tahoe Basin and the support of a healthy, sustainable economy and to achieve environmental thresholds for Lake Tahoe, and agreed to cooperate to carry out, including, without limitation, providing financial support for, the Environmental Improvement Program; and

WHEREAS, The costs of carrying out the Environmental Improvement Program have been apportioned among the Federal Government, the States of Nevada and California and the local governments and private property owners within both states; and

WHEREAS, The cost of carrying out the second phase of the Environmental Improvement Program for the State of Nevada and its political subdivisions is $100,000,000; and

WHEREAS, Section 3 of chapter 431, Statutes of Nevada 2009, at page 2417, authorized the State Board of Finance to issue general obligation bonds of the State of Nevada in a total face amount of not more than $100,000,000 to provide money to carry out the second phase of the Environmental Improvement Program beginning on July 1, 2009, and ending on June 30, 2020; and

WHEREAS, Section 2 of chapter 32, Statutes of Nevada 2017, at page 138, extended the deadline for the State Board of Finance to issue the remainder of the general obligation bonds of the State of Nevada that were authorized in 2009 for the second phase of the Environmental Improvement Program from June 30, 2020, to June 30, 2030; and

WHEREAS, Section 1 of chapter 431, Statutes of Nevada 2009, at page 2416, granted approval to the State Board of Finance to issue $4,420,000 of those general obligation bonds to provide money to carry out certain environmental improvement projects included in the second phase of the Environmental Improvement Program; and

WHEREAS, Section 1 of chapter 437, Statutes of Nevada 2011, at page 2638, granted approval to the State Board of Finance to issue an additional $12,000,000 of those general obligation bonds to

provide money to carry out certain environmental improvement projects included in the second phase of the Environmental Improvement Program; and

WHEREAS, Section 1 of chapter 167, Statutes of Nevada 2019, at page 891, granted approval to the State Board of Finance to issue an additional $8,000,000 of those general obligation bonds to provide money to carry out certain environmental improvement projects included in the second phase of the Environmental Improvement Program; and

WHEREAS, Section 1 of chapter 215, Statutes of Nevada 2021, at page 1008, granted approval to the State Board of Finance to issue an additional $4,000,000 of those general obligation bonds to provide money to carry out certain environmental improvement projects included in the second phase of the Environmental Improvement Program; and

WHEREAS, Section 1 of chapter 99, Statutes of Nevada 2023, at page 501, granted approval to the State Board of Finance to issue an additional $13,000,000 of those general obligation bonds to provide money to carry out certain environmental improvement projects included in the second phase of the Environmental Improvement Program; and

WHEREAS, The general obligation bonds authorized by chapter 431, Statutes of Nevada 2009, may only be issued with the prior approval of the Legislature or the Interim Finance Committee and pursuant to a schedule established by the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources; now, therefore,

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

Section 1. Money to carry out the Environmental Improvement Program for the Lake Tahoe Basin established pursuant to section 1 of chapter 514, Statutes of Nevada 1999, at page 2627, must be provided by the issuance by the State Board of Finance of general obligation bonds of the State of Nevada in a total face amount of not more than $10,500,000 pursuant to NRS 349.150 to 349.364, inclusive. The proceeds of the bonds issued pursuant to this section and any accrued interest thereon must be deposited in the Fund to Protect the Lake Tahoe Basin created pursuant to section 2 of chapter 514, Statutes of Nevada 1999, at page 2628, and, except as otherwise provided in section 2 of this act, must be used for the following activities related to the Environmental

Improvement Program to be carried out by the State Department of Conservation and Natural Resources:

1. Continued implementation of forest health, restoration and fuels management projects;

2. Control and prevention of invasive terrestrial and aquatic species;

3. Enhancement of recreational opportunities;

4. Protection of sensitive species and improvement of wildlife habitat; and

5. Water quality, erosion control and stream restoration and enhancement projects of the Environmental Improvement Program to be carried out pursuant to grants and project agreements.

Sec. 2. The Division of State Lands of the State Department of Conservation and Natural Resources may use money authorized pursuant to section 1 of this act for an activity other than an activity listed in section 1 of this act if the Interim Finance Committee approves such a use in writing before the Division of State Lands engages in the activity.

Sec. 3. The Legislature finds and declares that the issuance of securities and the incurrence of indebtedness pursuant to section 1 of this act:

1. Are necessary for the protection and preservation of the natural resources of this State and for the purpose of obtaining the benefits thereof; and

2. Constitute an exercise of the authority conferred by the second paragraph of Section 3 of Article 9 of the Constitution of the State of Nevada.

Sec. 4. This act becomes effective on July 1, 2025.

20 ~~~~ 25

Senate Bill No. 132–Senator Nguyen

CHAPTER.....

AN ACT making an appropriation to the Nevada Clean Energy Fund for securing and implementing grants for qualified clean energy projects; and providing other matters properly relating thereto.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Nevada Clean Energy Fund formed pursuant to NRS 701B.985 the sum of $500,000 for securing and implementing grants for qualified clean energy projects in this State, including, without limitation, costs associated with:

(a) Providing bridge or gap funding for qualified clean energy projects;

(b) Providing technical support to state and local agencies; and

(c) Staffing and administering the Nevada Clean Energy Fund.

2. Upon acceptance of the money appropriated by subsection 1, the Nevada Clean Energy Fund agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 18, 2026, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Clean Energy Fund through December 1, 2026;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 17, 2027, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Clean Energy Fund through June 30, 2027; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Nevada Clean Energy Fund, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise

transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

4. As used in this section, "qualified clean energy project" has the meaning ascribed to it in NRS 701B.965.

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

20 ~~~~ 25

Senate Bill No. 179–Senators Ohrenschall, Buck, Stone, Krasner, Cannizzaro; Daly, Ellison, Flores, Neal, Pazina and Rogich

CHAPTER.....

AN ACT relating to discrimination; revising provisions relating to certain investigations conducted by the Nevada Equal Rights Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits various practices of discrimination based upon race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry. (*See, e.g.*, NRS 118.100, 613.330, 651.070) Existing law also authorizes the Nevada Equal Rights Commission to investigate tensions, practices of discrimination and acts of prejudice against any person or group based on race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry. (NRS 233.150) This bill requires the Commission, when conducting an investigation into an alleged unlawful discriminatory practice in housing, employment or public accommodations, to consider whether the practice was motivated by antisemitism. This bill also defines the term "antisemitism" for the purpose of this requirement.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

1. When conducting an investigation into an alleged unlawful discriminatory practice in housing, employment or public accommodations, the Commission shall, for the purpose of determining whether the alleged unlawful discriminatory practice was based on the religious creed of a person or group, consider whether the alleged unlawful discriminatory practice was motivated by antisemitism.

2. As used in this section, "antisemitism" has the meaning ascribed to the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance on May 26, 2016, and includes, without limitation, the contemporary examples of antisemitism published by the Alliance as guidance in connection with that definition on that date.

20 ~~~~~ 25

Senate Bill No. 258–Senators Nguyen, Cannizzaro, Stone, Titus, Buck; Cruz-Crawford, Daly, Doñate, Dondero Loop, Ellison, Krasner, Lange, Ohrenschall, Pazina, Rogich, Scheible, Steinbeck and Taylor

Joint Sponsors: Assemblymembers Nguyen, Yurek, Hafen, Marzola, Torres-Fossett; Anderson, Carter, Cole, Dalia, Edgeworth, González, Gray, Gurr, Hardy, Jackson, Jauregui, Karris, Kasama, Koenig, Monroe-Moreno, Moore, O'Neill, Orentlicher, Roth, Watts and Yeager

CHAPTER.....

AN ACT relating to industrial insurance; revising provisions governing certain civil actions involving injured employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the payment of compensation under industrial insurance if, during the course of employment, an employee is injured or killed by a workplace accident or occupational disease. (Chapters 616A-617 of NRS) Existing law defines the term "compensation" to mean the money which is payable to an employee or to the dependents of the employee as provided in existing law governing industrial insurance, including benefits for funerals, accident benefits or medical benefits and money for rehabilitative services. (NRS 616A.090, 617.050)

If the injury of an injured employee was caused under circumstances creating legal liability in a person other than the employer or a person in the same employ, existing law authorizes an injured employee or the dependents of the employee, under certain circumstances, to take proceedings to recover damages from that third party. Existing law also authorizes the industrial insurer or Administrator of the Division of Industrial Relations of the Department of Business and Industry, under certain circumstances, to recover damages from that third party. Additionally, under existing law, the industrial insurer or Administrator has a lien against the total proceeds of any recovery by the injured employee or the dependents of the employee. Existing law requires the amount of compensation to which the injured employee or the dependents of the employee are entitled, including any future compensation, to be reduced by the amount of damages or proceeds recovered. (NRS 616C.215)

This bill provides that the maximum amount that the industrial insurer or Administrator may recover for such a lien must be the lesser of: (1) the amount of the lien, minus an amount equal to one-half of the reasonable costs incurred by the injured employee or the dependents of the employee in procuring the recovery; or (2) one-third of the total amount of any recovery, inclusive of any attorney's fees or costs and the monetary value of any other property which is recovered, minus an amount equal to one-half of the reasonable costs incurred by the injured employee or the dependents of the employee in procuring the recovery.

This bill requires an itemized memorandum of any such reasonable costs incurred by the injured employee or the dependents of the employee in procuring the recovery to be verified by the injured employee, the dependents of the employee or the attorney or representative of the injured employee or the dependents of the employee, provided to the industrial insurer or Administrator and subject to judicial review under certain circumstances. This bill also limits any

offset to the amount of future compensation received by the injured employee or dependents of the employee to: (1) an offset against payments of compensation that are not accident benefits; and (2) a reduction in each such payment which does not exceed one-third of the amount of the payment until the total amount of all such reductions equals the net amount recovered by the injured employee or dependents of the employee.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. NRS 616C.215 is hereby amended to read as follows:

616C.215 1. If an injured employee or, in the event of his or her death, the dependents of the employee, bring an action in tort against his or her employer to recover payment for an injury which is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS and, notwithstanding the provisions of NRS 616A.020, receive payment from the employer for that injury:

(a) The amount of compensation the injured employee or the dependents of the employee are entitled to receive pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, including any future compensation, must be reduced by the amount paid by the employer.

(b) The insurer, or in the case of claims involving the Uninsured Employers' Claim Account or a subsequent injury account the Administrator, has a lien upon the total amount paid by the employer if the injured employee or the dependents of the employee receive compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

➥ This subsection is applicable whether the money paid to the employee or the dependents of the employee by the employer is classified as a gift, a settlement or otherwise. The provisions of this subsection do not grant to an injured employee any right of action in tort to recover damages from the employer for the injury.

2. When an employee receives an injury for which compensation is payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS and which was caused under circumstances creating a legal liability in some person, other than the employer or a person in the same employ, to pay damages in respect thereof:

(a) The injured employee, or in case of death the dependents of the employee, may take proceedings against that person to recover damages, but the amount of the compensation the injured employee or the dependents of the employee are entitled to receive pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, including any future compensation, must be reduced by the amount of the damages recovered, notwithstanding any act or omission of the employer or a person in the same employ which was a direct or proximate cause of the employee's injury.

(b) If the injured employee, or in case of death the dependents of the employee, receive compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, the insurer, or in case of claims involving the Uninsured Employers' Claim Account or a subsequent injury account the Administrator, has a right of action against the person so liable to pay damages and is subrogated to the rights of the injured employee or of the employee's dependents to recover therefor.

3. When an injured employee incurs an injury for which compensation is payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS and which was caused under circumstances entitling the employee, or in the case of death the dependents of the employee, to receive proceeds under his or her employer's policy of uninsured or underinsured vehicle coverage:

(a) The injured employee, or in the case of death the dependents of the employee, may take proceedings to recover those proceeds, but the amount of compensation the injured employee or the dependents of the employee are entitled to receive pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, including any future compensation, must be reduced by the amount of proceeds received.

(b) If an injured employee, or in the case of death the dependents of the employee, receive compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, the insurer, or in the case of claims involving the Uninsured Employers' Claim Account or a subsequent injury account the Administrator, is subrogated to the rights of the injured employee or the dependents of the employee to recover proceeds under the employer's policy of uninsured or underinsured vehicle coverage. The insurer and the Administrator are not subrogated to the rights of an injured employee or the dependents of the employee under a policy of uninsured or underinsured vehicle coverage purchased by the employee.

(c) Any provision in the employer's policy of uninsured or underinsured vehicle coverage which has the effect of:

(1) Limiting the rights of the injured employee or the dependents of the employee to recover proceeds under the policy because of the receipt of any compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(2) Limiting the rights of subrogation of the insurer or Administrator provided by paragraph (b); or

(3) Excluding coverage which inures to the direct or indirect benefit of the insurer or Administrator,

➥ is void.

4. In any action or proceedings taken by the insurer or the Administrator pursuant to this section, evidence of the amount of compensation, accident benefits and other expenditures which the insurer, the Uninsured Employers' Claim Account or a subsequent injury account have paid or become obligated to pay by reason of the injury or death of the employee is admissible.

If in such action or proceedings the insurer or the Administrator recovers more than those amounts, the excess must be paid to the injured employee or the dependents of the employee.

5. ~~[In]~~ ***Except as otherwise provided in subsection 7, in*** any case where the insurer or the Administrator is subrogated to the rights of the injured employee or of the employee's dependents as provided in subsection 2 or 3, the insurer or the Administrator has a lien upon the total proceeds of any recovery from some person other than the employer, whether the proceeds of such recovery are by way of judgment, settlement or otherwise. The injured employee, or in the case of his or her death the dependents of the employee, are not entitled to double recovery for the same injury, notwithstanding any act or omission of the employer or a person in the same employ which was a direct or proximate cause of the employee's injury.

6. ~~[The]~~ ***Except as otherwise provided in subsection 7, the*** lien provided for pursuant to subsection 1 or 5 includes the total compensation expenditure incurred by the insurer, the Uninsured Employers' Claim Account or a subsequent injury account for the injured employee and the dependents of the employee.

7. ***For a lien provided for pursuant to subsection 5:***

(a) The maximum amount which the insurer or Administrator may recover must be the lesser of:

(1) The amount of the lien, as reduced pursuant to paragraph (b); or

(2) One-third of the total amount recovered from the person other than the employer or person in the same employ, as reduced pursuant to paragraph (b). As used in this subparagraph, "total amount recovered" means the total proceeds described in subsection 5, including, without limitation, any attorney's fees or costs and the monetary value of any virtual currency, securities, real property, personal property or intellectual property which is part of the judgment, settlement or other means of recovery, as applicable, as calculated on the date on which the judgment, settlement or other document providing for the other means of recovery, as applicable, is executed.

(b) The maximum amount which the insurer or Administrator may recover pursuant to paragraph (a) must be reduced by an amount equal to one-half of the reasonable costs incurred by the injured employee, or in the case of death the dependents of the employee, in prosecuting or settling the claim against a person other than the employer or person in the same employ. An itemized memorandum of any such reasonable costs:

(1) Must be verified by the injured employee, the dependents of the employee or the attorney or representative of the injured employee or the dependents of the employee and provided to the insurer or Administrator.

(2) Is subject to judicial review in a court of competent jurisdiction, if a petition is filed within 30 days after the date on which the insurer or Administrator receives a verified itemized memorandum provided pursuant to subparagraph (1).

(c) If the insurer or Administrator imposes an offset to the amount of future compensation that the injured employee, or in the case of death the dependents of the employee, is entitled to receive:

(1) Such an offset may be applied only against payments of compensation that are not accident benefits; and

(2) Each individual payment to which the offset applied must be reduced by not more than one-third of the amount otherwise owed until the total amount of all such reductions equals the net amount recovered by the injured employee, or in the case of death the dependents of the employee, from the person other than the employer or person in the same employ. As used in this subparagraph, "net amount recovered" means an amount equal to the monetary value of the total amount recovered, as defined in subparagraph (2) of paragraph (a), minus:

(I) The maximum amount which the insurer or Administrator may recover pursuant to paragraph (a); and

(II) The amount of any attorney's fees.

8. An injured employee, or in the case of death the dependents of the employee, or the attorney or representative of the injured employee or the dependents of the employee, shall notify the insurer, or in the case of claims involving the Uninsured Employers' Claim Account or a subsequent injury account the Administrator, in writing before initiating a proceeding or action pursuant to this section.

~~[8.]~~ ***9.*** Within 15 days after the date of recovery by way of actual receipt of the proceeds of the judgment, settlement or otherwise:

(a) The injured employee or the dependents of the employee, or the attorney or representative of the injured employee or the dependents of the employee; and

(b) The third-party insurer,

➥ shall notify the insurer, or in the case of claims involving the Uninsured Employers' Claim Account or a subsequent injury account the Administrator, of the recovery and pay to the insurer or the Administrator, respectively, the amount due pursuant to this section together with an itemized statement showing the distribution of the total recovery. The attorney or representative of the injured employee or the dependents of the employee and the third-party insurer are jointly and severally liable for any amount to which an insurer is entitled pursuant to this section if the attorney, representative or third-party insurer has knowledge of the lien provided for in this section.

~~[9.]~~ ***10.*** An insurer shall not sell its lien to a third-party insurer unless the injured employee or the dependents of the employee, or the attorney or representative of the injured employee or the dependents of the employee, refuses to provide to the insurer information concerning the action against the third party.

~~[10.]~~ ***11.*** In any trial of an action by the injured employee, or in the case of his or her death by the dependents of the employee, against a person other than the employer or a person in the same employ, the jury must receive proof of the amount of all payments made or to be made by the insurer or the Administrator. The court shall instruct the jury substantially as follows:

> Payment of workmen's compensation benefits by the insurer, or in the case of claims involving the Uninsured Employers' Claim Account or a subsequent injury account the Administrator, is based upon the fact that a compensable industrial accident occurred, and does not depend upon blame

or fault. If the plaintiff does not obtain a judgment in his or her favor in this case, the plaintiff is not required to repay his or her employer, the insurer or the Administrator any amount paid to the plaintiff or paid on the behalf of the plaintiff by the plaintiff's employer, the insurer or the Administrator.

If you decide that the plaintiff is entitled to judgment against the defendant, you shall find damages for the plaintiff in accordance with the court's instructions on damages and return your verdict in the plaintiff's favor in the amount so found without deducting the amount of any compensation benefits paid to or for the plaintiff. The law provides a means by which any compensation benefits will be repaid from your award.

~~[11.]~~ ***12.*** To calculate an employer's premium, the employer's account with the private carrier must be credited with an amount equal to that recovered by the private carrier from a third party pursuant to this section, less the private carrier's share of the expenses of litigation incurred in obtaining the recovery, except that the total credit must not exceed the amount of compensation actually paid or reserved by the private carrier on the injured employee's claim.

~~[12.]~~ ***13.*** As used in this section, "third-party insurer" means an insurer that issued to a third party who is liable for damages pursuant to subsection 2, a policy of liability insurance the proceeds of which are recoverable pursuant to this section. The term includes an insurer that issued to an employer a policy of uninsured or underinsured vehicle coverage.

Sec. 2. 1. The amendatory provisions of this act apply to any:

(a) Action or proceeding initiated pursuant to or which is subject to the provisions of NRS 616C.215, as that section existed before the effective date of this act, or as amended by section 1 of this act, in which a final judgment, settlement or other disposition has not been entered by the effective date of this act.

(b) Claim for compensation pursuant to chapters 616A to 616D, inclusive, or 617 of NRS, which is open on or filed on or after the effective date of this act.

2. As used in this section, "compensation" has the meaning ascribed to it in NRS 616A.090 or 617.050, as applicable.

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

20 ~~~~~ 25

Senate Bill No. 260–Senators Flores, Doñate; and Scheible

Joint Sponsors: Assemblymembers
Moore, González; and D'Silva

CHAPTER.....

AN ACT relating to employment; requiring the Administrator of the Division of Industrial Relations of the Department of Business and Industry to adopt certain regulations prescribing requirements for certain employers relating to the exposure of certain employees to poor air quality from wildfire smoke in the workplace; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain employers to establish and implement a written safety program that includes the establishment of a training program concerning safety in the workplace. (NRS 618.383) **Section 1** of this bill requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to establish by regulation measures that an employer must take to reduce the exposure of an employee to poor air quality from wildfire smoke where the air quality index is: (1) 150 or more but less than 200; and (2) 200 or more. The Administrator is also required to establish by regulation an air quality index level caused by wildfire smoke at which an employer is prohibited from allowing an employee to perform critical tasks outdoors. **Section 1** further requires each employer to establish a communications system that: (1) informs an employee when the employee is being exposed to certain poor air quality; and (2) allows any employee to report to the employer the presence of such poor air quality and any symptom experienced by the employee that may be caused by such exposure. **Section 1** further requires the Administrator to adopt regulations: (1) concerning the implementation of such a communication system; and (2) that prescribe standards for training that certain employers are required to provide to certain employees. Additionally, **section 1** prohibits the regulations adopted by the Administrator from imposing additional liability on an employer for the purposes of certain policies of insurance. Finally, **section 1** provides that these requirements do not apply to any employer that: (1) is an operator of a mine; (2) employs commercial truck drivers; (3) is a provider of emergency services; or (4) has 10 or fewer employees.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. Chapter 618 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator shall establish by regulation:

(a) Measures that an employer must take to monitor air quality and reduce the exposure of an employee to poor air quality from wildfire smoke where:

(1) The air quality index is 150 or more but less than 200; and

(2) The air quality index is 200 or more; and

(b) An air quality index level caused by wildfire smoke at which an employer shall not allow an employee to perform critical tasks outdoors.

2. Each employer shall establish a communications system in accordance with the requirements adopted by regulation pursuant to subsection 3 that:

(a) Informs an employee, in a manner that is understandable to the employee, when the employee is being exposed to air quality where the air quality index is 150 or more during the employee's shift and of the protective controls that are available to the employee to reduce exposure to the air quality.

(b) Allows any employee to inform the employer when the employee is being exposed to air quality where the air quality index is 150 or more in the employee's workplace and if the employee is experiencing any symptom related to such exposure, including, without limitation, asthmatic attacks, difficulty breathing or chest pain.

3. The Administrator shall adopt regulations that prescribe:

(a) Requirements for the implementation of a communications system established pursuant to subsection 2. Such regulations may prescribe additional requirements for such a communications system.

(b) Standards for an employer to train employees who work outdoors and may be exposed to poor air quality from wildfire smoke. Such standards must require that the training:

(1) Be provided in a manner that is understandable to the employee;

(2) Describe the requirements imposed on employers pursuant to this section; and

(3) Describe the risks of not using personal protection equipment while working outdoors and being exposed to poor air quality from wildfire smoke.

4. The Administrator may develop and provide to each employer written guidance for complying with this section and any regulations adopted pursuant thereto. Such guidance may account for working conditions in rural and remote locations.

5. The regulations adopted pursuant to this section must not impose any additional liability on an employer for the purposes of industrial insurance or insurance for occupational diseases.

6. The provisions of this section do not apply to any employer who:

(a) Is an operator of a mine;

(b) Employs commercial truck drivers;

(c) Is a provider of emergency services; or

(d) Has 10 or fewer employees.

7. As used in this section:

(a) "Outdoors" means a work environment where an employee regularly performs job duties in conditions that are directly affected by the elements. The term does not include a work environment that is enclosed or climate controlled.

(b) "Provider of emergency services" means an agency of the State or a political subdivision of the State that provides police, fire-fighting, rescue, emergency medical services or other services related to public safety. The term includes, without limitation, any entity that provides such services during a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070.

(c) "Wildfire smoke" means smoke caused by a wildfire which contains a complex mixture of gases and particles that includes, without limitation, gases, hazardous air pollutants, water vapor and particle pollution.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. 1. This section and section 2 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective:

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

(b) On January 1, 2026, for all other purposes.

20 ~~~~~ 25

Senate Bill No. 276–Senators Hansen, Flores, Buck, Krasner, Stone; Doñate, Ellison, Ohrenschall, Pazina, Scheible, Steinbeck and Taylor

Joint Sponsors: Assemblymembers Watts, O'Neill; Anderson, Karris and La Rue Hatch

CHAPTER.....

AN ACT relating to water; establishing provisions governing the reporting and sharing of certain information relating to water by certain governmental entities and Indian tribes; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements to control water pollution in this State, including providing for the issuance of a general permit or an individual permit for discharges into the waters of the State. (NRS 445A.475, 445A.480) Existing law requires: (1) the State Department of Conservation and Natural Resources, with certain exceptions, to notify each interested person, appropriate governmental agency and affected Indian tribe of each complete application for such a permit and provide them with an opportunity to submit written views and recommendations on the permit; and (2) the State Environmental Commission, with certain exceptions, to provide by regulation an opportunity for each permit applicant, interested agency, city, county, Indian tribe or irrigation district located downstream from the point of discharge, or any person, to request a public hearing with respect to a permit application. (NRS 445A.590, 445A.595)

Section 3 of this bill requires any city, county, unincorporated town, general improvement district, wastewater district or water authority of this State: (1) in the event of an incident resulting in the discharge of sewage or industrial waste or any other unauthorized discharge into the waters of the State, under certain circumstances, to notify the Division of Environmental Protection of the Department; and (2) upon request, provide information to an Indian tribe that requests information that is a public record relating to an incident or a policy of water treatment. **Section 3** additionally: (1) requires the Division, if notified of a discharge, to then notify any Indian tribe that may be affected by the discharge; and (2) prohibits a city, county, unincorporated town, general improvement district, wastewater district or water authority from entering into a contract, agreement or other legal mechanism that would prevent the sharing of such information with an Indian tribe.

Section 5 of this bill applies certain definitions in existing law relating to water pollution to the provisions of **section 3**. **Sections 8-15** of this bill apply certain provisions relating to the enforcement and civil and criminal penalties to the provisions of **section 3**.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

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

Section 1. Chapter 445A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. ***1. In the event of an incident resulting in the discharge of sewage or industrial waste or any other unauthorized discharge into the waters of the State:***

(a) Any city, county, unincorporated town, general improvement district, wastewater district or water authority of this State that has powers, duties or jurisdiction within the area of the incident that has been notified or is aware of the incident shall notify the Division electronically on the Internet website of the Division or by telephone. The Division shall provide instructions for reporting a discharge on the Internet website of the Division.

(b) If the Division is notified of a discharge pursuant to paragraph (a) and an Indian tribe in the area of the discharge may be affected by the discharge, as determined by the Division, the Division shall notify the Indian tribe in accordance with the policy developed by the Department of Native American Affairs pursuant to NRS 233A.260.

2. If an Indian tribe requests information relating to any incident or relating to any policy of water treatment from a state agency, city, county, unincorporated town, general improvement district, wastewater district or water authority of this State, the applicable entity shall provide any requested information that is a public record to the Indian tribe pursuant to the provisions of chapter 239 of NRS.

3. No city, county, unincorporated town, general improvement district, wastewater district or water authority of this State may enter into a contract, agreement or any other legal mechanism that would prevent the city, county, unincorporated town, general improvement district, wastewater district or water authority from sharing information in accordance with the requirements of this section. Nothing in this subsection shall be construed to interfere with attorney-client privilege.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 445A.310 is hereby amended to read as follows:

445A.310 As used in NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445A.315 to 445A.420, inclusive, have the meanings ascribed to them in those sections.

Secs. 6 and 7. (Deleted by amendment.)

Sec. 8. NRS 445A.655 is hereby amended to read as follows:

445A.655 To enforce the provisions of NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** or any regulation, order or permit issued thereunder, the Director or authorized representative of the Department may, upon presenting proper credentials:

1. Enter any premises in which any act violating NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** originates or takes place or in which any required records are required to be maintained;

2. At reasonable times, have access to and copy any records required to be maintained;

3. Inspect any equipment or method for continuing observation; and

4. Have access to and sample any discharges or injection of fluids into waters of the State which result directly or indirectly from activities of the owner or operator of the premises where the discharge originates or takes place or the injection of fluids through a well takes place.

Sec. 9. NRS 445A.675 is hereby amended to read as follows:

445A.675 1. Except as otherwise provided in NRS 445A.707, if the Director finds that any person is engaged or is about to engage in any act or practice which violates any provision of NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** any standard or other regulation adopted by the Commission pursuant to those sections, or any permit issued by the Department pursuant to those sections, except for any violation of a provision concerning a diffuse source, the Director may:

(a) Issue an order pursuant to NRS 445A.690;

(b) Commence a civil action pursuant to NRS 445A.695 or 445A.700; or

(c) Request that the Attorney General institute by indictment or information a criminal prosecution pursuant to NRS 445A.705 and 445A.710.

2. The remedies and sanctions specified in subsection 1 are cumulative, and the institution of any proceeding or action seeking any one of the remedies or sanctions does not bar any simultaneous

or subsequent action or proceeding seeking any other of the remedies or sanctions.

Sec. 10. NRS 445A.680 is hereby amended to read as follows:

445A.680 Except as otherwise provided in NRS 445A.707, if the Director finds that any person is engaged or about to engage in any act or practice which violates any provision of NRS 445A.565, 445A.570 and 445A.572, or any standard or other regulation adopted pursuant thereto, with respect to a diffuse source:

1. The Director may issue an order:

(a) Specifying the provision or provisions of NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** or the regulation or order alleged to be violated or about to be violated;

(b) Indicating the facts alleged which constitute a violation thereof; and

(c) Prescribing the necessary corrective action to be taken and a reasonable period for completing that corrective action,

➥ but no civil or criminal penalty may be imposed for failure to obey the order.

2. If the corrective action is not taken or completed, or without the Director first issuing an order:

(a) The Director may commence a civil action pursuant to NRS 445A.695; or

(b) The Department may compel compliance by injunction or other appropriate remedy pursuant to subsection 4 of NRS 445A.700.

Sec. 11. NRS 445A.690 is hereby amended to read as follows:

445A.690 1. Except as otherwise provided in NRS 445A.707, if the Director finds that any person is engaged or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** or of any rule, regulation or standard promulgated by the Commission, or of any permit or order issued by the Department pursuant to NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** the Director may issue an order:

(a) Specifying the provision or provisions of NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** or the regulation or order alleged to be violated or about to be violated;

(b) Indicating the facts alleged which constitute a violation thereof; and

(c) Prescribing the necessary corrective action to be taken and a reasonable period for completing that corrective action.

2. Any compliance order is final and is not subject to review unless the person against whom the order is issued, within 30 days after the date on which the order is served, requests by written petition a hearing before the Commission.

Sec. 12. NRS 445A.695 is hereby amended to read as follows:

445A.695 1. Except as otherwise provided in NRS 445A.707, the Director may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** or any permit, rule, regulation or order issued pursuant thereto.

2. On a showing by the Director that a person is engaged, or is about to engage, in any act or any practice which violates or will violate any of the provisions of NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** or any rule, regulation, standard, permit or order issued pursuant to those provisions, the court may issue, without bond, any prohibitory and mandatory injunctions that the facts may warrant, including temporary restraining orders issued ex parte or, after notice and hearing, preliminary injunctions or permanent injunctions.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

Sec. 13. NRS 445A.700 is hereby amended to read as follows:

445A.700 1. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a person who violates or aids or abets in the violation of any provision of NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** or of any permit, regulation, standard or final order issued thereunder, except a provision concerning a diffuse source, shall pay a civil penalty of not more than $25,000 for each day of the violation. The civil penalty imposed by this subsection is in addition to any other penalties provided pursuant to NRS 445A.300 to 445A.730, inclusive ~~[.]~~ ***, and section 3 of this act.***

2. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, in addition to the penalty provided in subsection 1, the Department may recover from the person actual damages to the State resulting from the violation of NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** any regulation or standard adopted by the Commission, or permit or final order issued

by the Department, except the violation of a provision concerning a diffuse source.

3. Damages may include:

(a) Any expenses incurred in removing, correcting and terminating any adverse effects resulting from a discharge or the injection of contaminants through a well; and

(b) Compensation for any loss or destruction of wildlife, fish or aquatic life.

4. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** or of any permit, regulation, standard or final order adopted or issued thereto, by injunction or other appropriate remedy. The Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 14. NRS 445A.710 is hereby amended to read as follows:

445A.710 1. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than $10,000 or by imprisonment in the county jail for not more than 364 days, or by both fine and imprisonment.

2. The penalty imposed by subsection 1 is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive ~~.~~ ***, and section 3 of this act.***

Sec. 15. NRS 445A.725 is hereby amended to read as follows:

445A.725 Nothing in NRS 445A.300 to 445A.730, inclusive, ***and section 3 of this act,*** shall be construed to amend, modify or supersede the provisions of title 48 of NRS or any rule, regulation or order promulgated or issued thereunder by the State Engineer.

Sec. 16. The provisions of section 3 of this act do not apply to any contract entered into before October 1, 2025.

Sec. 17. (Deleted by amendment.)

20 ~~~~~ 25

Senate Bill No. 291–Senators Doñate, Flores and Taylor

CHAPTER.....

AN ACT relating to drivers' licenses; requiring the Department of Motor Vehicles to establish procedures by which a victim of identity theft may obtain a new driver's license number; prohibiting the Department from charging such a person a fee to obtain a new driver's license number; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the issuance of drivers' licenses by the Department of Motor Vehicles. (Chapter 483 of NRS) **Section 12** of this bill requires the Department to establish procedures by which a licensee who is a victim of identity theft may request that the number of his or her driver's license be changed to a new unique number. **Section 14** of this bill prohibits the Department from charging a fee for making such a change. **Section 13** of this bill makes a conforming change so that the definitions applicable to the provisions of existing law governing drivers' licenses apply to **section 12**.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Sections 1-11. (Deleted by amendment.)

Sec. 12. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall establish procedures by which a licensee who is a victim of identity theft may request that the number of his or her driver's license be changed to a new unique number.

2. As used in this section, "identity theft" means a violation of the provisions of NRS 205.463, 205.464 or 205.465.

Sec. 13. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, ***and section 12 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, have the meanings ascribed to them in those sections.

Sec. 14. NRS 483.410 is hereby amended to read as follows:

483.410 1. Except as otherwise provided in subsection 6 and NRS 483.330 and 483.417, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:

An original or renewal license issued to a person 65 years of age or older	$13.50
An original or renewal license issued to any person less than 65 years of age which expires on the eighth anniversary of the licensee's birthday	37.00
An original or renewal license issued to any person less than 65 years of age which expires on or before the fourth anniversary of the licensee's birthday	18.50
Administration of the examination required by NRS 483.330 for a noncommercial driver's license	25.00
Each readministration to the same person of the examination required by NRS 483.330 for a noncommercial driver's license	10.00
Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, or pursuant to NRS 484C.210 and 484C.220	75.00
Reinstatement of a license after revocation for a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, or pursuant to NRS 484C.210 and 484C.220	120.00
A new photograph, change of name, change of other information, except address, or any combination	5.00
A duplicate license	14.00

2. For every motorcycle endorsement to a driver's license, a fee of $5 must be charged.

3. If no other change is requested or required, the Department shall not charge a fee to ***change the number of a driver's license at the request of a licensee who is a victim of identity theft pursuant to section 12 of this act or to*** convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.

4. Except as otherwise provided in NRS 483.417, the increase in fees authorized by NRS 483.347 and the fees charged pursuant to

NRS 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.

5. A penalty of $10 must be paid by each person renewing a license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless the person is exempt pursuant to that section.

6. The Department may not charge a fee for the reinstatement of a driver's license that has been:

(a) Voluntarily surrendered for medical reasons; or

(b) Cancelled pursuant to NRS 483.310.

7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.

8. Except as otherwise provided in NRS 483.340, subsection 3 of NRS 483.3485, NRS 483.415 and 483.840, and subsection 3 of NRS 483.863, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

Secs. 15-17. (Deleted by amendment.)

Sec. 18. This act becomes effective on January 1, 2027.

20 ~~~~~ 25

Senate Bill No. 298–Committee on Government Affairs

CHAPTER.....

AN ACT relating to peace officers; revising the definition of "punitive action" as the term relates to certain peace officers; prohibiting a law enforcement agency from denying an increase in seniority or compensation to a peace officer under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) prohibits a law enforcement agency from taking certain types of punitive action against a peace officer; and (2) provides certain protections to peace officers when punitive action may be imposed against them. (NRS 289.020, 289.057, 289.060, 289.080, 289.085, 289.092, 289.820, 289.824) Existing law defines "punitive action" as any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand or transfer of a peace officer for purposes of punishment. (NRS 289.010) **Section 2** of this bill revises the definition to include any action which may lead to denial of an increase, either in seniority or compensation, for purposes of punishment.

Existing law authorizes a law enforcement agency to conduct an investigation of a peace officer in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action and, subject to certain exceptions, including any investigation which concerns alleged criminal activities, prohibits a law enforcement agency from suspending a peace officer without pay during or pursuant to an investigation until all investigations relating to the matter have concluded. (NRS 289.057, 289.090) **Section 3** of this bill adds to this prohibition the denial of an increase in seniority or compensation, subject to certain exceptions.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 289.010 is hereby amended to read as follows:

289.010 As used in this chapter, unless the context otherwise requires:

1. "Administrative file" means any file of a peace officer containing information, comments or documents about the peace officer. The term does not include any file relating to an investigation conducted pursuant to NRS 289.057 or a criminal investigation of a peace officer.

2. "Adult use of cannabis" has the meaning ascribed to it in NRS 678A.075.

3. "Law enforcement agency" means any agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:

(a) Has a duty to enforce the law; and

(b) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

4. "Medical use of cannabis" has the meaning ascribed to it in NRS 678A.215.

5. "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

6. "Punitive action" means any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand ***,*** ~~[or]~~ transfer ***or denial of an increase, either in seniority or compensation,*** of a peace officer for purposes of punishment.

7. "Screening test" means a test of a person's blood, urine, hair or saliva to detect the general presence of a controlled substance or other drug.

Sec. 3. NRS 289.057 is hereby amended to read as follows:

289.057 1. Except as otherwise provided in this subsection, an investigation of a peace officer may be conducted in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action. Any such investigation of a peace officer must be commenced by the law enforcement agency within a reasonable period of time after the date of the filing of the complaint or allegation with the law enforcement agency. A law enforcement agency shall not conduct an investigation pursuant to this subsection if the complaint or allegation is filed with the law enforcement agency more than 5 years after the activities of the peace officer occurred.

2. Except as otherwise provided in a collective bargaining agreement, a law enforcement agency shall not ~~[suspend]~~ ***:***

(a) Suspend a peace officer without pay ***; or***

(b) Deny an increase in seniority or compensation, unless an investigation may lead to dismissal or demotion,

➥ during or pursuant to an investigation conducted pursuant to this section until all investigations relating to the matter have concluded.

3. After the conclusion of the investigation:

(a) If the investigation causes a law enforcement agency to impose punitive action against the peace officer who was the subject of the investigation and the peace officer has received notice of the imposition of the punitive action, the peace officer or a

representative authorized by the peace officer may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the law enforcement agency relating to the investigation, including any recordings, notes, transcripts of interviews and documents.

(b) If, pursuant to a policy of a law enforcement agency or a labor agreement, the record of the investigation or the imposition of punitive action is subject to being removed from any administrative file relating to the peace officer maintained by the law enforcement agency, the law enforcement agency shall not, except as otherwise required by federal or state law, keep or make a record of the investigation or the imposition of punitive action after the record is required to be removed from the administrative file.

4. A law enforcement agency may reassign a peace officer temporarily or permanently without his or her consent during or pursuant to an investigation conducted pursuant to this section or when there is a hearing relating to such an investigation that is pending.

20 ~~~~ 25

(Reprinted with amendments adopted on May 31, 2025)
THIRD REPRINT **S.B. 317**

SENATE BILL NO. 317–SENATOR DALY

MARCH 11, 2025

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to industrial insurance. (BDR 53-625)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

AN ACT relating to industrial insurance; revising certain requirements for an insurer or third-party administrator to maintain a physical office in this State; revising the circumstances under which the Administrator of the Division of Industrial Relations of the Department of Business and Industry may conduct certain inspections; revising provisions relating to the administration of certain claims; revising provisions relating to the calculation of certain premium costs; revising provisions relating to certain administrators; revising provisions relating to certain audits; revising provisions relating to certain subsequent injury accounts; authorizing the Administrator to adopt regulations relating to physician assistants; requiring the Administrator to adopt a certain formulary; revising provisions relating to an insurer's list of certain physicians and chiropractic physicians; establishing and revising various requirements for certain hearings relating to industrial insurance claims; revising provisions governing an injury or disease that is caused by stress; revising provisions governing motions to stay certain decisions and petitions for judicial review; revising requirements for payments for a period of temporary partial disability; revising the circumstances under which the Administrator may impose certain administrative fines; repealing provisions governing certain appeals and certain determinations of a percentage of disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the payment of compensation under industrial insurance if, during the course of employment, an employee is injured or killed by a workplace accident or occupational disease. (Chapters 616A-617 of NRS) Existing law requires an insurer or its third-party administrator to operate or maintain a physical office in this State for certain purposes. (NRS 616B.021, 616B.027, 616B.500) **Sections 4.1, 4.15 and 4.45** of this bill authorize a legal representative of the insurer or third-party administrator, as applicable, to operate or maintain such an office. **Section 4.1** also requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to give notice before conducting certain inspections at the physical office of an insurer, third-party administrator or other legal representative. **Section 4.15** also: (1) authorizes certain information to be provided as an electronic copy or in an electronic format upon request; and (2) revises certain requirements for availability to communicate with a claimant or representative of the claimant if a private carrier or third-party administrator operates an office in this State.

Existing law authorizes certain persons to administer certain claims from a location in or outside of this State. (NRS 616B.0275) **Section 4.17** of this bill additionally authorizes certain self-insured private employers and certain entities associated with the employer to administer certain claims from a location in or outside of this State if the total aggregate number of employees of the employer and associated entities is 30,000 or more.

For purposes of calculating the amount of a premium which is due pursuant to the terms of a policy of industrial insurance, existing law provides that the maximum amount paid to any one employee for services provided during the 12-month period during which a policy is effective shall be deemed to be $36,000. (NRS 616B.222) **Section 4.2** of this bill eliminates the $36,000 amount for an employer other than the State of Nevada or any agency or political subdivision of the State and instead deems the maximum amount to be a calculation of the maximum average monthly wage using data computed by the Employment Security Division of the Department of Employment, Training and Rehabilitation. **Section 4.2** authorizes the State or any agency or political subdivision of the State to elect to be subject to the calculation used by other employers, in accordance with any procedures established by the Administrator for the making of such an election.

Existing law requires a third-party administrator for an association of self-insured employers to obtain a certificate as an administrator from the Commissioner of Insurance and to file with the Commissioner a surety bond for the benefit of any person damaged by any fraudulent act or conduct of the administrator. (NRS 616B.503, 683A.08524, 683A.0857) Existing law also requires the third-party administrator to file with the Commissioner an additional surety bond conditioned upon the faithful performance of its duties relative to a particular association of self-insured employers. (NRS 616B.353) **Section 4.3** of this bill eliminates the requirement for a third-party administrator to file an additional surety bond relative to its duties to a particular association. **Section 4.4** of this bill makes a conforming change to remove the procedure for terminating liability on the bond eliminated by **section 4.3**.

Existing law requires the Commissioner, at least annually, to audit each association of self-insured public or private employers to verify certain information, including the standard industrial classification of each member of the association. (NRS 616B.410) **Section 4.37** of this bill instead: (1) requires the Commissioner to require each association, at least annually, to audit the payroll of each member of the association to verify certain information including the classification or classifications, rather than the standard industrial classification, of each member; and (2) authorizes the Commissioner to require the submission of a report summarizing the results of such an audit. **Section 4.33** of this bill similarly removes

a reference to the standard industrial classification of a member of an association of self-insured public or private employers.

Existing law establishes the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers. (NRS 616B.575) Existing law requires money in the Account to be used to provide compensation or reimbursement in situations where an employee who has a preexisting permanent physical impairment incurs a subsequent disability by injury arising out of and in the course of employment which entitles the employee to compensation for the combined disability that is substantially greater than that which would have resulted from the subsequent injury alone. (NRS 616B.563-616B.581) **Sections 4.6 and 4.7** of this bill require an employee to have incurred a subsequent disability by injury on or before September 30, 2025, in order for the compensation or reimbursement provisions to apply, thus prohibiting any claims against the Account because of a subsequent disability by injury which is incurred on or after October 1, 2025.

Section 9.3 of this bill authorizes the Administrator to adopt regulations which authorize a treating physician or chiropractic physician, under certain circumstances, to delegate certain routine follow-up care of an injured employee to a physician assistant who is an employee of and under the supervision of the physician or chiropractic physician. **Section 9.5** of this bill requires the Administrator to adopt the Official Disability Guidelines (ODG) Drug Formulary published by MCG Health, or its successor, that is required to be used by industrial insurers for any drug which is prescribed and dispensed for outpatient use. **Section 9.7** of this bill: (1) prohibits an insurer, with certain exceptions, from providing reimbursement for a drug that is not listed and approved on the formulary, when use of the formulary is required; and (2) authorizes an injured employee to appeal to a hearings officer any determination denying a request for a drug which has been recommended as medically necessary. **Section 15.5** of this bill makes a conforming change relating to existing requirements for prescribing generic drugs and determining if the generic drug would not be beneficial to the health of the injured employee.

Existing law requires an insurer to keep a list of physicians and chiropractic physicians from which an injured employee may choose to receive treatment from a panel established and maintained by the Administrator. Existing law also sets forth procedures and limitations governing the removal of a physician or chiropractic physician from an insurer's list. (NRS 616C.087, 616C.090) **Section 14** of this bill: (1) prohibits an insurer from removing a physician or chiropractic physician from the insurer's list except as expressly provided in existing law; (2) requires an insurer, under certain circumstances, to replace any physician or chiropractic physician who is removed from the list within 60 days; (3) authorizes certain audits and revisions of the insurer's list; and (4) revises certain filing requirements relating to the insurer's list.

Existing law provides that an injury or disease sustained by an employee that is caused by stress is compensable under industrial insurance if it arose out of and in the course of his or her employment. Existing law sets forth the manner by which such an injury must be proven to have arisen out of and in the course of the employment. Under existing law, with certain exceptions, such an injury is deemed to arise out of and in the course of employment only if the employee proves certain elements by clear and convincing medical or psychiatric evidence. (NRS 616C.180) **Section 17** of this bill instead requires proof by clear and convincing medical, psychological or psychiatric evidence. **Section 17** also requires an insurer to maintain and submit to the Administrator a list of certain providers of mental health care from which an injured employee may choose.

Section 20 of this bill requires the Chief of the Hearings Division of the Department of Administration to maintain and make accessible to the public on the

Internet website of the Division, a calendar of all matters which are before hearing officers and appeals officers.

Sections 23 and 25 of this bill revise provisions governing the circumstances under which: (1) an appeals officer may grant a motion to stay the enforcement of the decision of a hearing officer; and (2) an appeals officer or district court may grant a motion to stay the enforcement of the decision of an appeals officer. **Sections 24 and 32** of this bill revise certain procedures for the judicial review of the decision of an appeals officer.

If a claim for a period of temporary total disability is allowed, existing law requires an industrial insurer to make the first payment within 14 working days after receipt of the initial certification of disability, and regularly thereafter. (NRS 616C.475) **Section 27** of this bill requires, for a period of temporary partial disability, the first payment or a determination regarding payment to be issued within 14 working days after the insurer receives the claim.

Existing law authorizes hearing officers and appeals officers, under certain circumstances, to allow discovery by deposition or interrogatories according to the Nevada Rules of Civil Procedure. (NRS 616D.050, 616D.090) **Sections 28 and 29** of this bill prohibit a hearing officer from allowing such discovery, and revise provisions governing the circumstances under which an appeals officer may allow discovery. **Section 30** of this bill revises provisions relating to administrative fines which the Administrator may impose for certain violations.

Existing law sets forth certain procedures for appealing a final determination concerning accident benefits made by an organization for managed care. (NRS 616C.305) Existing law requires, for a determination of the percentage of disability resulting from occupational disease of the heart or lungs, that the determination be made jointly by the attending physician and examining physician of a claimant, or, under certain circumstances, a designated third physician or panel of physicians. (NRS 617.459) **Section 34** of this bill repeals those procedures and requirements, and **sections 15, 16, 18, 19, 21-23, 26 and 31** of this bill make conforming changes to remove references to those procedures and requirements from existing law. Existing law requires the Administrator, at least every 5 years, to audit all insurers who provide benefits to injured employees, including associations of self-insured employers. (NRS 616A.270, 616B.003)

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.1. NRS 616B.021 is hereby amended to read as follows:

616B.021 1. An insurer shall make the files of claims available for inspection and reproduction:

(a) At an office operated by the insurer ***,*** ~~[or]~~ its third-party administrator ***or a legal representative of the insurer or third-party administrator*** located in this State ~~[;]~~ ***, upon notice from the Administrator not less than 1 business day before the date of the inspection;*** or

(b) By electronic means.

2. The physical records in a file concerning a claim filed in this State may be kept at a location outside this State if all records in the file are made available for inspection and reproduction at an office operated by the insurer ***,*** ~~[or]~~ its third-party administrator ***or a legal representative of the insurer or third-party administrator*** that is located in this State or by computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original. If a claim filed in this State is open, the records in the file must be reproduced and available for inspection during regular business hours within 24 hours after requested by the employee or the employee's designated agent, the employer or the employer's designated agent, or the Administrator or the Administrator's designated agent. If a claim filed in this State is closed, the records in the file must be reproduced and available for inspection during regular business hours within 14 days after requested by such persons.

3. Upon request, the insurer shall make copies or other reproductions of anything in the file and may charge a reasonable fee for this service. Copies or other reproductions of materials in the file which are requested by the Administrator or the Administrator's designated agent, or the Nevada Attorney for Injured Workers or his or her designated agent must be provided free of charge.

4. The Administrator may adopt regulations concerning the:

(a) Maintenance of records in a file on claims that are open or closed; and

(b) Preservation, examination and use of records which have been stored on computer or in a microphotographic, electronic or similar format by an insurer.

5. This section does not require an insurer to allow inspection or reproduction of material regarding which a legal privilege against disclosure has been conferred.

Sec. 4.15. NRS 616B.027 is hereby amended to read as follows:

616B.027 1. Every insurer shall:

(a) Provide an office in this State operated by the insurer ***,*** ~~[or]~~ its third-party administrator ***or a legal representative of the insurer or third-party administrator*** in which:

(1) A complete file, or a reproduction of the complete file, of each claim is accessible, in accordance with the provisions of NRS 616B.021;

(2) Persons authorized to act for the insurer and, if necessary, licensed pursuant to chapter 683A of NRS, may receive information related to a claim and provide the services to an employer and ~~[his or her]~~ ***the*** employees ***of the employer*** required by chapters 616A to 617, inclusive, of NRS; and

(3) An employee ***, a representative of an employee*** or his or her employer, upon request, is provided with information related to a claim filed by the employee or a copy or other reproduction of the information from the file for that claim, in accordance with the provisions of NRS 616B.021. ***Any information which is provided pursuant to this subparagraph may be provided as an electronic copy or in an electronic format that produces an accurate reproduction of the original.***

(b) Provide statewide toll-free telephone service to the office maintained pursuant to paragraph (a).

2. Each private carrier shall provide:

(a) Adequate services to its insured employers in controlling losses; and

(b) Adequate information on the prevention of industrial accidents and occupational diseases.

3. ~~[An]~~ ***Except as otherwise provided in subsection 4, an*** employee of a private carrier who is licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a private carrier who administers a claim arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location outside of this State pursuant to subsection 1 of NRS 616B.0275 shall ~~[make himself or herself]~~ ***be*** available to communicate ***live and*** in real time with the claimant or a representative of the claimant Monday through Friday, 9 a.m. to 5 p.m. local time in this State, excluding any day declared to be a legal holiday pursuant to NRS 236.015.

4. The provisions of subsection 3 do not apply to an employee of a private carrier described in subsection 3 or a person who acts as a third-party administrator for a private carrier described in subsection 3 if the private carrier or third-party administrator, as applicable, operates an office in this State.

Sec. 4.17. NRS 616B.0275 is hereby amended to read as follows:

616B.0275 1. An employee of a private carrier who is licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a private carrier may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location in or outside of this State. All records concerning a claim administered pursuant to this subsection must be maintained at one or more offices located in this State or by computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original.

2. ~~[An]~~ ***Except as otherwise provided in subsection 3, an*** employee of a private carrier who is not licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a self-insured employer or an association of self-insured public or private employers may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS only from one or more offices located in this State. ~~[All records concerning a claim administered pursuant to this subsection must be maintained in those offices.]~~

3. ***A self-insured private employer or its parent, a subsidiary of its parent or an affiliate of the self-insured private employer may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location in or outside of this State if the total aggregate number of employees of the self-insured private employer, its parent, any subsidiary of its parent and any affiliate of the employer employed in this State is 30,000 or more, as reported to the Department of Employment, Training and Rehabilitation for the most recent calendar quarter.***

4. The Commissioner may:

(a) Under exceptional circumstances, waive the requirements of subsections 1 ***, 2*** and ~~[2;]~~ ***3;*** and

(b) Adopt regulations to carry out the provisions of this section.

5. As used in this section, "affiliate" has the meaning ascribed to it in NRS 78.412.

Sec. 4.2. NRS 616B.222 is hereby amended to read as follows:

616B.222 ***1.*** To determine the total amount paid to employees for services performed, the maximum amount paid to any one employee during a policy year shall be deemed to be ***:***

(a) Except as otherwise provided in subsection 2, for an employee who is employed by the State of Nevada or any agency or political subdivision of the State, $36,000.

(b) For an employee other than an employee described in paragraph (a), an amount equal to 12 times the maximum average monthly wage. On or before January 1 of each year, the Administrator shall establish the amount of the maximum average monthly wage to take effect on January 1 of that year.

2. The State of Nevada or any agency or political subdivision of the State may elect to be subject to the provisions of paragraph (b) of subsection 1 in accordance with any procedures that may be established by the Administrator for the making of such an election.

3. As used in this section, "maximum average monthly wage" means 150 percent of the state average weekly wage as most recently computed by the Employment Security Division of the

Department of Employment, Training and Rehabilitation, multiplied by 4.33.

Sec. 4.3. NRS 616B.353 is hereby amended to read as follows:

616B.353 1. An association of self-insured public or private employers shall:

(a) Execute an indemnity agreement jointly and severally binding the association and each member of the association to secure the payment of all compensation due pursuant to chapters 616A to 617, inclusive, of NRS. The indemnity agreement must be in a form prescribed by the Commissioner. An association may add provisions to the indemnity agreement if they are first approved by the Commissioner.

(b) Except as otherwise provided in this subsection, maintain a policy of specific and aggregate excess insurance in a form and amount required by the Commissioner. The excess insurance must be written by an insurer approved by the Commissioner. To determine the amount of excess insurance required, the Commissioner shall consider:

(1) The number of members in the association;

(2) If the association is an association of self-insured public employers, the types of governmental services provided by the members of the association;

(3) If the association is an association of self-insured private employers, the classifications of employment of the members of the association;

(4) The number of years the association has been in existence; and

(5) Such other information as the Commissioner deems necessary.

➥ Nothing in this paragraph prohibits an association from purchasing secondary excess insurance in addition to the excess insurance required by this paragraph.

(c) Collect an annual assessment from each member of the association in an aggregate amount of at least $250,000 or in an aggregate amount which the Commissioner determines is satisfactory based on an annual review conducted by the Commissioner of the actuarial solvency of the association.

(d) Except as otherwise provided in paragraph (e), deposit as security with the Commissioner a bond executed by the association as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the payment of compensation for injuries and occupational diseases to their employees. The bond must be in an amount determined by the Commissioner to be reasonably sufficient to ensure payment of such compensation, but in no event may it be less than $100,000.

(e) In lieu of a bond, deposit with the Commissioner a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Commissioner.

2. Except as otherwise provided in subsection 3, in addition to complying with the requirements of subsection 1, an association of self-insured private employers shall:

(a) At the time of initial qualification and until the association has operated successfully as a qualified association of self-insured private employers for 3 years, as determined by the Commissioner, have a combined tangible net worth of all members in the association of at least $2,500,000, as evidenced by a statement of tangible net worth provided to the Division of Insurance of the Department of Business and Industry by an independent certified public accountant; or

(b) After 3 years of successful operation as a qualified association of self-insured private employers, as determined by the Commissioner, have combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less.

3. In lieu of complying with the requirements of subsection 2, the association's administrator shall ensure that a solvency bond, in a form prescribed by the Commissioner and in an aggregate amount of at least $2,500,000, is deposited with the Commissioner by the association or members of the association on behalf of the association.

4. The association's administrator shall deposit with the Commissioner a bond executed by the association's administrator as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the faithful performance of his or her duties. The bond must be in an amount determined by the Commissioner.

5. ~~[Any third-party administrator providing claims services for the association shall deposit with the Commissioner a bond executed by the third-party administrator as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the faithful performance of its duties. The bond must be in an amount determined by the Commissioner.~~

~~6.]~~ The Commissioner may increase or decrease the amount of any bond or money required to be deposited by this section in accordance with chapter 681B of NRS and the Commissioner's regulations for loss reserves in casualty insurance. If the Commissioner requires an association ~~[,]~~ ***or*** association's

administrator ~~[or third-party administrator]~~ to increase its deposit, the Commissioner may specify the form of the additional security. The association ~~[,]~~ ***or*** association's administrator ~~[or third-party administrator]~~ shall comply with such a requirement within 60 days after receiving notice from the Commissioner.

~~[7.]~~ ***6.*** The Account for Associations of Self-Insured Public and Private Employers is hereby created in the State Agency Fund for Bonds. All money received by the Commissioner pursuant to this section must be deposited with the State Treasurer to the credit of the Account. All claims against this Account must be paid as other claims against the State are paid.

7. Nothing in the provisions of this section affects the obligation of a third-party administrator to comply with the requirements of NRS 683A.0857.

Sec. 4.33. NRS 616B.407 is hereby amended to read as follows:

616B.407 1. Except as otherwise provided in subsection 2, the annual assessment required to be paid by each member of an association of self-insured public or private employers must be:

(a) Calculated by a rate service organization that is licensed pursuant to chapter 686B of NRS; and

(b) Based on the premium rate for the ~~[standard industrial]~~ classification of that member, adjusted by the member's individual experience.

➥ If approved by the Commissioner, payments of assessments may be reduced by an amount based on the association's level of expenses and loss experience.

2. If approved by the Commissioner, an association may calculate the annual assessment required to be paid by each member of the association. An assessment calculated by the association must be based on at least 5 years of the member's individual experience.

Sec. 4.37. NRS 616B.410 is hereby amended to read as follows:

616B.410 1. The Commissioner shall ~~[cause to be conducted at least annually an audit of]~~ ***require*** each association of self-insured public or private employers ***to audit the payroll of each member of the association not less than annually*** in order to verify:

(a) The ~~[standard industrial]~~ classification ***or classifications*** of each member of the association;

(b) ~~[The individual experience of each member of the association;~~

~~(c)]~~ The payroll of each member of the association; and

~~[(d)]~~ ***(c)*** The assessment required to be paid by each member of the association.

2. ~~[The audit required by this section must be conducted by an auditor approved by the Commissioner.~~

~~3. A]~~ ***The Commissioner may require the association to submit a*** report ***which summarizes the results*** of the audit ~~[must be filed with the Commissioner]~~ in a form required by the Commissioner.

~~[4. The association or any member of the association may request a hearing before the Commissioner to object to any standard industrial classification assigned to a member of the association as a result of the audit. If the Commissioner determines that the assessment required to be paid by any member of the association is:~~

~~(a) Insufficient because of the standard industrial classification assigned to the member, the Commissioner shall order the association to collect from that member any amount required to recover the deficiency.~~

~~(b) Excessive because of the standard industrial classification assigned to the member, the Commissioner shall order the association to pay to the member the excess amount collected.~~

~~5.]~~ ***3.*** The expenses of any audit conducted pursuant to this section must be paid by the association.

Sec. 4.4. NRS 616B.440 is hereby amended to read as follows:

616B.440 1. For the purposes of NRS 616B.350 to 616B.446, inclusive, an association of self-insured public or private employers is insolvent if it is unable to pay its outstanding obligations as they mature in the regular course of its business.

2. If an association of self-insured public or private employers becomes insolvent, institutes any voluntary proceeding pursuant to the Bankruptcy Act or is named in any voluntary proceeding thereunder, makes a general or special assignment for the benefit of creditors or fails to pay compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS after an order for the payment of any claim becomes final, the Commissioner may, after giving at least 10 days' notice to the association and any insurer or guarantor, use money or interest on securities, sell securities or institute legal proceedings on surety bonds deposited with the Commissioner pursuant to NRS 679B.175 to the extent necessary to make those payments.

3. A licensed surety providing a surety bond pursuant to NRS 616B.353 may terminate liability on its surety bond by giving the Commissioner and the association ~~[,]~~ ***or*** association's administrator ~~[or third-party administrator]~~ 90 days' written notice. The termination does not limit liability that was incurred under the surety bond before the termination.

Sec. 4.45. NRS 616B.500 is hereby amended to read as follows:

616B.500 1. An insurer may enter into a contract to have his or her plan of insurance administered by a third-party administrator.

2. An insurer shall not enter into a contract with any person for the administration of any part of the plan of insurance unless that person ~~[maintains an office in this State and]~~ has a certificate issued by the Commissioner pursuant to NRS 683A.08524 ~~[.]~~ ***and the person, or a legal representative of the person, maintains an office in this State.***

Sec. 4.5. NRS 616B.575 is hereby amended to read as follows:

616B.575 1. There is hereby created in the Fund for Workers' Compensation and Safety in the State Treasury the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers, which may be used only to make payments in accordance with the provisions of NRS 616B.578 and 616B.581. The Board shall administer the Account based upon recommendations made by the Administrator pursuant to subsection 8.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the Board for the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers must be delivered to the custody of the State Treasurer.

3. All money and securities in the Account must be held by the State Treasurer as custodian thereof to be used solely for workers' compensation for employees of members of Associations of Self-Insured Public or Private Employers.

4. The State Treasurer ~~[may]~~ ***shall*** disburse money from the Account ~~[only upon]~~ ***within 14 days after receiving a*** written order of the Board.

5. The State Treasurer shall invest money of the Account in the same manner and in the same securities in which the State Treasurer is authorized to invest State General Funds which are in the custody of the State Treasurer. Income realized from the investment of the assets of the Account must be credited to the Account.

6. The Board shall adopt regulations for the establishment and administration of assessment rates, payments and penalties. Assessment rates must result in an equitable distribution of costs among the associations of self-insured public or private employers and must be based upon expected annual expenditures for claims for payments from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers.

7. The Commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the

Commissioner 30 days before their effective date. Any association of self-insured public or private employers that wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.

8. The Administrator shall:

(a) Evaluate any claim submitted to the Board for payment or reimbursement from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers and ***, not later than 30 days after receiving the claim,*** recommend to the Board any appropriate action to be taken concerning the claim; and

(b) Submit to the Board any other recommendations relating to the Account.

Sec. 4.6. NRS 616B.578 is hereby amended to read as follows:

616B.578 Except as otherwise provided in NRS 616B.581:

1. If an employee of a member of an association of self-insured public or private employers has a permanent physical impairment from any cause or origin and incurs ***, on or before September 30, 2025,*** a subsequent disability by injury arising out of and in the course of his or her employment which entitles the employee to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone, the compensation due must be charged to the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers in accordance with regulations adopted by the Board.

2. If the subsequent injury of such an employee ***incurred on or before September 30, 2025,*** results in his or her death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, the compensation due must be charged to the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers in accordance with regulations adopted by the Board.

3. As used in this section, "permanent physical impairment" means any permanent condition, whether congenital or caused by injury or disease, of such seriousness as to constitute a hindrance or obstacle to obtaining employment or to obtaining reemployment if the employee is unemployed. For the purposes of this section, a condition is not a "permanent physical impairment" unless it would support a rating of permanent impairment of 6 percent or more of the whole person if evaluated according to the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

4. To qualify under this section for reimbursement from the Subsequent Injury Account for Associations of Self-Insured Public

or Private Employers, the association of self-insured public or private employers must establish by written records that the employer had knowledge of the "permanent physical impairment" at the time the employee was hired or that the employee was retained in employment after the employer acquired such knowledge.

5. An association of self-insured public or private employers must submit to the Board a claim for reimbursement from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers.

6. The Board shall adopt regulations establishing procedures for submitting claims against the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers. The Board shall notify the Association of Self-Insured Public or Private Employers of its decision on such a claim within 120 days after the claim is received.

7. An appeal of any decision made concerning a claim against the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers must be submitted directly to the district court.

Sec. 4.7. NRS 616B.581 is hereby amended to read as follows:

616B.581 1. An association of self-insured public or private employers that pays compensation due to an employee who has a permanent physical impairment from any cause or origin and incurs ***, on or before September 30, 2025,*** a subsequent disability by injury arising out of and in the course of his or her employment which entitles the employee to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone is entitled to be reimbursed from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers if:

(a) The employee knowingly made a false representation as to his or her physical condition at the time the employee was hired by the member of the Association of Self-Insured Public or Private Employers;

(b) The employer relied upon the false representation and this reliance formed a substantial basis of the employment; and

(c) A causal connection existed between the false representation and the subsequent disability.

➥ If the subsequent injury of the employee ***incurred on or before September 30, 2025,*** results in his or her death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, any compensation paid is entitled to be reimbursed from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers.

2. An association of self-insured public or private employers shall notify the Board of any possible claim against the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers pursuant to this section no later than 60 days after the date of the subsequent injury or the date the employer learns of the employee's false representation, whichever is later.

Sec. 5. Chapter 616C of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 9.7, inclusive, of this act.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 9.3. ***The Administrator may adopt regulations which authorize a treating physician or chiropractic physician to delegate certain routine follow-up care of an injured employee, as determined by the Administrator, to a physician assistant who is an employee of and under the supervision of the physician or chiropractic physician. The regulations must:***

1. Require informed consent from the injured employee before the delegation and provision of any such follow-up care; and

2. Be consistent with accepted standards of practice for a physician assistant in accordance with chapters 630 and 633 of NRS and the regulations adopted pursuant thereto.

Sec. 9.5. ***1. The Administrator shall adopt the Official Disability Guidelines (ODG) Drug Formulary published by MCG Health, or its successor, as the formulary to be used by insurers in connection with claims made pursuant to chapters 616A to 616D, inclusive, of NRS.***

2. An insurer shall use the formulary adopted pursuant to subsection 1 for any drug that is prescribed or dispensed to an injured employee for outpatient services in connection with a claim made pursuant to chapters 616A to 617, inclusive, of NRS. An insurer is not required to use the formulary for prescription drugs that are prescribed or dispensed for emergency medical services or inpatient services.

3. As soon as practicable after the Administrator adopts the formulary pursuant to subsection 1, the Administrator must make available and update as necessary, on an Internet website maintained by the Administrator and accessible to the public, current information relating to the formulary adopted pursuant to subsection 1.

Sec. 9.7. ***1. Except as otherwise provided in this section, if an insurer, pursuant to subsection 2 of section 9.5 of this act, is***

required to use the formulary adopted pursuant to that section, the insurer shall not provide reimbursement for any drug if the drug is listed but not approved, or omitted from, the formulary.

2. An insurer described in subsection 1 may provide reimbursement for a drug that is listed but not approved, or omitted from, the formulary if the insurer has elected to approve the drug in accordance with procedures established by the insurer and in compliance with any applicable requirements that may be established by the Administrator.

3. If a physician or chiropractic physician believes the drug is medically necessary for an injured employee, the physician or chiropractic physician may submit a request to an insurer described in subsection 1 for authorization to prescribe to the injured employee a drug which is listed but not approved, or omitted from, the formulary adopted pursuant to section 9.5 of this act and which has not been approved by the insurer pursuant to subsection 2. If the insurer approves the request, the insurer may provide reimbursement for the drug.

4. If the insurer denies the request of a physician or chiropractic physician pursuant to subsection 3, the injured employee or his or her representative may appeal the determination of the insurer to a hearings officer in the manner provided by NRS 616C.315.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. NRS 616C.087 is hereby amended to read as follows:

616C.087 1. The Legislature hereby declares that:

(a) The choice of a treating physician or chiropractic physician is a substantive right and substantive benefit of an injured employee who has a claim under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act.

(b) The injured employees of this State have a substantive right to an adequate choice of physicians and chiropractic physicians to treat their industrial injuries and occupational diseases.

2. Except as otherwise provided in this subsection and subsections 3 and 4:

(a) The panel maintained by the Administrator pursuant to NRS 616C.090 must not include a physician or chiropractic physician in a discipline or specialization if the physician or chiropractic physician does not accept and treat injured employees for industrial injuries or occupational diseases in that discipline or specialization; and

(b) An insurer's list of physicians and chiropractic physicians from which an injured employee may choose pursuant to

NRS 616C.090 must include not less than 12 physicians or chiropractic physicians, as applicable, in each of the following disciplines and specializations, without limitation, from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090:

(1) Orthopedic surgery on spines;
(2) Orthopedic surgery on shoulders;
(3) Orthopedic surgery on elbows;
(4) Orthopedic surgery on wrists;
(5) Orthopedic surgery on hands;
(6) Orthopedic surgery on hips;
(7) Orthopedic surgery on knees;
(8) Orthopedic surgery on ankles;
(9) Orthopedic surgery on feet;
(10) Neurosurgery;
(11) ~~[Neurology;~~
~~(12)]~~ Cardiology;
~~[(13)]~~ ***(12)*** Pulmonology;
~~[(14) Psychiatry;~~
~~(15)]~~ ***(13)*** Pain management;
~~[(16)]~~ ***(14)*** Occupational medicine;
~~[(17)]~~ ***(15)*** Physiatry or physical medicine;
~~[(18) General practice or family medicine;]~~ and
~~[(19)]~~ ***(16)*** Chiropractic medicine.

➥ If the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 12 physicians or chiropractic physicians, as applicable, for a discipline or specialization specifically identified in this subsection, all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list. ***The insurer shall ensure that any physician or chiropractic physician on the insurer's list accepts and treats patients in the discipline or specialization for which the physician or chiropractic physician is listed.***

3. For any other discipline or specialization not specifically identified in subsection 2, the insurer's list must include not fewer than 8 physicians or chiropractic physicians, as applicable, unless the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 8 physicians or chiropractic physicians, as applicable, for that discipline or specialization, in which case all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list. ***The insurer shall ensure that any physician or chiropractic physician on the insurer's list accepts and treats patients in the***

discipline or specialization for which the physician or chiropractic physician is listed.

4. For each county whose population is 100,000 or more, an insurer's list of physicians and chiropractic physicians must include for that county a number of physicians and chiropractic physicians, as applicable, that is not less than the number required pursuant to subsections 2 and 3 and that also maintain in that county:

(a) An active practice; and

(b) A physical office.

5. If an insurer fails to maintain a list of physicians and chiropractic physicians that complies with the requirements of subsections 2, 3 and 4, ***including the requirement that each physician or chiropractic physician on the list accepts and treats patients in the discipline or specialization for which the physician or chiropractic physician is listed,*** an injured employee may choose a physician or chiropractic physician from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090. ***If a physician or chiropractic physician is removed from an insurer's list pursuant to subsection 9 or 10, within 60 days after the date of removal the insurer shall replace the physician or chiropractic physician on the list as may be required to maintain compliance with the requirements of subsections 2, 3 and 4. If the insurer fails to do so, an injured employee may choose a physician or chiropractic physician from the panel maintained by the Administrator pursuant to NRS 616C.090.***

6. ~~[Each]~~ ***Except as otherwise provided in this subsection, each*** insurer shall, ~~[not later than October 1]~~ ***on or after September 1 and on or before October 1*** of each year, update the list of physicians and chiropractic physicians and file the list with the Administrator ~~[.]~~ ***in accordance with the provisions of subsection 12.*** The list must be certified by an adjuster who is licensed pursuant to chapter 684A of NRS. ***An insurer may update the list at additional times during the year for the purpose of adding a physician or chiropractic physician. An insurer shall not at any time remove any physician or chiropractic physician from the insurer's list except as expressly permitted by subsection 9 or 10. A third-party administrator may file a single list on behalf of more than one insurer for which the administrator provides services, if the list expressly indicates each insurer to which the list applies. Nothing in this section shall be construed to prohibit an insurer from updating at any time the contact information for or other basic information which is directly related to a physician or chiropractic physician on the insurer's list.***

7. Upon receipt of a list of physicians and chiropractic physicians that is filed pursuant to subsection 6 ~~[.]~~ ***or a list of providers of mental health care that is submitted pursuant to NRS 616C.180,*** the Administrator shall:

(a) Stamp the list as having been filed; and

(b) Indicate on the list the date on which it was filed.

8. The Administrator shall:

(a) Provide a copy of an insurer's list of physicians and chiropractic physicians ***, and providers of mental health care pursuant to NRS 616C.180,*** to any member of the public who requests a copy; or

(b) Post ~~[a]~~ ***an exact*** copy ***, in an unaltered condition*** of each insurer's list of physicians and chiropractic physicians ***, and providers of mental health care pursuant to NRS 616C.180,*** on an Internet website maintained by the Administrator and accessible to the public for viewing, printing or downloading.

9. At any time, a physician or chiropractic physician may request in writing that he or she be removed from an insurer's list of physicians and chiropractic physicians. The insurer must comply with the request and omit the physician or chiropractic physician from the next list which the insurer files with the Administrator. ***If a physician or chiropractic physician chooses to cancel a contract between the physician or chiropractic physician and the insurer, employer or third-party administrator, the insurer may omit the physician or chiropractic physician from the next list which the insurer files with the Administrator.***

10. A physician or chiropractic physician may not be involuntarily removed from an insurer's list of physicians and chiropractic physicians except ~~[for]~~ ***:***

(a) For good cause. As used in this ~~[subsection,]~~ ***paragraph,*** "good cause" means that one or more of the following circumstances apply:

~~[(a)]~~ ***(1)*** The physician or chiropractic physician has died or is disabled.

~~[(b)]~~ ***(2)*** The license of the physician or chiropractic physician has been revoked or suspended.

~~[(c)]~~ ***(3)*** The physician or chiropractic physician has been convicted of:

~~[(1)]~~ ***(I)*** A felony; or

~~[(2)]~~ ***(II)*** A crime for a violation of a provision of chapter 616D of NRS.

~~[(d)]~~ ***(4)*** The physician or chiropractic physician has been removed from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 by the

Administrator upon a finding that the physician or chiropractic physician:

~~[(1)]~~ ***(I)*** Has failed to comply with the standards for treatment of industrial injuries or occupational diseases as established by the Administrator; or

~~[(2)]~~ ***(II)*** Does not accept and treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

(b) Beginning on September 1, 2026, and every 3 calendar years thereafter, the insurer may audit the insurer's list, including, without limitation, for compliance with subsections 2, 3 and 4, and may remove any physician or chiropractic physician of the insurer's choosing from the list which the insurer is required to file not later than October 1 of that year pursuant to subsection 6.

11. Unless a physician or chiropractic physician, as applicable, is removed from an insurer's list of physicians and chiropractic physicians pursuant to subsection 10, an injured employee may continue to receive treatment from that physician or chiropractic physician even if:

(a) The employer of the injured employee changes insurers or administrators.

(b) The physician or chiropractic physician is no longer included in the applicable insurer's list of physicians and chiropractic physicians, provided that the physician or chiropractic physician agrees to continue to accept compensation for that treatment at the rates which:

(1) Were previously agreed upon when the physician or chiropractic physician was most recently included in the list; or

(2) Are newly negotiated but do not exceed the amounts provided under the fee schedule adopted by the Administrator.

12. The Administrator shall adopt regulations prescribing ~~[the form]~~ ***a uniform format*** in which a list of physicians and chiropractic physicians created by an employer, insurer or third-party administrator pursuant to this section must be maintained ~~[.]~~ ***, which must be uniformly applicable to any person who creates such a list.*** The Administrator shall require that any such list be in a format which is easily searchable, including, without limitation, an indexed database, a portable document format, a spreadsheet with data that may be filtered, a comma-separated values file or any other comparable format. ***The Administrator shall not require submission of such a list through any specific proprietary software platform or particular electronic system. Submission of a list to the Administrator in the format determined by the Administrator shall be deemed to satisfy the requirements of subsection 6 to file such a list. Nothing in this subsection:***

(a) Imposes any duty on the Administrator in receiving such a list other than those administrative duties described in subsections 7 and 8.

(b) Prohibits the Administrator from uploading any information contained in such a list received by the Administrator to a specific proprietary software platform or particular electronic system.

Sec. 15. NRS 616C.110 is hereby amended to read as follows:

616C.110 1. For the purposes of NRS 616B.557, 616B.578, 616B.587 ~~[,]~~ ***and*** 616C.490 ***,*** ~~[and 617.459,]~~ not later than August 1, 2003, the Division shall adopt regulations incorporating the American Medical Association's Guides to the Evaluation of Permanent Impairment, Fifth Edition, by reference. The regulations:

(a) Must provide that the American Medical Association's Guides to the Evaluation of Permanent Impairment, Fifth Edition, must be applied to all examinations; and

(b) Must be applied to all examinations for a permanent partial disability that are conducted on or after the effective date of the regulations, regardless of the date of injury.

2. After adopting the regulations required pursuant to subsection 1, the Division may amend those regulations as it deems necessary, except that the amendments to those regulations:

(a) Must be consistent with the Fifth Edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment;

(b) Must not incorporate any contradictory matter from any other edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment; and

(c) Must not consider any factors other than the degree of physical impairment of the whole person in calculating the entitlement to compensation.

3. If the Fifth Edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment contains more than one method of determining the rating of an impairment, the Administrator shall designate by regulation the method from that edition which must be used to rate an impairment pursuant to NRS 616C.490.

Sec. 15.5. NRS 616C.115 is hereby amended to read as follows:

616C.115 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and sections 9.5 and 9.7 of this act,*** a physician or advanced practice registered nurse shall prescribe for an injured employee a generic drug in lieu of a drug with a brand name if the generic drug is biologically equivalent and has the same active ingredient or

ingredients of the same strength, quantity and form of dosage as the drug with a brand name.

2. ~~[A]~~ ***Except as otherwise provided in sections 9.5 and 9.7 of this act, a*** physician or advanced practice registered nurse is not required to comply with the provisions of subsection 1 if:

(a) The physician or advanced practice registered nurse determines that the generic drug would not be beneficial to the health of the injured employee; or

(b) The generic drug is higher in cost than the drug with a brand name.

Sec. 16. NRS 616C.137 is hereby amended to read as follows:

616C.137 1. If an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 denies payment for some or all of the services itemized on a statement submitted by a provider of health care on the sole basis that those services were not related to the employee's industrial injury or occupational disease, the insurer, organization for managed care or employer shall, at the same time that it sends notification to the provider of health care of the denial, send a copy of the statement to the injured employee and notify the injured employee that it has denied payment. The notification sent to the injured employee must:

(a) State the relevant amount requested as payment in the statement, that the reason for denying payment is that the services were not related to the industrial injury or occupational disease and that, pursuant to subsection 2, the injured employee will be responsible for payment of the relevant amount if the injured employee does not, in a timely manner, appeal the denial pursuant to NRS ~~[616C.305 and]~~ 616C.315 to 616C.385, inclusive, or appeals but is not successful.

(b) Include an explanation of the injured employee's right to request a hearing to appeal the denial pursuant to NRS ~~[616C.305 and]~~ 616C.315 to 616C.385, inclusive, and a suitable form for requesting a hearing to appeal the denial.

2. An injured employee who does not, in a timely manner, appeal the denial of payment for the services rendered or who appeals the denial but is not successful is responsible for payment of the relevant charges on the itemized statement.

3. To succeed on appeal, the injured employee must show that the:

(a) Services provided were related to the employee's industrial injury or occupational disease; or

(b) Insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 gave prior authorization for the services rendered and did

not withdraw that prior authorization before the services of the provider of health care were rendered.

Sec. 17. NRS 616C.180 is hereby amended to read as follows:

616C.180 1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if it arose out of and in the course of his or her employment.

2. Except as otherwise provided in subsection 4, any ailment or disorder caused by any gradual mental stimulus, and any death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. Except as otherwise provided by subsections 4 and 5, an injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical ***, psychological*** or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress in time of danger;

(b) The primary cause of the injury was an event that arose out of and during the course of his or her employment; and

(c) The stress was not caused by his or her layoff, the termination of his or her employment or any disciplinary action taken against him or her.

4. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment if the employee is a first responder and proves by clear and convincing medical ***, psychological*** or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee directly witnessing:

(1) The death, or the aftermath of the death, of a person as a result of a violent event, including, without limitation, a homicide, suicide or mass casualty incident; or

(2) An injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience; and

(b) The primary cause of the mental injury was the employee witnessing an event or a series of events described in paragraph (a) during the course of his or her employment.

5. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment, and shall not be deemed the result of gradual mental stimulus, if the employee is employed by the State or any of its agencies or political subdivisions and proves by clear and convincing medical ***, psychological*** or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident; and

(b) The primary cause of the injury was the employee responding to the mass casualty incident during the course of his or her employment.

6. An agency which employs a first responder, including, without limitation, a first responder who serves as a volunteer, shall provide educational training to the first responder related to the awareness, prevention, mitigation and treatment of mental health issues.

7. The provisions of this section do not apply to a person who is claiming compensation pursuant to NRS 617.457.

8. For the purposes of any claim arising out of this section:

(a) An insurer shall maintain a list of providers of mental health care who have agreed to accept and treat injured employees pursuant to this section, from which an injured employee has the right to choose a mental health care provider of his or her choice.

(b) For each county whose population is 100,000 or more, the list maintained pursuant to paragraph (a) must include not less than 12 providers of mental health care.

(c) Each insurer shall, on or after September 1 and on or before October 1 of each year, update the list maintained pursuant to paragraph (a) and submit the list to the Administrator.

(d) If the list maintained pursuant to paragraph (a) contains a provider of mental health care that does not accept and treat patients pursuant to this section, an injured employee may choose any provider of mental health care who agrees to accept the schedule of fees and charges established pursuant to NRS 616C.260.

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

(a) "Directly witness" means to see or hear for oneself.

(b) "First responder" means:

(1) A salaried or volunteer firefighter;

(2) A police officer;

(3) An emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State; or

(4) An emergency medical technician or paramedic who is employed by a public safety agency in this State.

(c) "Mass casualty incident" means an event that, for the purposes of emergency response or operations, is designated as a mass casualty incident by one or more governmental agencies that are responsible for public safety or for emergency response.

(d) "Provider of mental health care" means a psychiatrist, a licensed psychologist, a licensed clinical professional counselor or a licensed marriage and family therapist.

Sec. 18. NRS 616C.220 is hereby amended to read as follows:

616C.220 1. The Division shall designate one:

(a) Third-party administrator who has a valid certificate issued by the Commissioner pursuant to NRS 683A.085; or

(b) Insurer, other than a self-insured employer or association of self-insured public or private employers,

➥ to administer claims against the Uninsured Employers' Claim Account. The designation must be made pursuant to reasonable competitive bidding procedures established by the Administrator.

2. Except as otherwise provided in this subsection, an employee may receive compensation from the Uninsured Employers' Claim Account if:

(a) The employee was hired in this State or is regularly employed in this State;

(b) The employee suffers an accident or injury which arises out of and in the course of his or her employment:

(1) In this State; or

(2) While on temporary assignment outside the State for not more than 12 months;

(c) The employee files a claim for compensation with the Division; and

(d) The employee makes an irrevocable assignment to the Division of a right to be subrogated to the rights of the injured employee pursuant to NRS 616C.215.

➥ An employee who suffers an accident or injury while on temporary assignment outside the State is not eligible to receive compensation from the Uninsured Employers' Claim Account unless the employee has been denied workers' compensation in the state in which the accident or injury occurred.

3. If the Division receives a claim pursuant to subsection 2, the Division shall immediately notify the employer of the claim.

4. For the purposes of this section and NRS 616C.223, the employer has the burden of proving that the employer provided mandatory industrial insurance coverage for the employee or that the employer was not required to maintain industrial insurance for the employee.

5. Any employer who has failed to provide mandatory coverage required by the provisions of chapters 616A to 616D, inclusive, of NRS is liable for all payments made on behalf of the employer, including any benefits, administrative costs or attorney's fees paid from the Uninsured Employers' Claim Account or incurred by the Division.

6. The Division:

(a) May recover from the employer the payments made by the Division that are described in subsection 5 and any accrued interest by bringing a civil action or filing an application for the entry of summary judgment pursuant to NRS 616C.223 in a court of

competent jurisdiction. For the purposes of this paragraph, the payments made by the Division that are described in subsection 5 are presumed to be:

(1) Justified by the circumstances of the claim;

(2) Made in accordance with applicable law; and

(3) Reasonable and necessary.

(b) In any civil action or application for the entry of summary judgment filed pursuant to NRS 616C.223 against the employer, is not required to prove that negligent conduct by the employer was the cause of the employee's injury.

(c) May enter into a contract with any person to assist in the collection of any liability of an uninsured employer.

(d) In lieu of a civil action or filing an application for the entry of summary judgment pursuant to NRS 616C.223, may enter into an agreement or settlement regarding the collection of any liability of an uninsured employer.

7. The Division shall:

(a) Determine whether the employer was insured within 30 days after receiving notice of the claim from the employee.

(b) Assign the claim to the third-party administrator or insurer designated pursuant to subsection 1 for administration and payment of compensation.

➥ Upon determining whether the claim is accepted or denied, the designated third-party administrator or insurer shall notify the injured employee, the named employer and the Division of its determination.

8. Upon demonstration of the:

(a) Costs incurred by the designated third-party administrator or insurer to administer the claim or pay compensation to the injured employee; or

(b) Amount that the designated third-party administrator or insurer will pay for administrative expenses or compensation to the injured employee and that such amounts are justified by the circumstances of the claim,

➥ the Division shall authorize payment from the Uninsured Employers' Claim Account.

9. Any party aggrieved by a determination made by the Division regarding the assignment of any claim made pursuant to this section may appeal that determination by filing a notice of appeal with an appeals officer within 30 days after the determination is rendered. The provisions of NRS 616C.345 to 616C.385, inclusive, apply to an appeal filed pursuant to this subsection.

10. Any party aggrieved by a determination to accept or to deny any claim made pursuant to this section or by a determination to pay or to deny the payment of compensation regarding any claim

made pursuant to this section may appeal that determination, within 70 days after the determination is rendered, to the Hearings Division of the Department of Administration in the manner provided by NRS ~~[616C.305 and]~~ 616C.315.

11. All insurers shall bear a proportionate amount of a claim made pursuant to chapters 616A to 616D, inclusive, of NRS, and are entitled to a proportionate amount of any collection made pursuant to this section as an offset against future liabilities.

12. An uninsured employer is liable for the interest on any amount paid on his or her claims from the Uninsured Employers' Claim Account. The interest must be calculated at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the claim, plus 3 percent, compounded monthly, from the date the claim is paid from the account until payment is received by the Division from the employer.

13. Attorney's fees recoverable by the Division pursuant to this section must be:

(a) If a private attorney is retained by the Division, paid at the usual and customary rate for that attorney.

(b) If the attorney is an employee of the Division, paid at the rate established by regulations adopted by the Division.

➥ Any money collected must be deposited to the Uninsured Employers' Claim Account.

14. If the Division has not obtained a civil judgment or an entry of summary judgment pursuant to NRS 616C.223 and the Division assigns a debt that arises under this section to the State Controller for collection pursuant to NRS 353C.195, the State Controller may bring an action in his or her own name in a court of competent jurisdiction to recover any amount that the Division is authorized to recover pursuant to this section.

Sec. 19. NRS 616C.235 is hereby amended to read as follows:

616C.235 1. Except as otherwise provided in subsections 2, 3 and 4:

(a) When the insurer determines that a claim should be closed before all benefits to which the claimant may be entitled have been paid, the insurer shall send a written notice of its intention to close the claim to the claimant by first-class mail addressed to the last known address of the claimant and, if the insurer has been notified that the claimant is represented by an attorney, to the attorney for the claimant by first-class mail addressed to the last known address of the attorney. The notice must include, on a separate page, a statement describing the effects of closing a claim pursuant to this section and a statement that if the claimant does not agree with the

determination, the claimant has a right to request a resolution of the dispute pursuant to NRS ~~[616C.305 and]~~ 616C.315 to 616C.385, inclusive, including, without limitation, a statement which prominently displays the limit on the time that the claimant has to request a resolution of the dispute as set forth in NRS 616C.315. A suitable form for requesting a resolution of the dispute must be enclosed with the notice. The closure of a claim pursuant to this subsection is not effective unless notice is given as required by this subsection.

(b) If the insurer does not receive a request for the resolution of the dispute, it may close the claim.

(c) Notwithstanding the provisions of NRS 233B.125, if a hearing is conducted to resolve the dispute, the decision of the hearing officer may be served by first-class mail.

2. If, during the first 12 months after a claim is opened, the medical benefits required to be paid for a claim are less than $800, the insurer may close the claim at any time after the insurer sends, by first-class mail addressed to the last known address of the claimant, written notice that includes a statement which prominently displays that:

(a) The claim is being closed pursuant to this subsection;

(b) The injured employee may appeal the closure of the claim pursuant to the provisions of NRS ~~[616C.305 and]~~ 616C.315 to 616C.385, inclusive; and

(c) If the injured employee does not appeal the closure of the claim or appeals the closure of the claim but is not successful, the claim cannot be reopened.

3. In addition to the notice described in subsection 2, an insurer shall send to each claimant who receives less than $800 in medical benefits within 6 months after the claim is opened a written notice that explains the circumstances under which a claim may be closed pursuant to subsection 2. The written notice provided pursuant to this subsection does not create any right to appeal the contents of that notice. The written notice must be:

(a) Sent by first-class mail addressed to the last known address of the claimant; and

(b) A document that is separate from any other document or form that is used by the insurer.

4. The closure of a claim pursuant to subsection 2 is not effective unless notice is given as required by subsections 2 and 3.

5. In addition to the requirements of this section, an insurer shall include in the written notice described in subsection 2:

(a) If an evaluation for a permanent partial disability has been scheduled pursuant to NRS 616C.490, a statement to that effect; or

(b) If an evaluation for a permanent partial disability will not be scheduled pursuant to NRS 616C.490, a statement explaining that the reason is because the insurer has determined there is no possibility of a permanent impairment of any kind.

Sec. 20. NRS 616C.295 is hereby amended to read as follows:

616C.295 1. The Chief of the Hearings Division shall adopt regulations establishing:

(a) A code of conduct for hearing officers who conduct hearings in contested cases for compensation under chapters 616A to 617, inclusive, of NRS; and

(b) A code of conduct for appeals officers who conduct hearings and appeals as required pursuant to chapters 616A to 617, inclusive, of NRS.

2. The codes of conduct established pursuant to subsection 1 must be designed to ensure fairness and impartiality, and to avoid the appearance of impropriety.

3. The Chief of the Hearings Division shall adopt regulations establishing:

(a) Standards for the initial training and continuing education of hearing officers who conduct hearings in contested cases for compensation under chapters 616A to 617, inclusive, of NRS; and

(b) Standards for the initial training and continuing education of appeals officers who conduct hearings and appeals as required pursuant to chapters 616A to 617, inclusive, of NRS.

4. The standards established pursuant to subsection 3 must, without limitation, include training and continuing education in:

(a) The provisions of chapters 616A to 617, inclusive, of NRS;

(b) Dispute resolution; and

(c) Mediation.

5. The Chief of the Hearings Division shall:

(a) Prescribe by regulation the qualifications required before a person may, pursuant to chapters 616A to 617, inclusive, of NRS, serve as a hearing officer.

(b) Provide for the expediting of the hearing of cases that involve the termination or denial of compensation.

(c) Maintain and make accessible to the public on the Internet website maintained by the Hearings Division, a calendar of all matters which are before hearing officers and appeals officers.

6. From the cases heard each year by hearing officers and appeals officers regarding claims for benefits by injured employees, the Chief of the Hearings Division shall prepare an annual report which itemizes, on the basis of each insurer and third-party administrator, the number of cases affirmed, reversed, remanded and resolved by other disposition involving that insurer or third-party

administrator, including a breakdown of that information by the type of benefits denied by the insurer or third-party administrator.

7. As used in this section, "Chief of the Hearings Division" means the Chief of the Hearings Division of the Department of Administration.

Sec. 21. NRS 616C.315 is hereby amended to read as follows:

616C.315 1. Any person who is subject to the jurisdiction of the hearing officers pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS may request a hearing before a hearing officer of any matter within the hearing officer's authority. The insurer shall provide, without cost, the forms necessary to request a hearing to any person who requests them.

2. A hearing must not be scheduled until the following information is provided to the hearing officer:

(a) The name of:

(1) The claimant;

(2) The employer; and

(3) The insurer or third-party administrator;

(b) The number of the claim; and

(c) If applicable, a copy of the letter of determination being appealed or, if such a copy is unavailable, the date of the determination and the issues stated in the determination.

3. Except as otherwise provided in NRS 616B.772, 616B.775, 616B.787 ~~[, 616C.305]~~ and 616C.427, a person who is aggrieved by:

(a) A written determination of an insurer; or

(b) The failure of an insurer to respond within 30 days to a written request mailed to the insurer by the person who is aggrieved,

➥ may appeal from the determination or failure to respond by filing a request for a hearing before a hearing officer. Such a request must include the information required pursuant to subsection 2 and, except as otherwise provided in subsections 4 and 5, must be filed within 70 days after the date on which the notice of the insurer's determination was mailed or, if requested by the claimant or the person acting on behalf of the claimant, sent by facsimile or other electronic transmission the proof of sending and receipt of which is readily verifiable by the insurer or the unanswered written request was mailed to the insurer, as applicable. The failure of an insurer to respond to a written request for a determination within 30 days after receipt of such a request shall be deemed by the hearing officer to be a denial of the request.

4. The period specified in subsection 3 within which a request for a hearing must be filed may be:

(a) Extended for an additional 90 days if the person aggrieved shows by a preponderance of the evidence that the person was

diagnosed with a terminal illness or was informed of the death or diagnosis of a terminal illness of his or her spouse, parent or child.

(b) Tolled if the insurer fails to mail or, if requested by the claimant or the person acting on behalf of the claimant, send by facsimile or other electronic transmission the proof of sending and receipt of which is readily verifiable a determination.

5. Failure to file a request for a hearing within the period specified in subsection 3 may be excused if the person aggrieved shows by a preponderance of the evidence that the person did not receive the notice of the determination and the forms necessary to request a hearing. The claimant or employer shall notify the insurer of a change of address.

6. The hearing before the hearing officer must be conducted as expeditiously and informally as is practicable.

7. The parties to a contested claim may, if the claimant is represented by legal counsel, agree to forego a hearing before a hearing officer and submit the contested claim directly to an appeals officer.

8. A claimant may, with regard to a contested claim arising from the provisions of NRS 617.453, 617.455, 617.457, 617.485 or 617.487 as described in subsection 2 of NRS 616C.345, submit the contested claim directly to an appeals officer pursuant to subsection 2 of NRS 616C.345 without the agreement of any other party.

Sec. 22. NRS 616C.320 is hereby amended to read as follows:

616C.320 If an employee of a self-insured employer, an employer who is a member of an association of self-insured public or private employers or an employer insured by a private carrier is dissatisfied with a decision of his or her employer, the association or the private carrier, the employee may seek to resolve the dispute pursuant to NRS ~~[616C.305 and]~~ 616C.315 to 616C.385, inclusive.

Sec. 23. NRS 616C.345 is hereby amended to read as follows:

616C.345 1. Any party aggrieved by a decision of the hearing officer relating to a claim for compensation may appeal from the decision by, except as otherwise provided in subsections 9, 10 and 11, filing a notice of appeal with an appeals officer within 30 days after the date of the decision.

2. A claimant aggrieved by a written determination of the denial of a claim, in whole or in part, by an insurer, or the failure of an insurer to respond in writing within 30 days to a written request of the claimant mailed to the insurer, concerning a claim arising from the provisions of NRS 617.453, 617.455, 617.457, 617.485 or 617.487 may file a notice of a contested claim with an appeals officer. The notice must include the information required pursuant to subsection 3 and, except as otherwise provided in subsections 9 to 12, inclusive, must be filed within 70 days after the date on which

the notice of the insurer's determination was mailed or, if requested by the claimant or the person acting on behalf of the claimant, sent by facsimile or other electronic transmission the proof of sending and receipt of which is readily verifiable by the insurer or the unanswered written request was mailed to the insurer, as applicable. The failure of an insurer to respond in writing to a written request for a determination within 30 days after receipt of such a request shall be deemed by the appeals officer to be a denial of the request. The insurer shall provide, without cost, the forms necessary to file a notice of a contested claim to any person who requests them.

3. A hearing must not be scheduled until the following information is provided to the appeals officer:

(a) The name of:

(1) The claimant;

(2) The employer; and

(3) The insurer or third-party administrator;

(b) The number of the claim; and

(c) If applicable, a copy of the letter of determination being appealed or, if such a copy is unavailable, the date of the determination and the issues stated in the determination.

4. ~~[If a dispute is required to be submitted to a procedure for resolving complaints pursuant to NRS 616C.305 and:~~

~~(a) A final determination was rendered pursuant to that procedure; or~~

~~(b) The dispute was not resolved pursuant to that procedure within 14 days after it was submitted,~~

~~➥ any party to the dispute may, except as otherwise provided in subsections 9 to 12, inclusive, file a notice of appeal within 70 days after the date on which the final determination was mailed to the employee, or the dependent of the employee, or the unanswered request for resolution was submitted. Failure to render a written determination within 30 days after receipt of such a request shall be deemed by the appeals officer to be a denial of the request.~~

~~5.]~~ Except as otherwise provided in NRS 616C.380, the filing of a notice of appeal does not automatically stay the enforcement of the decision of a hearing officer ***.*** ~~[or a determination rendered pursuant to NRS 616C.305.]~~ The appeals officer may order a stay ~~[, when appropriate,]~~ ***in accordance with the requirements of subsection 5*** upon the ~~[application]~~ ***motion*** of a party. If ***a party files*** such ~~[an application is submitted,]~~ ***a motion,*** the decision is automatically stayed until a determination is made concerning the ~~[application.]~~ ***motion.*** A determination on the ~~[application]~~ ***motion*** must be made within 30 days after the filing of the ~~[application.]~~ ***motion.*** If a stay is not granted by the officer after reviewing the

~~[~~application,~~]~~ ***motion,*** the decision must be complied with within 10 days after the date of the refusal to grant a stay.

5. An appeals officer shall not:

(a) Grant a motion to stay the enforcement of the decision of a hearing officer unless the appeals officer makes specific findings of fact and conclusions of law that the moving party seeking the stay has established that:

(1) The moving party has a reasonable likelihood of success in the appeal on the factual merits or as a matter of law;

(2) The moving party will suffer irreparable harm if the stay is denied; and

(3) The nonmoving party will not suffer irreparable harm if the stay is granted.

(b) For the purpose of making findings and conclusions relating to irreparable harm pursuant to paragraph (a), consider the ability to recoup benefits and compensation provided by an industrial insurer to an injured employee during the pendency of the appeal.

6. Except as otherwise provided in subsections 3 and 7, within 10 days after receiving a notice of appeal pursuant to this section or NRS 616C.220, 616D.140 or 617.401, or within 10 days after receiving a notice of a contested claim pursuant to subsection 7 of NRS 616C.315, the appeals officer shall:

(a) Schedule a hearing on the merits of the appeal or contested claim for a date and time within 90 days after receipt of the notice at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the appeals officer; and

(b) Give notice by mail or by personal service to all parties to the matter and their attorneys or agents at least 30 days before the date and time scheduled.

7. Except as otherwise provided in subsection 13, a request to schedule the hearing for a date and time which is:

(a) Within 60 days after the receipt of the notice of appeal or contested claim; or

(b) More than 90 days after the receipt of the notice or claim,

➥ may be submitted to the appeals officer only if all parties to the appeal or contested claim agree to the request.

8. An appeal or contested claim may be continued upon written stipulation of all parties, or upon good cause shown.

9. The period specified in subsection 1 ~~[,]~~ ***or*** 2 ~~[or 4]~~ within which a notice of appeal or a notice of a contested claim must be filed may be extended for an additional 90 days if the person

aggrieved shows by a preponderance of the evidence that the person was diagnosed with a terminal illness or was informed of the death or diagnosis of a terminal illness of the person's spouse, parent or child.

10. The period specified in subsection 2 within which a notice of appeal or a notice of a contested claim must be filed may be tolled if the insurer fails to mail or, if requested by the claimant or the person acting on behalf of the claimant, send a determination by facsimile or other electronic transmission the proof of sending and receipt of which is readily verifiable.

11. Failure to file a notice of appeal within the period specified in subsection 1 ~~[or 4]~~ may be excused if the party aggrieved shows by a preponderance of the evidence that he or she did not receive the notice of the determination and the forms necessary to appeal the determination. The claimant, employer or insurer shall notify the hearing officer of a change of address.

12. Failure to file a notice of a contested claim within the period specified in subsection 2 may be excused if the claimant shows by a preponderance of the evidence that he or she did not receive the notice of the determination and the forms necessary to file the notice. The claimant or employer shall notify the insurer of a change of address.

13. Within 10 days after receiving a notice of a contested claim pursuant to subsection 2, the appeals officer shall:

(a) Schedule a hearing on the merits of the contested claim for a date and time within 60 days after his or her receipt of the notice at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the appeals officer; and

(b) Give notice by mail or by personal service to all parties to the matter and their attorneys or agents within 10 days after scheduling the hearing.

➥ The scheduled date must allow sufficient time for full disclosure, exchange and examination of medical and other relevant information. A party may not introduce information at the hearing which was not previously disclosed to the other parties unless all parties agree to the introduction.

Sec. 24. NRS 616C.370 is hereby amended to read as follows:

616C.370 1. No judicial proceedings may be instituted for compensation for an injury or death under chapters 616A to 616D, inclusive, of NRS unless:

(a) A claim for compensation is filed as provided in NRS 616C.020; and

(b) A final decision of an appeals officer has been rendered on such claim.

2. Judicial proceedings instituted for compensation for an injury or death, under chapters 616A to 616D, inclusive, of NRS are limited to judicial review of the decision of an appeals officer.

3. Notwithstanding any other provision of law:

(a) The following requirements, and no others, are mandatory and jurisdictional for a petition for judicial review of the final decision of an appeals officer:

(1) The petition must be filed within 30 days after the date of entry and service of the decision and order of the appeals officer; and

(2) A copy of the decision and order of the appeals officer must be attached to the petition.

(b) Other than the requirements of paragraph (a), a court may excuse any other defect in substance, form, venue or service of a petition for judicial review, and may permit any appropriate amendment or change of venue at any time before the final disposition of the petition.

4. The prevailing party in any judicial proceedings instituted for compensation for an injury or death under chapters 616A to 616D, inclusive, of NRS shall cause a copy of the final decision issued by the court in the proceedings to be:

(a) Served upon the appeals officer whose final decision was appealed. The appeals officer shall include the copy of the final decision in the administrative record on the matter.

(b) For a prevailing party in the Court of Appeals or Supreme Court, filed in the district court whose final decision was appealed.

Sec. 25. NRS 616C.375 is hereby amended to read as follows:

616C.375 ***1.*** If an insurer, employer or claimant, or the representative of an insurer, employer or claimant, appeals the decision of an appeals officer, that decision is not stayed unless a stay is granted by the appeals officer or the district court within 30 days after the date on which the decision was rendered.

2. An appeals officer or district court shall not:

(a) Grant a motion to stay the enforcement of the decision of an appeals officer unless the appeals officer or district court makes specific findings of fact and conclusions of law that the moving party seeking the stay has established that:

(1) The moving party has a reasonable likelihood of success in the appeal on the factual merits or as a matter of law;

(2) The moving party will suffer irreparable harm if the stay is denied; and

(3) The nonmoving party will not suffer irreparable harm if the stay is granted.

(b) For the purpose of making findings and conclusions relating to irreparable harm pursuant to paragraph (a), consider the ability to recoup benefits and compensation provided by an industrial insurer to an injured employee during the pendency of the appeal.

Sec. 26. NRS 616C.390 is hereby amended to read as follows:

616C.390 Except as otherwise provided in NRS 616C.392:

1. If an application to reopen a claim to increase or rearrange compensation is made in writing more than 1 year after the date on which the claim was closed, the insurer shall reopen the claim if:

(a) A change of circumstances warrants an increase or rearrangement of compensation during the life of the claimant;

(b) The primary cause of the change of circumstances is the injury for which the claim was originally made; and

(c) The application is accompanied by the certificate of a physician or a chiropractic physician showing a change of circumstances which would warrant an increase or rearrangement of compensation.

2. After a claim has been closed, the insurer, upon receiving an application and for good cause shown, may authorize the reopening of the claim for medical investigation only. The application must be accompanied by a written request for treatment from the physician or chiropractic physician treating the claimant, certifying that the treatment is indicated by a change in circumstances and is related to the industrial injury sustained by the claimant.

3. If a claimant applies for a claim to be reopened pursuant to subsection 1 or 2 and a final determination denying the reopening is issued, the claimant shall not reapply to reopen the claim until at least 1 year after the date on which the final determination is issued.

4. Except as otherwise provided in subsection 5, if an application to reopen a claim is made in writing within 1 year after the date on which the claim was closed, the insurer shall reopen the claim only if:

(a) The application is supported by medical evidence demonstrating an objective change in the medical condition of the claimant; and

(b) There is clear and convincing evidence that the primary cause of the change of circumstances is the injury for which the claim was originally made.

5. An application to reopen a claim must be made in writing within 1 year after the date on which the claim was closed if:

(a) The claimant did not meet the minimum duration of incapacity as set forth in NRS 616C.400 as a result of the injury; and

(b) The claimant did not receive benefits for a permanent partial disability.

➥ If an application to reopen a claim to increase or rearrange compensation is made pursuant to this subsection, the insurer shall reopen the claim if the requirements set forth in paragraphs (a), (b) and (c) of subsection 1 are met.

6. If an employee's claim is reopened pursuant to this section, the employee is not entitled to vocational rehabilitation services or benefits for a temporary total disability if, before the claim was reopened, the employee:

(a) Retired; or

(b) Otherwise voluntarily removed himself or herself from the workforce,

➥ for reasons unrelated to the injury for which the claim was originally made.

7. One year after the date on which the claim was closed, an insurer may dispose of the file of a claim authorized to be reopened pursuant to subsection 5, unless an application to reopen the claim has been filed pursuant to that subsection.

8. An increase or rearrangement of compensation is not effective before an application for reopening a claim is made unless good cause is shown. The insurer shall, upon good cause shown, allow the cost of emergency treatment the necessity for which has been certified by a physician or a chiropractic physician.

9. A claim that closes pursuant to subsection 2 of NRS 616C.235 and is not appealed or is unsuccessfully appealed pursuant to the provisions of NRS ~~[616C.305 and]~~ 616C.315 to 616C.385, inclusive, may not be reopened pursuant to this section.

10. The provisions of this section apply to any claim for which an application to reopen the claim or to increase or rearrange compensation is made pursuant to this section, regardless of the date of the injury or accident to the claimant. If a claim is reopened pursuant to this section, the amount of any compensation or benefits provided must be determined in accordance with the provisions of NRS 616C.425.

11. As used in this section:

(a) "Governmental program" means any program or plan under which a person receives payments from a public form of retirement. Such payments from a public form of retirement include, without limitation:

(1) Social security received as a result of the Social Security Act, as defined in NRS 287.120;

(2) Payments from the Public Employees' Retirement System, as established by NRS 286.110;

(3) Payments from the Retirees' Fund, as defined in NRS 287.04064;

(4) A disability retirement allowance, as defined in NRS 1A.040 and 286.031;

(5) A retirement allowance, as defined in NRS 218C.080; and

(6) A service retirement allowance, as defined in NRS 1A.080 and 286.080.

(b) "Retired" means a person who, on the date he or she filed for reopening a claim pursuant to this section:

(1) Is not employed or earning wages; and

(2) Receives benefits or payments for retirement from a:

(I) Pension or retirement plan;

(II) Governmental program; or

(III) Plan authorized by 26 U.S.C. § 401(a), 401(k), 403(b), 457 or 3121.

(c) "Wages" means any remuneration paid by an employer to an employee for the personal services of the employee, including, without limitation:

(1) Commissions and bonuses; and

(2) Remuneration payable in any medium other than cash.

Sec. 27. NRS 616C.500 is hereby amended to read as follows:

616C.500 1. Except as otherwise provided in subsection 2 and NRS 616C.175, every employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by accident arising out of and in the course of employment, is entitled to receive for a temporary partial disability the difference between the wage earned after the injury and the compensation which the injured person would be entitled to receive if temporarily totally disabled when the wage is less than the compensation, but for a period not to exceed 24 months during the period of disability.

2. Except as otherwise provided in NRS 616B.028 and 616B.029, an injured employee or his or her dependents are not entitled to accrue or be paid any benefits for a temporary partial disability during the time the employee is incarcerated. The injured employee or his or her dependents are entitled to receive such benefits if the injured employee is released from incarceration during the period of disability specified in subsection 1 and the injured employee is certified as temporarily partially disabled by a physician or chiropractic physician.

3. If an injured employee makes a claim for temporary partial disability, the first payment or a determination regarding payment pursuant to this section must be issued by the insurer within 14 working days after receipt of the claim.

Sec. 28. NRS 616D.050 is hereby amended to read as follows:

616D.050 1. Appeals officers, the Administrator, and the Administrator's designee, in conducting hearings or other proceedings pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS or regulations adopted pursuant to those chapters may:

(a) Issue subpoenas requiring the attendance of any witness or the production of books, accounts, papers, records and documents.

(b) Administer oaths.

(c) Certify to official acts.

(d) Call and examine under oath any witness or party to a claim.

(e) Maintain order.

(f) Rule upon all questions arising during the course of a hearing or proceeding.

(g) ~~[Permit]~~ ***Except as otherwise provided in subsections 3 and 4, permit*** discovery by deposition or interrogatories.

(h) Initiate and hold conferences for the settlement or simplification of issues.

(i) Dispose of procedural requests or similar matters.

(j) Generally regulate and guide the course of a pending hearing or proceeding.

2. Hearing officers, in conducting hearings or other proceedings pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS or regulations adopted pursuant to those chapters, may:

(a) Issue subpoenas requiring the attendance of any witness or the production of books, accounts, papers, records and documents that are relevant to the dispute for which the hearing or other proceeding is being held.

(b) Maintain order.

(c) ~~[Permit discovery by deposition or interrogatories.~~

~~(d)]~~ Initiate and hold conferences for the settlement or simplification of issues.

~~[(e)]~~ ***(d)*** Dispose of procedural requests or similar matters.

~~[(f)]~~ ***(e)*** Generally regulate and guide the course of a pending hearing or proceeding.

3. Appeals officers, upon motion and for good cause shown, in conducting hearings pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS or regulations adopted pursuant to those chapters, may grant discovery to any party by any methods available under the Nevada Rules of Civil Procedure, except an appeals officer shall not grant discovery in the form of requests for admission under Rule 36. An appeals officer shall not deny an injured employee's reasonable request to conduct discovery. The scope of discovery must be:

(a) Expressly limited to that which is necessary to the adjudication of the claim for compensation; and

(b) Otherwise governed by the standards for relevance and proportionality set forth in Rule 26(b) of the Nevada Rules of Civil Procedure.

4. A party seeking to conduct discovery pursuant to subsection 3 shall not serve a request for discovery on another party without the approval of the appeals officer. The party seeking discovery must file a motion for approval which includes, without limitation, a copy of the discovery request to be served, an identification of any witnesses sought to be deposed and a summary of the anticipated testimony of each such witness. Any party opposed to the motion to approve discovery may file an opposition within 5 days after the date of service of the motion. The moving party is not entitled to reply to any opposition.

Sec. 29. NRS 616D.090 is hereby amended to read as follows:

616D.090 1. In an investigation, the Administrator or a hearing officer may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by law and Nevada Rules of Civil Procedure for taking depositions in civil actions in courts of record.

2. ~~[After]~~ ***Except as otherwise provided in NRS 616D.050, after*** the initiation of a claim under the provisions of this chapter or chapter 616A, 616B, 616C or 617 of NRS, in which a claimant or other party is entitled to a hearing on the merits, any party to the proceeding may, in the manner prescribed by law and the Nevada Rules of Civil Procedure for taking written interrogatories and depositions in civil actions in courts of record:

(a) Serve upon any other party written interrogatories to be answered by the party served; or

(b) Take the testimony of any person, including a party, by deposition upon oral examination.

Sec. 30. 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 ***, clerical or ministerial*** violation ***.*** ~~[, as defined by regulations adopted by the Division; or]~~ ***In the case of more than one minor, clerical or ministerial violation which is substantially similar across multiple claims, all such violations must be combined into a single finding in a notice of correction. For the purpose of this subparagraph, a violation constitutes a minor, clerical or ministerial violation if the violation does not create a financial impact to an injured employee.***

(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 ***of the same section*** for which a notice of correction has been issued pursuant to paragraph (a); or

(2) Any other violation ***of the same section*** 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]~~ ***more*** than $375 for an initial violation, ***more than $750 for a second violation of the same section, more than $1,500 for a third violation of the same section*** or more than $3,000 ***per violation*** for any ~~[second]~~ ***fourth*** or subsequent violation ~~[.]~~ ***of the same section. If the Administrator determines that a person has fully complied with any plan of correction submitted pursuant to paragraph (c) or that the person has had no violations in the 3 years immediately preceding the date on which a fine is imposed pursuant to this paragraph, the fine must be in the amount for an initial 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 $17,000 and not greater than $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 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 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. 31. NRS 617.401 is hereby amended to read as follows:

617.401 1. The Division shall designate one:

(a) Third-party administrator who has a valid certificate issued by the Commissioner pursuant to NRS 683A.085; or

(b) Insurer, other than a self-insured employer or association of self-insured public or private employers,

➥ to administer claims against the Uninsured Employers' Claim Account. The designation must be made pursuant to reasonable competitive bidding procedures established by the Administrator.

2. Except as otherwise provided in this subsection, an employee may receive compensation from the Uninsured Employers' Claim Account if:

(a) The employee was hired in this State or is regularly employed in this State;

(b) The employee contracts an occupational disease that arose out of and in the course of employment:

(1) In this State; or

(2) While on temporary assignment outside the State for not more than 12 months;

(c) The employee files a claim for compensation with the Division; and

(d) The employee makes an irrevocable assignment to the Division of a right to be subrogated to the rights of the employee pursuant to NRS 616C.215.

➥ An employee who contracts an occupational disease that arose out of and in the course of employment while on temporary assignment outside the State is not entitled to receive compensation from the Uninsured Employers' Claim Account unless the employee has been denied workers' compensation in the state in which the disease was contracted.

3. If the Division receives a claim pursuant to subsection 2, the Division shall immediately notify the employer of the claim.

4. For the purposes of this section and NRS 617.4015, the employer has the burden of proving that the employer provided mandatory coverage for occupational diseases for the employee or that the employer was not required to maintain industrial insurance for the employee.

5. Any employer who has failed to provide mandatory coverage required by the provisions of this chapter is liable for all payments made on behalf of the employer, including, but not limited to, any benefits, administrative costs or attorney's fees paid from the Uninsured Employers' Claim Account or incurred by the Division.

6. The Division:

(a) May recover from the employer the payments made by the Division that are described in subsection 5 and any accrued interest by bringing a civil action or filing an application for the entry of summary judgment pursuant to NRS 617.4015 in a court of

competent jurisdiction. For the purposes of this paragraph, the payments made by the Division that are described in subsection 5 are presumed to be:

(1) Justified by the circumstances of the claim;

(2) Made in accordance with applicable law; and

(3) Reasonable and necessary.

(b) In any civil action or application for the entry of summary judgment filed pursuant to NRS 617.4015 against the employer, is not required to prove that negligent conduct by the employer was the cause of the occupational disease.

(c) May enter into a contract with any person to assist in the collection of any liability of an uninsured employer.

(d) In lieu of a civil action or filing an application for the entry of summary judgment pursuant to NRS 617.4015, may enter into an agreement or settlement regarding the collection of any liability of an uninsured employer.

7. The Division shall:

(a) Determine whether the employer was insured within 30 days after receiving the claim from the employee.

(b) Assign the claim to the third-party administrator or insurer designated pursuant to subsection 1 for administration and payment of compensation.

➥ Upon determining whether the claim is accepted or denied, the designated third-party administrator or insurer shall notify the injured employee, the named employer and the Division of its determination.

8. Upon demonstration of the:

(a) Costs incurred by the designated third-party administrator or insurer to administer the claim or pay compensation to the injured employee; or

(b) Amount that the designated third-party administrator or insurer will pay for administrative expenses or compensation to the injured employee and that such amounts are justified by the circumstances of the claim,

➥ the Division shall authorize payment from the Uninsured Employers' Claim Account.

9. Any party aggrieved by a determination made by the Division regarding the assignment of any claim made pursuant to this section may appeal that determination by filing a notice of appeal with an appeals officer within 30 days after the determination is rendered. The provisions of NRS 616C.345 to 616C.385, inclusive, apply to an appeal filed pursuant to this subsection.

10. Any party aggrieved by a determination to accept or to deny any claim made pursuant to this section or by a determination to pay or to deny the payment of compensation regarding any claim

made pursuant to this section may appeal that determination, within 70 days after the determination is rendered, to the Hearings Division of the Department of Administration in the manner provided by NRS ~~[616C.305 and]~~ 616C.315.

11. All insurers shall bear a proportionate amount of a claim made pursuant to this chapter, and are entitled to a proportionate amount of any collection made pursuant to this section as an offset against future liabilities.

12. An uninsured employer is liable for the interest on any amount paid on his or her claims from the Uninsured Employers' Claim Account. The interest must be calculated at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the claim, plus 3 percent, compounded monthly, from the date the claim is paid from the Account until payment is received by the Division from the employer.

13. Attorney's fees recoverable by the Division pursuant to this section must be:

(a) If a private attorney is retained by the Division, paid at the usual and customary rate for that attorney.

(b) If the attorney is an employee of the Division, paid at the rate established by regulations adopted by the Division.

➥ Any money collected must be deposited to the Uninsured Employers' Claim Account.

14. If the Division has not obtained a civil judgment or an entry of summary judgment pursuant to NRS 617.4015 and the Division assigns a debt that arises under this section to the State Controller for collection pursuant to NRS 353C.195, the State Controller may bring an action in his or her own name in a court of competent jurisdiction to recover any amount that the Division is authorized to recover pursuant to this section.

Sec. 32. NRS 617.405 is hereby amended to read as follows:

617.405 1. No judicial proceedings may be instituted for benefits for an occupational disease under this chapter, unless:

(a) A claim is filed within the time limits prescribed in NRS 617.344; and

(b) A final decision by an appeals officer has been rendered on the claim.

2. Judicial proceedings instituted for benefits for an occupational disease under this chapter are limited to judicial review of that decision.

3. Notwithstanding any other provision of law:

(a) The following requirements, and no others, are mandatory and jurisdictional for a petition for judicial review of the final decision of an appeals officer:

(1) The petition must be filed within 30 days after the date of entry and service of the decision and order of the appeals officer; and

(2) A copy of the decision and order of the appeals officer must be attached to the petition.

(b) Other than the requirements of paragraph (a), a court may excuse any other defect in substance, form, venue or service of a petition for judicial review, and may permit any appropriate amendment or change of venue at any time before the final disposition of the petition.

4. The prevailing party in any judicial proceedings instituted for benefits for an occupational disease shall cause a copy of the final decision issued by the court in the proceedings to be:

(a) Served upon the appeals officer whose final decision was appealed. The appeals officer shall include the copy of the final decision in the administrative record on the matter.

(b) For a prevailing party in the Court of Appeals or Supreme Court, filed in the district court whose final decision was appealed.

Sec. 32.3. The Administrator of the Division of Industrial Relations of the Department of Business and Industry shall adopt the formulary required by section 9.5 of this act on or before July 1, 2027.

Sec. 32.7. Notwithstanding the provisions of section 9.7 of this act, an insurer may, until January 1, 2028, provide reimbursement for a drug that is dispensed to an injured employee after July 1, 2027, if:

1. The injured employee sustained the injury for which a claim was made pursuant to chapters 616A to 617, inclusive, of NRS, on or after January 1, 2027, and on or before July 1, 2027; and

2. The injured employee was originally prescribed the drug in connection with his or her claim on or after January 1, 2027, and on or before July 1, 2027.

Sec. 33. The amendatory provisions of this act apply to any claim pursuant to chapters 616A to 616D, inclusive, or 617 of NRS, which is open, filed or reopened on or after the date of passage and approval of this act.

Sec. 33.5. (Deleted by amendment.)

Sec. 34. NRS 616C.305 and 617.459 are hereby repealed.

Sec. 35. 1. This section and sections 1 to 4.17, inclusive, 4.3 to 9.3, inclusive, 10 to 15, inclusive, 16 to 32.3, inclusive, 33, 33.5 and 34 of this act become effective upon passage and approval.

2. Section 4.2 of this act becomes effective:

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

(b) On October 1, 2026, for all other purposes.

3. Sections 9.5, 9.7, 15.5 and 32.7 of this act become effective:

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

(b) On July 1, 2027, for all other purposes.

TEXT OF REPEALED SECTIONS

616C.305 Procedure for appeal of final determination of organization for managed care which has contracted with insurer.

1. Except as otherwise provided in subsection 3, any person who is aggrieved by a final determination concerning accident benefits made by an organization for managed care which has contracted with an insurer must, within 14 days of the determination and before requesting a resolution of the dispute pursuant to NRS 616C.345 to 616C.385, inclusive, appeal that determination in accordance with the procedure for resolving complaints established by the organization for managed care.

2. The procedure for resolving complaints established by the organization for managed care must be informal and must include, but is not limited to, a review of the appeal by a qualified physician or chiropractic physician who did not make or otherwise participate in making the determination.

3. If a person appeals a final determination pursuant to a procedure for resolving complaints established by an organization for managed care and the dispute is not resolved within 14 days after it is submitted, the person may request a resolution of the dispute pursuant to NRS 616C.345 to 616C.385, inclusive.

617.459 Determination of percentage of disability resulting from heart or lung diseases.

1. The percentage of disability resulting from an occupational disease of the heart or lungs must be determined jointly by the claimant's attending physician and the examining physician designated by the insurer, in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

2. If the claimant's attending physician and the designated examining physician do not agree upon the percentage of disability, they shall designate a physician specializing in the branch of medicine which pertains to the disease in question to make the determination. If they do not agree upon the designation of such a physician, each shall choose one physician so specializing, and two physicians so chosen shall choose a third specialist in that branch. The resulting panel of three physicians shall, by majority vote, determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

㉚

Senate Bill No. 376–Senators Daly and Steinbeck

CHAPTER.....

AN ACT relating to industrial insurance; authorizing an injured employee with a claim for an occupational lung disease or occupational heart disease to seek treatment or services from a physician or chiropractic physician which is not on the panel of physicians and chiropractic physicians maintained by the Administrator of the Division of Industrial Relations of the Department of Business and Industry under certain circumstances; setting forth certain requirements for the reimbursement of the costs for such treatment or services; providing for a penalty for failure to comply with those requirements; authorizing certain notices and other documents required in certain hearings or appeals relating to industrial insurance to be provided by means of an electronic filing system; 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 a result of an occupational injury or occupational disease. (Chapters 616A-616D and 617 of NRS) Existing law provides for the payment of compensation for claims for the occupational diseases of lung disease and heart disease for certain firefighters, arson investigators and police officers. (NRS 617.455, 617.457)

Existing law requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to maintain a panel of physicians and chiropractic physicians to treat the injured employees of certain employers under the Nevada Industrial Insurance Act and the Nevada Occupational Diseases Act. (NRS 616C.087, 616C.090) Existing law authorizes an injured employee to choose a treating physician or chiropractic physician from the panel unless the insurer of the injured employee's employer has entered into certain contracts with an organization for managed care or with providers of health care, in which case the injured employee is required to choose a physician or chiropractic physician in accordance with the provisions of the contract. (NRS 616C.090)

Sections 1, 2 and 4 of this bill provide an exception from those requirements to authorize certain injured employees who have filed a claim for the occupational diseases of lung disease or heart disease to seek treatment or other services from a physician or chiropractic physician of his or her own choice, who meets certain other requirements, if the panel of treating physicians or chiropractic physicians maintained by the Administrator contains fewer than 12 physicians or chiropractic physicians in a discipline or specialization appropriate for the treatment of or the provision of other services related to the occupational disease of the injured employee who are accepting new patients and available to make an appointment within 30 days.

Sections 2, 4.1 and 4.3 of this bill also provide that the injured employee or certain other persons who pay for the treatment or services may seek full reimbursement for the costs of the treatment or services from the employer of the

injured employee or certain other persons who are obligated to provide applicable coverage or benefits to the injured employee by providing a request for reimbursement, which includes certain specified contents. **Section 2** requires a person from whom reimbursement is sought to fully reimburse the requester not later than 30 days after receiving notice of the request for reimbursement. Under **section 2**, if the person fails to fully reimburse the requester within that time, the Administrator is required to order the person to pay to the requester an amount that is equal to two times the amount of the reimbursement which remains unpaid on the date on which the Administrator issues the order.

Sections 3 and 5 of this bill revise provisions of existing law relating to the selection of a treating physician or chiropractic physician to reflect the selection of a physician or chiropractic physician pursuant to **section 2**.

Existing law authorizes an aggrieved party in a contested case relating to industrial insurance to: (1) request a hearing before a hearing officer; and (2) appeal from a decision of a hearing officer or from a determination made by certain parties. (NRS 616C.315, 616C.330, 616C.345, 616C.355) **Sections 4.5, 4.7 and 4.9** of this bill authorize certain notices and other documents required in such hearings and appeals to be provided by means of an electronic filing system that complies with the Nevada Electronic Filing and Conversion Rules adopted by the Nevada Supreme Court.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

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

Section 1. NRS 616B.527 is hereby amended to read as follows:

616B.527 1. A self-insured employer, an association of self-insured public or private employers or a private carrier may:

(a) Except as otherwise provided in NRS 616B.5273, enter into a contract or contracts with one or more organizations for managed care to provide comprehensive medical and health care services to employees for injuries and diseases that are compensable pursuant to chapters 616A to 617, inclusive, of NRS.

(b) Enter into a contract or contracts with providers of health care, including, without limitation, physicians who provide primary care, specialists, pharmacies, physical therapists, radiologists, nurses, diagnostic facilities, laboratories, hospitals and facilities that provide treatment to outpatients, to provide medical and health care services to employees for injuries and diseases that are compensable pursuant to chapters 616A to 617, inclusive, of NRS.

(c) Require employees to obtain medical and health care services for their industrial injuries from those organizations and persons with whom the self-insured employer, association or private carrier has contracted pursuant to paragraphs (a) and (b), or as the

self-insured employer, association or private carrier otherwise prescribes.

(d) Except as otherwise provided in subsection 4 of NRS 616C.090 ~~[,]~~ ***and section 2 of this act,*** require employees to obtain the approval of the self-insured employer, association or private carrier before obtaining medical and health care services for their industrial injuries from a provider of health care who has not been previously approved by the self-insured employer, association or private carrier.

2. An organization for managed care with whom a self-insured employer, association of self-insured public or private employers or a private carrier has contracted pursuant to this section shall comply with the provisions of NRS 616B.528, 616B.5285 and 616B.529.

Sec. 2. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an injured employee has filed a claim pursuant to NRS 617.455 or 617.457 and, at the time the claim is filed, the panel of physicians or chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 12 physicians or chiropractic physicians in a discipline or specialization appropriate for the treatment of or the provision of other services relating to the occupational disease of the injured employee who are accepting new patients and are available to meet with the injured employee within 30 days after the date on which the injured employee first contacts the physician or chiropractic physician to request an appointment, the injured employee may seek treatment or other services related to the occupational disease of the injured employee from a physician or chiropractic physician of his or her choice selected in accordance with subsection 2.

2. An injured employee may select a physician or chiropractic physician of his or her choice pursuant to subsection 1 from a list of all physicians or chiropractic physicians in the relevant discipline or specialization who have entered into a contract with an organization for managed care, under a health benefit plan or otherwise with a health insurer or casualty insurer of the employer of the injured employee, whether or not the physician or chiropractic physician has specifically contracted to provide treatment or other services to employees for injuries and diseases that are compensable pursuant to chapters 616A to 617, inclusive, of NRS, or been previously approved pursuant to NRS 616B.527.

3. If an injured employee seeks treatment or services pursuant to subsection 1, the treatment or services may be paid for

by the injured employee or a health insurer or casualty insurer on behalf of the injured employee.

4. Full reimbursement of the amount paid by:

(a) The injured employee who paid for his or her own treatment or services; or

(b) A health insurer or casualty insurer who paid for treatment or services on behalf of the injured employee,

➥ pursuant to subsection 3 may be sought by the injured employee, health insurer or casualty insurer, as applicable, from the employer of the injured employee or an insurer, organization for managed care or third-party administrator, as applicable, who is obligated to provide applicable coverage or benefits to the injured employee.

5. To seek reimbursement as described in subsection 4, the injured employee, health insurer or casualty insurer must submit a request for reimbursement to the employer of the injured employee or the employer's insurer, organization for managed care or third-party administrator, as applicable. The request for reimbursement must include, without limitation:

(a) The identity of the injured employee for whom the costs of treatment and services was paid.

(b) A description of the treatment and services provided to the injured employee.

(c) The identity of the person who paid for the treatment and services for the injured employee.

(d) The costs of treatment and services for which reimbursement is being requested.

6. Not later than 30 days after receipt of a request for reimbursement submitted pursuant to subsection 5, the employer of the injured employee or the employer's insurer, organization for managed care or third-party administrator, as applicable, from whom reimbursement is sought shall fully reimburse the injured employee, health insurer or casualty insurer, as applicable, who paid for treatment and services on behalf of the injured employee for the amount paid for the treatment or services as set forth in the request for reimbursement.

7. If the Administrator determines that an insurer, organization for managed care or third-party administrator has failed to fully reimburse an injured employee, health insurer or casualty insurer, as applicable, within the time required by subsection 6, the Administrator shall order the insurer, organization for managed care or third-party administrator to pay to the injured employee, health insurer or casualty insurer, as

applicable, an amount equal to two times the amount of reimbursement that remains unpaid on the date on which the Administrator issues the order.

8. Any amount ordered by the Administrator to be paid pursuant to subsection 7 is in addition to any amounts for:

(a) Benefits to which the injured employee is entitled under the claim for the occupational disease set forth in NRS 617.455 or 617.457, as applicable; and

(b) Any fines and penalties imposed by the Administrator pursuant to NRS 616D.120.

9. As used in this section:

(a) "Casualty insurer" means an insurer or other organization providing coverage or benefits under a policy or contract of casualty insurance in the manner described in subsection 2 of NRS 681A.020.

(b) "Health benefit plan" means any type of policy, contract, agreement or plan providing health coverage or benefits in accordance with state or federal law.

(c) "Health insurer" means an insurer or other organization providing health coverage or benefits in accordance with state or federal law.

Sec. 3. NRS 616C.050 is hereby amended to read as follows:

616C.050 1. An insurer shall provide to each claimant:

(a) Upon written request, one copy of any medical information concerning the claimant's injury or illness.

(b) A statement which contains information concerning the claimant's right to:

(1) Receive the information and forms necessary to file a claim;

(2) Select a treating physician or chiropractic physician and an alternative treating physician or chiropractic physician in accordance with the provisions of NRS 616C.090 ~~[.]~~ ***and section 2 of this act;***

(3) Request the appointment of the Nevada Attorney for Injured Workers to represent the claimant before the appeals officer;

(4) File a complaint with the Administrator;

(5) When applicable, receive compensation for:

(I) Permanent total disability;

(II) Temporary total disability;

(III) Permanent partial disability;

(IV) Temporary partial disability;

(V) All medical costs related to the claimant's injury or disease; or

(VI) The hours the claimant is absent from the place of employment to receive medical treatment pursuant to NRS 616C.477;

(6) Receive services for rehabilitation if the claimant's injury prevents him or her from returning to gainful employment;

(7) Review by a hearing officer of any determination or rejection of a claim by the insurer within the time specified by statute; and

(8) Judicial review of any final decision within the time specified by statute.

2. The insurer's statement must include a copy of the form designed by the Administrator pursuant to subsection 12 of NRS 616C.090 that notifies injured employees of their right to select an alternative treating physician or chiropractic physician. The Administrator shall adopt regulations for the manner of compliance by an insurer with the other provisions of subsection 1.

Sec. 4. NRS 616C.090 is hereby amended to read as follows:

616C.090 1. The Administrator shall establish, maintain and update not less frequently than annually on or before July 1 of each year, a panel of physicians and chiropractic physicians who have demonstrated special competence and interest in industrial health to treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS. The Administrator shall maintain the following information relating to each physician and chiropractic physician on the panel:

(a) The name of the physician or chiropractic physician.

(b) The title or degree of the physician or chiropractic physician.

(c) The legal name of the practice of the physician or chiropractic physician and the name under which the practice does business.

(d) The street address of the location of every office of the physician or chiropractic physician.

(e) The telephone number of every office of the physician or chiropractic physician.

(f) Every discipline and specialization practiced by the physician or chiropractic physician.

(g) Every condition and part of the body which the physician or chiropractic physician will treat.

2. Every employer whose insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 shall maintain a list of those physicians and chiropractic physicians on the panel who are reasonably accessible to his or her employees.

3. ~~[An]~~ ***Except as otherwise provided in section 2 of this act, an*** injured employee whose employer's insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 may choose a treating physician or chiropractic physician from the panel of physicians and chiropractic physicians. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician from the panel if the choice is made within 90 days after his or her injury. The insurer shall notify the first physician or chiropractic physician in writing. The notice must be postmarked within 3 working days after the insurer receives knowledge of the change. The first physician or chiropractic physician must be reimbursed only for the services the physician or chiropractic physician, as applicable, rendered to the injured employee up to and including the date of notification. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is on the panel. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list.

4. ~~[An]~~ ***Except as otherwise provided in section 2 of this act, an*** injured employee whose employer's insurer has entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 must choose a treating physician or chiropractic physician pursuant to the terms of that contract. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract without the approval of the insurer if the choice is made within 90 days after his or her injury. Except as otherwise provided in this subsection,

any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. If the injured employee, after choosing a treating physician or chiropractic physician, moves to a county which is not served by the organization for managed care or providers of health care named in the contract and the insurer determines that it is impractical for the injured employee to continue treatment with the physician or chiropractic physician, the injured employee must choose a treating physician or chiropractic physician who has agreed to the terms of that contract unless the insurer authorizes the injured employee to choose another physician or chiropractic physician. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is available pursuant to the terms of the contract with the organization for managed care or with providers of health care pursuant to NRS 616B.527, as appropriate. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list. If the employee fails to select a physician or chiropractic physician, the insurer may select a physician or chiropractic physician with that specialization. If a physician or chiropractic physician with that specialization is not available pursuant to the terms of the contract, the organization for managed care or the provider of health care may select a physician or chiropractic physician with that specialization.

5. If the injured employee is not satisfied with the physician or chiropractic physician selected by himself or herself or by the insurer, the organization for managed care or the provider of health care pursuant to subsection 4, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract. A change in the treating physician or chiropractic physician may be made at any time but is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If no action is taken on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or

chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the insurer denies a request for a change in the treating physician or chiropractic physician under this subsection, the insurer must include in a written notice of denial to the injured employee the specific reason for the denial of the request.

6. Except when emergency medical care is required and except as otherwise provided in NRS 616C.055, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractic physician or other person selected by the injured employee in disregard of the provisions of this section or for any compensation for any aggravation of the injured employee's injury attributable to improper treatments by such physician, chiropractic physician or other person.

7. The Administrator may order necessary changes in a panel of physicians and chiropractic physicians and shall:

(a) Suspend or remove any physician or chiropractic physician from a panel for good cause shown in accordance with NRS 616C.087; and

(b) Remove from being included on a panel as a practitioner of a discipline or specialization any physician or chiropractic physician who does not accept and treat injured employees for industrial injuries or occupational diseases in that discipline or specialization.

8. Any interested person may notify the Administrator, on a form prescribed by the Administrator, if the person believes that a physician or chiropractic physician does not accept and treat injured employees:

(a) Under chapters 616A to 616D, inclusive, or chapter 617 of NRS for industrial injuries or occupational diseases; or

(b) For industrial injuries or occupational diseases in a discipline or specialization for which the physician or chiropractic physician is included on a panel of physicians and chiropractic physicians maintained by the Administrator pursuant to this section.

9. If the Administrator receives notice pursuant to subsection 8, the Administrator shall:

(a) Conduct an investigation to determine whether the physician or chiropractic physician may remain on the panel for a discipline or specialization; and

(b) Publish or cause to be published on the Internet website of the Division not later than 90 days after receiving the notice the results of the investigation.

10. A physician or chiropractic physician who is removed from a panel as a practitioner of a discipline or specialization pursuant to paragraph (b) of subsection 7 may request, on a form prescribed by the Administrator, to be reinstated on a panel for that discipline or specialization if the physician or chiropractic physician demonstrates to the satisfaction of the Administrator that he or she accepts and treats injured employees for that discipline or specialization.

11. An injured employee may receive treatment by more than one physician or chiropractic physician:

(a) If the insurer provides written authorization for such treatment; or

(b) By order of a hearing officer or appeals officer.

12. The Administrator shall design a form that notifies injured employees of their right pursuant to subsections 3, 4 and 5 to select an alternative treating physician or chiropractic physician and make the form available to insurers for distribution pursuant to subsection 2 of NRS 616C.050.

Sec. 4.1. NRS 616C.135 is hereby amended to read as follows:

616C.135 1. ~~[~~A~~]~~ ***Except as otherwise provided in section 2 of this act, a*** provider of health care who accepts a patient as a referral for the treatment of an industrial injury or an occupational disease may not charge the patient for any treatment related to the industrial injury or occupational disease, but must charge the insurer. The provider of health care may charge the patient for any services that are not related to the employee's industrial injury or occupational disease.

2. The insurer is liable for the charges for approved services related to the industrial injury or occupational disease if the charges do not exceed:

(a) ~~[~~The~~]~~ ***Except as otherwise provided in section 2 of this act, the*** fees established in accordance with NRS 616C.260 or the usual fee charged by that person or institution, whichever is less; and

(b) The charges provided for by the contract between the provider of health care and the insurer or the contract between the provider of health care and the organization for managed care.

3. A provider of health care may accept payment from an injured employee or from a health or casualty insurer paying on behalf of the injured employee pursuant to NRS 616C.138 for treatment or other services that the injured employee alleges are related to the industrial injury or occupational disease.

4. If a provider of health care, an organization for managed care, an insurer or an employer violates the provisions of this

section, the Administrator shall impose an administrative fine of not more than $250 for each violation.

Sec. 4.3. NRS 616C.138 is hereby amended to read as follows:

616C.138 1. Except as otherwise provided in this section ~~[,]~~ ***and section 2 of this act,*** if a provider of health care provides treatment or other services that an injured employee alleges are related to an industrial injury or occupational disease and an insurer, an organization for managed care, a third-party administrator or an employer who provides accident benefits for injured employees pursuant to NRS 616C.265 denies authorization or responsibility for payment for the treatment or other services, the provider of health care is entitled to be paid for the treatment or other services as follows:

(a) If the treatment or other services will be paid by a health insurer which has a contract with the provider of health care under a health benefit plan that covers the injured employee, the provider of health care is entitled to be paid the amount that is allowed for the treatment or other services under that contract.

(b) If the treatment or other services will be paid by a health insurer which does not have a contract with the provider of health care as set forth in paragraph (a) or by a casualty insurer or the injured employee, the provider of health care is entitled to be paid not more than:

(1) The amount which is allowed for the treatment or other services set forth in the schedule of fees and charges established pursuant to NRS 616C.260; or

(2) If the insurer which denied authorization or responsibility for the payment has contracted with an organization for managed care or with providers of health care pursuant to NRS 616B.527, the amount that is allowed for the treatment or other services under that contract.

2. The provisions of subsection 1:

(a) Apply only to treatment or other services provided by the provider of health care before the date on which the insurer, organization for managed care, third-party administrator or employer who provides accident benefits first denies authorization or responsibility for payments for the alleged industrial injury or occupational disease.

(b) Do not apply to a provider of health care that is a hospital as defined in NRS 439B.110. The provisions of this paragraph do not exempt the provider of health care from complying with the provisions of subsections 3 and 7.

3. If:

(a) The injured employee pays for the treatment or other services or a health or casualty insurer pays for the treatment or other services on behalf of the injured employee;

(b) The injured employee requests a hearing before a hearing officer or appeals officer regarding the denial of coverage; and

(c) The hearing officer or appeals officer ultimately determines that the treatment or other services should have been covered, or the insurer, organization for managed care, third-party administrator or employer who provides accident benefits subsequently accepts responsibility for payment,

➥ the hearing officer or appeals officer shall order the insurer, organization for managed care, third-party administrator or employer who provides accident benefits to pay to the injured employee or the health or casualty insurer the amount which the injured employee or the health or casualty insurer paid that is allowed for the treatment or other services set forth in the schedule of fees and charges established pursuant to NRS 616C.260 or, if the insurer has contracted with an organization for managed care or with providers of health care pursuant to NRS 616B.527, the amount that is allowed for the treatment or other services under that contract.

4. If:

(a) A hearing officer, appeals officer or district court issues an order or otherwise renders a decision requiring an insurer, organization for managed care, third-party administrator or employer to pay for treatment or other services provided to an injured employee;

(b) The insurer, organization for managed care, third-party administrator or employer appeals the order or decision, but is unable to obtain a stay of the order or decision;

(c) Payment for the treatment or other services provided to the injured employee is made by the insurer, organization for managed care, third-party administrator or employer during the period between the date of the issuance of the order or decision and the date of the final resolution of the appeal; and

(d) The appeal is subsequently resolved in favor of the insurer, organization for managed care, third-party administrator or employer,

➥ the insurer, organization for managed care, third-party administrator or employer may recover from any health or casualty insurer of the injured employee an amount calculated pursuant to subsection 5. Any recovery from a health or casualty insurer pursuant to this subsection is subject to the exclusions and

limitations of the policy of health or casualty insurance covering the injured employee that relate to the diseases set forth in NRS 617.453, 617.455 and 617.457.

5. An insurer, organization for managed care, third-party administrator or employer entitled to recover for an amount paid during the pendency of an appeal pursuant to subsection 4, may recover from a health or casualty insurer of the injured employee the lesser of:

(a) The amount actually paid by the insurer, organization for managed care, third-party administrator or employer during the period between the issuance of the order and the final resolution of the appeal;

(b) The amount established for the treatment or services provided to the injured employee pursuant to NRS 616C.260 or the usual fee charged by the provider of health care, whichever is less;

(c) The amount provided for the treatment or services provided to the injured employee on an in-network basis if there is a contract between the provider of health care and the health or casualty insurer of the injured employee and the treatment or services are covered under the terms of the policy of health or casualty insurance covering the employee; or

(d) The amount provided for the treatment or services provided to the injured employee on an out-of-network basis pursuant to the terms of the policy of health or casualty insurance covering the injured employee if there is not a contract between the provider of health care and the health or casualty insurer of the injured employee.

6. If an insurer, organization for managed care, third-party administrator or employer is entitled to recover for an amount paid during the pendency of an appeal pursuant to subsection 4, upon a final resolution of the appeal in favor of the insurer, organization for managed care, third-party administrator or employer, the hearing officer, appeals officer or district court shall order the injured employee to provide to the insurer, organization for managed care, third-party administrator or employer:

(a) Any documentation in the possession of the injured employee related to any policy of health or casualty insurance which may have provided coverage to the injured employee for treatment or other services provided to the injured employee; and

(b) The identity and contact information of the insurer providing such health or casualty insurance.

7. If the injured employee or the health or casualty insurer paid the provider of health care any amount in excess of the amount that

the provider would have been entitled to be paid pursuant to this section, the injured employee or the health or casualty insurer is entitled to recover the excess amount from the provider. Within 30 days after receiving notice of such an excess amount, the provider of health care shall reimburse the injured employee or the health or casualty insurer for the excess amount.

8. As used in this section:

(a) "Casualty insurer" means any insurer or other organization providing coverage or benefits under a policy or contract of casualty insurance in the manner described in subsection 2 of NRS 681A.020.

(b) "Health benefit plan" means any type of policy, contract, agreement or plan providing health coverage or benefits in accordance with state or federal law.

(c) "Health insurer" means any insurer or other organization providing health coverage or benefits in accordance with state or federal law.

Sec. 4.5. NRS 616C.330 is hereby amended to read as follows:

616C.330 1. The hearing officer shall:

(a) Except as otherwise provided in subsection 2 of NRS 616C.315, within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his or her receipt of the request at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the hearing officer;

(b) Give notice by mail ***,*** ~~[or]~~ by personal service ***or by means of an electronic filing system that complies with the Nevada Electronic Filing and Conversion Rules adopted by the Nevada Supreme Court*** to all interested parties to the hearing at least 15 days before the date and time scheduled; and

(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada Attorney for Injured Workers.

3. If necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied, the hearing officer may order an independent medical examination, which must not involve treatment, and refer the employee to a physician or chiropractic physician of his or her choice who has

demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractic physician is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician or chiropractic physician. The rating physician or chiropractic physician must be selected at random from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician or chiropractic physician. The insurer shall pay the costs of any medical examination requested by the hearing officer.

4. The hearing officer may consider the opinion of an examining physician, chiropractic physician, physician assistant or advanced practice registered nurse, in addition to the opinion of an authorized treating physician, chiropractic physician, physician assistant or advanced practice registered nurse, in determining the compensation payable to the injured employee.

5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the hearing officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractic physician for such service, whichever is less.

6. The hearing officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

7. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.

8. The hearing officer shall render his or her decision within 15 days after:

(a) The hearing; or

(b) The hearing officer receives a copy of the report from the medical examination the hearing officer requested.

9. The hearing officer shall render a decision in the most efficient format developed by the Chief of the Hearings Division of the Department of Administration.

10. The hearing officer shall give notice of the decision to each party by mail ~~[.]~~ ***or by means of an electronic filing system that complies with the Nevada Electronic Filing and Conversion Rules adopted by the Nevada Supreme Court.*** The hearing officer shall include with the notice of the decision the necessary forms for appealing from the decision.

11. Except as otherwise provided in NRS 616C.380, the decision of the hearing officer is not stayed if an appeal from that decision is taken unless an application for a stay is submitted by a party. If such an application is submitted, the decision is automatically stayed until a determination is made on the application. A determination on the application must be made within 30 days after the filing of the application. If, after reviewing the application, a stay is not granted by the hearing officer or an appeals officer, the decision must be complied with within 10 days after the refusal to grant a stay.

12. References to a physician assistant and an advanced practice registered nurse in this section are for the purposes of the examination and treatment of an injured employee which are authorized to be provided by a physician assistant or advanced practice registered nurse in the exclusive context of an initial examination and treatment pursuant to NRS 616C.010.

Sec. 4.7. NRS 616C.345 is hereby amended to read as follows:

616C.345 1. Any party aggrieved by a decision of the hearing officer relating to a claim for compensation may appeal from the decision by, except as otherwise provided in subsections 9, 10 and 11, filing a notice of appeal with an appeals officer within 30 days after the date of the decision.

2. A claimant aggrieved by a written determination of the denial of a claim, in whole or in part, by an insurer, or the failure of an insurer to respond in writing within 30 days to a written request of the claimant mailed to the insurer, concerning a claim arising from the provisions of NRS 617.453, 617.455, 617.457, 617.485 or 617.487 may file a notice of a contested claim with an appeals officer. The notice must include the information required pursuant to subsection 3 and, except as otherwise provided in subsections 9 to 12, inclusive, must be filed within 70 days after the date on which the notice of the insurer's determination was mailed or, if requested by the claimant or the person acting on behalf of the claimant, sent by facsimile or other electronic transmission the proof of sending and receipt of which is readily verifiable by the insurer or the unanswered written request was mailed to the insurer, as applicable. The failure of an insurer to respond in writing to a written request

for a determination within 30 days after receipt of such a request shall be deemed by the appeals officer to be a denial of the request. The insurer shall provide, without cost, the forms necessary to file a notice of a contested claim to any person who requests them.

3. A hearing must not be scheduled until the following information is provided to the appeals officer:

(a) The name of:

(1) The claimant;

(2) The employer; and

(3) The insurer or third-party administrator;

(b) The number of the claim; and

(c) If applicable, a copy of the letter of determination being appealed or, if such a copy is unavailable, the date of the determination and the issues stated in the determination.

4. If a dispute is required to be submitted to a procedure for resolving complaints pursuant to NRS 616C.305 and:

(a) A final determination was rendered pursuant to that procedure; or

(b) The dispute was not resolved pursuant to that procedure within 14 days after it was submitted,

➥ any party to the dispute may, except as otherwise provided in subsections 9 to 12, inclusive, file a notice of appeal within 70 days after the date on which the final determination was mailed to the employee, or the dependent of the employee, or the unanswered request for resolution was submitted. Failure to render a written determination within 30 days after receipt of such a request shall be deemed by the appeals officer to be a denial of the request.

5. Except as otherwise provided in NRS 616C.380, the filing of a notice of appeal does not automatically stay the enforcement of the decision of a hearing officer or a determination rendered pursuant to NRS 616C.305. The appeals officer may order a stay, when appropriate, upon the application of a party. If such an application is submitted, the decision is automatically stayed until a determination is made concerning the application. A determination on the application must be made within 30 days after the filing of the application. If a stay is not granted by the officer after reviewing the application, the decision must be complied with within 10 days after the date of the refusal to grant a stay.

6. Except as otherwise provided in subsections 3 and 7, within 10 days after receiving a notice of appeal pursuant to this section or NRS 616C.220, 616D.140 or 617.401, or within 10 days after receiving a notice of a contested claim pursuant to subsection 7 of NRS 616C.315, the appeals officer shall:

(a) Schedule a hearing on the merits of the appeal or contested claim for a date and time within 90 days after receipt of the notice at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the appeals officer; and

(b) Give notice by mail ***,*** ~~[or]~~ by personal service ***or by means of an electronic filing system that complies with the Nevada Electronic Filing and Conversion Rules adopted by the Nevada Supreme Court*** to all parties to the matter and their attorneys or agents at least 30 days before the date and time scheduled.

7. Except as otherwise provided in subsection 13, a request to schedule the hearing for a date and time which is:

(a) Within 60 days after the receipt of the notice of appeal or contested claim; or

(b) More than 90 days after the receipt of the notice or claim,

➥ may be submitted to the appeals officer only if all parties to the appeal or contested claim agree to the request.

8. An appeal or contested claim may be continued upon written stipulation of all parties, or upon good cause shown.

9. The period specified in subsection 1, 2 or 4 within which a notice of appeal or a notice of a contested claim must be filed may be extended for an additional 90 days if the person aggrieved shows by a preponderance of the evidence that the person was diagnosed with a terminal illness or was informed of the death or diagnosis of a terminal illness of the person's spouse, parent or child.

10. The period specified in subsection 2 within which a notice of appeal or a notice of a contested claim must be filed may be tolled if the insurer fails to mail or, if requested by the claimant or the person acting on behalf of the claimant, send a determination by facsimile or other electronic transmission the proof of sending and receipt of which is readily verifiable.

11. Failure to file a notice of appeal within the period specified in subsection 1 or 4 may be excused if the party aggrieved shows by a preponderance of the evidence that he or she did not receive the notice of the determination and the forms necessary to appeal the determination. The claimant, employer or insurer shall notify the hearing officer of a change of address.

12. Failure to file a notice of a contested claim within the period specified in subsection 2 may be excused if the claimant shows by a preponderance of the evidence that he or she did not receive the notice of the determination and the forms necessary to

file the notice. The claimant or employer shall notify the insurer of a change of address.

13. Within 10 days after receiving a notice of a contested claim pursuant to subsection 2, the appeals officer shall:

(a) Schedule a hearing on the merits of the contested claim for a date and time within 60 days after his or her receipt of the notice at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the appeals officer; and

(b) Give notice by mail ***,*** ~~[or]~~ by personal service ***or by means of an electronic filing system that complies with the Nevada Electronic Filing and Conversion Rules adopted by the Nevada Supreme Court*** to all parties to the matter and their attorneys or agents within 10 days after scheduling the hearing.

➥ The scheduled date must allow sufficient time for full disclosure, exchange and examination of medical and other relevant information. A party may not introduce information at the hearing which was not previously disclosed to the other parties unless all parties agree to the introduction.

Sec. 4.9. NRS 616C.355 is hereby amended to read as follows:

616C.355 At any time 10 or more days before a scheduled hearing before an appeals officer, the Administrator or the Administrator's designee, a party shall mail ***,*** ~~[or]~~ deliver ***by personal service or deliver by means of an electronic filing system that complies with the Nevada Electronic Filing and Conversion Rules adopted by the Nevada Supreme Court,*** to the opposing party any affidavit or declaration which the party proposes to introduce into evidence and notice to the effect that unless the opposing party, within 7 days after the mailing or delivery of such affidavit or declaration, mails or delivers to the proponent a request to cross-examine the affiant or declarant, the opposing party's right to cross-examine the affiant or declarant is waived and the affidavit or declaration, if introduced into evidence, will have the same effect as if the affiant or declarant had given sworn testimony before the appeals officer, the Administrator or the Administrator's designee.

Sec. 5. NRS 616C.475 is hereby amended to read as follows:

616C.475 1. Except as otherwise provided in this section, NRS 616C.175 and 616C.390, every employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by accident arising out of and in the course of employment, or his or her dependents, is entitled to

receive for the period of temporary total disability, 66 2/3 percent of the average monthly wage.

2. Except as otherwise provided in NRS 616B.028 and 616B.029, an injured employee or his or her dependents are not entitled to accrue or be paid any benefits for a temporary total disability during the time the injured employee is incarcerated. The injured employee or his or her dependents are entitled to receive such benefits when the injured employee is released from incarceration if the injured employee is certified as temporarily totally disabled by a physician or chiropractic physician.

3. If a claim for the period of temporary total disability is allowed, the first payment pursuant to this section must be issued by the insurer within 14 working days after receipt of the initial certification of disability and regularly thereafter.

4. Any increase in compensation and benefits effected by the amendment of subsection 1 is not retroactive.

5. Payments for a temporary total disability must cease when:

(a) A physician or chiropractic physician determines that the employee is physically capable of any gainful employment for which the employee is suited, after giving consideration to the employee's education, training and experience;

(b) The employer offers the employee light-duty employment or employment that is modified according to the limitations or restrictions imposed by a physician or chiropractic physician pursuant to subsection 7; or

(c) Except as otherwise provided in NRS 616B.028 and 616B.029, the employee is incarcerated.

6. Each insurer may, with each check that it issues to an injured employee for a temporary total disability, include a form approved by the Division for the injured employee to request continued compensation for the temporary total disability.

7. A certification of disability issued by a physician or chiropractic physician must:

(a) Include the period of disability and a description of any physical limitations or restrictions imposed upon the work of the employee;

(b) Specify whether the limitations or restrictions are permanent or temporary; and

(c) Be signed by the treating physician or chiropractic physician authorized pursuant to NRS 616B.527 or appropriately chosen pursuant to subsection 4 or 5 of NRS 616C.090 ~~[.]~~ ***or section 2 of this act.***

8. If the certification of disability specifies that the physical limitations or restrictions are temporary, the employer of the employee at the time of the employee's accident may offer temporary, light-duty employment to the employee. If the employer makes such an offer, the employer shall confirm the offer in writing within 10 days after making the offer. The making, acceptance or rejection of an offer of temporary, light-duty employment pursuant to this subsection does not affect the eligibility of the employee to receive vocational rehabilitation services, including compensation, and does not exempt the employer from complying with NRS 616C.545 to 616C.575, inclusive, and 616C.590 or the regulations adopted by the Division governing vocational rehabilitation services. Any offer of temporary, light-duty employment made by the employer must specify a position that:

(a) Is substantially similar to the employee's position at the time of his or her injury in relation to the location of the employment and the hours the employee is required to work;

(b) Provides a gross wage that is:

(1) If the position is in the same classification of employment, equal to the gross wage the employee was earning at the time of his or her injury; or

(2) If the position is not in the same classification of employment, substantially similar to the gross wage the employee was earning at the time of his or her injury; and

(c) Has the same employment benefits as the position of the employee at the time of his or her injury.

Sec. 6. The amendatory provisions of this act apply prospectively with regard to any claim filed pursuant to chapters 616A to 616D, inclusive, or 617 of NRS which is filed on or after October 1, 2025.

20 ~~~~ 25

Truckee Meadows Water Authority

STAFF REPORT

TO: Board of Directors
THRU: John R. Zimmerman
FROM: Justina Caviglia, Board Counsel
DATE: June 10, 2025
SUBJECT: **Discussion and action on nomination and election of Chair and Vice Chair and request for Board adoption of Resolution No. 336 appointing a Chair and Vice Chair for Fiscal Year 2026**

The Cooperative Agreement forming TMWA requires the Board to appoint a Chair and Vice Chair to serve one year terms coinciding with the fiscal year. In 2023, the bylaws were amended to provide that the Chair and Vice Chair are to be selected on a rotating basis among the three member entities so a member from each entity has an opportunity to be Chair and Vice-Chair.

Said appointments would take effect July 1, 2025 and continue through June 30, 2026.

TRUCKEE MEADOWS WATER AUTHORITY

RESOLUTION NO. 336

A RESOLUTION TO APPOINT OFFICERS

WHEREAS, pursuant to the Truckee Meadows Water Authority Cooperative Agreement among the City of Reno, City of Sparks, and County of Washoe, the Board of Directors is required to appoint a chair and a vice chair from its membership; and

WHEREAS, the officers appointed are to hold office for a period of one year commencing the first day of each fiscal year; and

WHEREAS, the last day of the current fiscal year is June 30, 2025, and the terms of the current officers will expire as of that date,

NOW, THEREFORE, BE IT RESOLVED that the Board hereby appoints:

_____ to serve as its chair for the fiscal year beginning July 1, 2025.

Upon motion of _____, second by _____, the foregoing Resolution was passed and adopted June 18, 2025, by the following vote of the Board:

Ayes: _____
Nays: _____

Abstain: _____
Absent: _____

and

_____ to serve as its vice-chair for the fiscal year beginning July 1, 2025.

Upon motion of _____, second by _____, the foregoing Resolution was passed and adopted June 18, 2025 by the following vote of the Board:

Ayes: _____
Nays: _____
Abstain: _____
Absent: _____

Approved June 18, 2025

_____
Chair
Truckee Meadows Water Authority

Truckee Meadows Water Authority

STAFF REPORT

TO: Board of Directors
FROM: John R. Zimmerman, General Manager
DATE: June 9, 2025
SUBJECT: **General Manager's Report**

Attached please find the written reports from the Management team including the Operations Report ***(Attachment A)***, the Water Resource and the Annexation Activity Report ***(Attachment B)***, and the Customer Services Report ***(Attachment C).***

Also, listed below are news clippings from May 14, 2025 through June 10, 2025:

- 05/14/24 AWWA Statement from AWWA and AMWA on EPA'S PFAS Drinking Water Standard announcement
- 05/15/25 KOLO TMWA reacts to EPA Revisions on 'Forever Chemicals' in Drinking Water
- 05/15/25 ThisisReno Opinion: Public Urged to Support Lake Tahoe Conservation Study
- 05/15/25 CBS EPA Plans on Weakening Efforts on PFAS Regulations
- 05/16/25 DRI DRI Holds water Panel at Nevada State Legislature
- 05/25/25 Water Finance & Management Report: Non-revenue water costs U.S. utilities $6.4 billion annually
- 05/26/25 NewsLV3 Lake Mead Water Levels to Hit Near Record Lows Amid Ongoing Drought
- 05/29/25 Nevada Indy Will a $7600 Price Tag Derail a Bill to Better Track Utility Shutoffs in Nevada?
- 06/04/25 ThisisReno TMWA Encourages Smart Water Use
- 06/04/25 KTVN TMWA Reminds Residents to Follow Assigned Watering Schedule
- 06/05/25 Nevada Indy Enviro, Energy Bills Await Lombardo's Signature
- 06/06/25 KTVN Too dangerous to visit: 30-foot boiling water 'geyser' erupts in South Reno
- 06/06/25 The Guardian 'Tastes like water': how a US facility is recycling sewage to drink
- 06/09/25 NPR Water scarcity has some cities turning to sewage as a solution
- 06/09/25 Geek Wire Amazon increasingly turns to wastewater to cool its cloud
- 06/10/25 Tahoe Pyramid Trail June 2025 Newsletter

Truckee Meadows Water Authority

STAFF REPORT

TO: Board of Directors
THRU: John R. Zimmerman, General Manager
FROM: Kara Steeland, Sr. Hydrologist & Watershed Coordinator
DATE: June 6, 2025
SUBJECT: **June 2025 Water Operations Report**

Summary

- The Sierra Nevada had its third above average winter in a row.
- The water supply outlook for the region is excellent.
- Truckee River reservoir storage is at 89% of maximum capacity system wide.
- There will be normal Truckee River flows through 2025 and into 2026.
- Hydroelectric generation for the month of May was $386,107 (5,009 MWh).

Water Supply

River Flows – Truckee River discharge at the CA/NV state line was 1,040 on the morning of June 6, 2025.

Reservoir Storage - Overall, Truckee River reservoir storage is 89% of capacity. The elevation of Lake Tahoe is currently 6,228.5 feet which is 0.6 feet below the maximum legal elevation of 6,229.1 feet. Storage values for each reservoir as of June 6, 2025 are as follows:

Reservoir	Current Storage (Acre-Feet)	% Capacity
Tahoe	647,480	90%
Boca	36,839	90%
Stampede	188,012	83%
Prosser	30,039	100%
Donner	9,478	99%
Independence	17,496	99%

In addition to the 26,974 acre-feet of storage between Donner and Independence Reservoirs, TMWA also has 13,811 acre-feet of water stored in Stampede and Boca Reservoirs under the terms of TROA. TMWA's total combined upstream reservoir storage as of June 6, 2025 is approximately 40,785 acre-feet.

Outlook – Normal Truckee River flows are projected for the remainder of 2025 and well into 2026.

Water Production

Demand - Customer demand averaged about 93 MGD in the beginning of June. Surface water made up about 81% of overall supply and groundwater pumping the other 19%.

Hydroelectric Production

Generation - The median Truckee River flow at Farad (CA/NV state line) for the month of May was 957 cubic feet per second. All three of TMWA's hydropower plants were online and 100% available during the month.

Plant	Generation Days	% Availability	Generation (Megawatt Hours)	Revenue (Dollars)	Revenue (Dollars/Day)
Fleish	31	100%	1,840	$143,014	$4,613
Verdi	31	100%	1,676	$129,128	$4,165
Washoe	31	100%	1,492	$113,964	$3,676
Totals	**-**	**-**	**5,009**	**$386,107**	**$12,454**

Truckee Meadows Water Authority

STAFF REPORT

TO: Chair and Board Members
THRU: John R. Zimmerman, General Manager
FROM: Eddy Quaglieri, Natural Resources Manager
DATE: June 6, 2025
SUBJECT: **Water Resources and Annexation Activity Report**

RULE 7

Rule 7 water resource purchases and will-serve commitment sales against purchased water resources through this reporting period:

Beginning Balance		3,168.59 AF
Purchases of water rights	4.68 AF	
Refunds	0.00 AF	
Sales	-9.41 AF	
Adjustments	0.00 AF	
Ending Balance		3,163.86 AF

Price per acre foot at report date: $8,200 per AF

FISH SPRINGS RANCH, LLC GROUNDWATER RESOURCES

Through the merger of Washoe County's water utility, TMWA assumed a Water Banking and Trust Agreement with Fish Springs Ranch, LLC, a subsidiary of Vidler. Under the Agreement, TMWA holds record title to the groundwater rights for the benefit of Fish Springs. Fish Springs may sell and assign its interest in these groundwater rights to third parties for dedication to TMWA for a will-serve commitment in Areas where TMWA can deliver groundwater from the Fish Springs groundwater basin. Currently, TMWA can deliver Fish Springs groundwater to Area 10 only (Stead-Silver Lake-Lemmon Valley). The following is a summary of Fish Springs' resources.

Beginning Balance		7,347.40 AF
Committed water rights	5.45 AF	
Ending Balance		7,341.95 AF

Price per acre foot at report date: $47,218 (SFR and MFR); $40,960 (for all other services)[1]

[1] Price reflects avoided cost of Truckee River water right related fees and TMWA Supply & Treatment WSF charge.

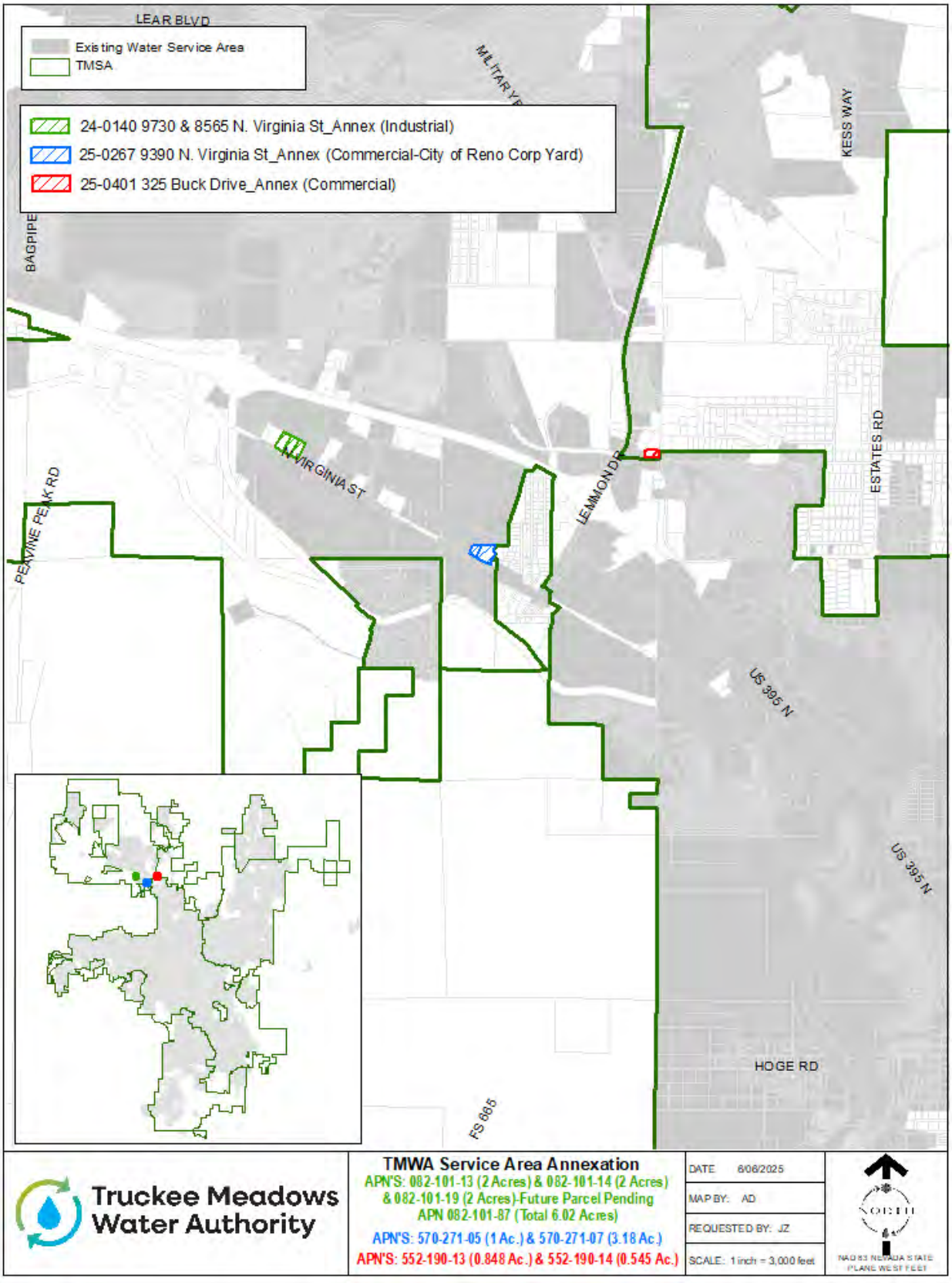
WATER SERVICE AREA ANNEXATIONS

Since the date of the last report, there have been 11.6 acres annexed into TMWA's service area.

INTERRUPTIBLE LARGE VOLUME NON-POTABLE SERVICE

No new ILVNPS customers have been added during this reporting period.

EXHIBIT "A"


LEAR BLVD
Existing Water Service Area
TMSA
24-0140 9730 & 8565 N. Virginia St_Annex (Industrial)
25-0267 9390 N. Virginia St_Annex (Commercial-City of Reno Corp Yard)
25-0401 325 Buck Drive_Annex (Commercial)
MILITARY R
KESS WAY
BAGPIPE
VIRGINIA ST
PEAVINE PEAK RD
LEMMON DR
ESTATES RD
US 395 N
US 395 N
HOGE RD
FS 685
Truckee Meadows Water Authority
TMWA Service Area Annexation
APN'S: 082-101-13 (2 Acres) & 082-101-14 (2 Acres) & 082-101-19 (2 Acres)-Future Parcel Pending
APN 082-101-87 (Total 6.02 Acres)
APN'S: 570-271-05 (1 Ac.) & 570-271-07 (3.18 Ac.)
APN'S: 552-190-13 (0.848 Ac.) & 552-190-14 (0.545 Ac.)
DATE 6/06/2025
MAP BY: AD
REQUESTED BY: JZ
SCALE: 1 inch = 3,000 feet
NAD 83 NEVADA STATE PLANE WEST FEET

Truckee Meadows Water Authority

STAFF REPORT

TO: Board of Directors
THRU: John R. Zimmerman, General Manager
FROM: Marci Westlake, Manager Customer Service
DATE: June 18, 2025
SUBJECT: **May Customer Service Report**

The following is a summary of Customer Service activity for May 2025

Ombudsman Report – Kim Mazeres

- Customer was disconnected. Claimed he was not notified. When I called the customer back, he stated everything was handled by the office and was very grateful for the call.
- Customer was disconnected after paying what was requested. Wanted the disconnect and reconnect fees waived. Fees had already been waived by Manager of Customer Service.
- Longtime customer. Did not receive notification on why his card payment was not good. Issue handled by Customer Service Manager.

Communications – Public Outreach – May

- Darrin Garland had a Water Treatment Process tour for UNR and 19 people attended.
- Brett Coffman, Jennie Fong-Buchanan, Travis Bunkowski and Darrin Garland did a Tahoe to Tap tour at Glendale Water Treatment Plant and 38 people attended.
- Lydia Teel and Greg Pohll met with residents for a APWF American Flat update and 9 people attended.
- Smart About Water Day, 270 people attended.
- Darrin Garland had a Water Treatment Process tour at Chalk Bluff and 26 people attended.
- Darrin Garland, Ryan Malkiewich and Lydia Teel had a Water Treatment Process tour at Chalk Bluff and 13 people attended.
- Kara Steeland had a Source Water Protection Program presentation at Bartley Ranch and 30 people attended.
- Kara Steeland had a Middle Truckee River Watershed Forest Partnership presentation at Bartley Ranch and 30 people attended.
- Lauren Watson/Abi Lopez Vargas had Middle School STEAM Night presentation and 40 people attended.

Conservation (2025 Calendar year)

- 858 Water Usage Reviews
- 673 Water Watcher Contacts

Customer Calls – May

- 7,142 phone calls handled.
- The average handling time is 4 minutes 50 seconds per call.
- Average speed of answer :19 seconds per call.

Billing – May

- 139,320 bills issued.
- 71,724 customers (51%) have signed up for paperless billing to date, which equates to an annual savings of $559,447.20.

Remittance – May

- 11,893 Mailed-in payments.
- 21,689 Electronic payments.
- 58,502 Payments via AutoPay (EFT)
- 17,371 One-time bank account payments.
- 661 Pay by Text
- 4,338 IVR Payments.
- 782 Reno office Payments.
- 58 Kiosk Payments.

Collections – May

- 14,209 accounts received a late charge.
- 2,555 Mailed delinquent notices, 0.02% of accounts.
- 662 accounts eligible for disconnect.
- 586 accounts were disconnected. (Including accounts that had been disconnected-for-non-payment that presented NSF checks for their reconnection)
- 0.09% write-off to revenue.

Meter Statistics – Fiscal Year to Date

- 3,904 Meter exchanges completed.
- 1,475 New business meter sets completed.

Service Line Warranties of America Statistics

- 12,944 Policies
- 10,010 Customers
- 472 Jobs Completed
- $785,132.40 Customer Savings