

# NEVADA LEGISLATURE

81st Session, 2021

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## SENATE DAILY JOURNAL

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THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), May 14, 2021

Senate called to order at 12:17 p.m.

President pro Tempore Denis presiding.

Roll called.

All present.

Prayer by Rajan Zed.

Om

bhur bhuvah savh

tat savitur varenyam

bhargo devasys dhimahi

dhiyo you nah prachodayat.

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

varma me dyaavaa prithivi varmaahar-varmasuryah

varma me vishve devaah kranmaa maa praapat pratichikaa.

Let the energy derived from the earth as well as from the cosmos, the day and the sun, be all a shield for us. Let all the divine things and beings protect us so that no evil or misfortune befall us.

niyatam kuru karma tvam karma jyayo hyakamanah

sarirayatrapa ca tena prasiddhyedakarmanah.

yajnarthatkarmano'nyatra loko'yam kamabandhanah

tadartham karma kaunteya muktasangah samacara.

Fulfill all your duties; action is better than reaction. Even to maintain your body, you are obliged to act. Selfish action imprisons the world. Act selflessly, without any thought of personal profit.

ya te tanur vaci pratisthita ya srotre ya ca caksusi

ya ca manasi santata sivam tam kuru motkramih.

Be kind to us with Your invisible form which dwells in the voice, the eye and the ear, and pervades the mind. Abandon us not.

Om shanti, shanti, shanti.

Peace, peace, peace be unto all.

OM.

Pledge of Allegiance to the Flag.

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

## REPORTS OF COMMITTEE

*Mr. President pro Tempore:*

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 51, 91, 130, 190, 210, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAT SPEARMAN, *Chair*

*Mr. President pro Tempore:*

Your Committee on Education, to which were referred Assembly Bills Nos. 109, 136, 169, 194, 215, 235, 254, 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Assembly Bill No. 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

*Mr. President pro Tempore:*

Your Committee on Finance, to which were referred Senate Bills Nos. 410, 411, 412, 413, 414, 418, 425, 426, 427, 429, 431, 432, 433, 434, 435, 436, 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 34, 55, 70, 154, 158, 194, 292, 385, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Health and Human Services.

CHRIS BROOKS, *Chair*

*Mr. President pro Tempore:*

Your Committee on Health and Human Services, to which were referred Senate Bill No. 438; Assembly Bills Nos. 178, 197, 205, 228, 278, 344, 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 177, 181, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

*Mr. President pro Tempore:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 143, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELANIE SCHEIBLE, *Chair*

*Mr. President pro Tempore:*

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 95, 166, 302, 385, 390, 421; Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

*Mr. President pro Tempore:*

Your Committee on Natural Resources, to which were referred Senate Bill No. 443; Assembly Bills Nos. 89, 97, 101, 102, 452; Assembly Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

FABIAN DONATE, *Chair*

## MESSAGES FROM ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 13, 2021

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 191, 451, 453, 454, 455, 456, 458, 460, 464, 465, 466, 467, 468, 469, 470, 474, 475, 476.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 216, 256.

CAROL AIELLO-SALA  
*Assistant Chief Clerk of the Assembly*

## MOTIONS, RESOLUTIONS AND NOTICES

Pursuant to Senate Standing Rule No. 134.1(a), Senate Majority Leader Cannizzaro has authorized Senator Harris to use remote-technology systems to attend, participate, vote and take any other action in the proceedings of the Senate.

Assembly Joint Resolution No. 2.

Resolution read.

Remarks by Senator Scheible.

Assembly Joint Resolution No. 2 expresses the Legislature's support for various governmental entities to work collaboratively with land managers, land users, private landowners, water purveyors and other stakeholders to identify watersheds that can be improved by better forest, rangeland and soil health measures. It also identifies or establishes voluntary programs to address the health of forests, rangelands and soil.

Roll call on Assembly Joint Resolution No. 2:

YEAS—21.

NAYS—None.

Assembly Joint Resolution No. 2 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 4.

Resolution read.

Remarks by Senators Brooks and Hansen.

SENATOR BROOKS:

Assembly Joint Resolution No. 4 recognizes the spiritual beliefs of certain indigenous peoples concerning Rocky Mountain juniper trees, locally known as swamp cedars, in an area of Spring Valley in White Pine County known as Bahsahwahbee and the massacres of indigenous people that occurred in this area in the 1800s. The resolution urges the United States Congress and the President of the United States to take action to protect Bahsahwahbee, including, without limitation, designating Bahsahwahbee as a National Monument or expanding Great Basin National Park to include Bahsahwahbee.

SENATOR HANSEN:

I am voting for this, but I have concerns about some historical things that are not accurate. There was no question of a massacre in 1863, and it is a legitimate historical site for that alone but other massacres in 1859 and 1897 that may be historical legends. The fact it is a law and we are asking Congress to set aside an area based on massacres that I do not believe occurred. We should set aside some of that area as a special spot for the Goshute and Shoshone Indians. I do support the bill. There are historical anomalies in the bill that are questionable.

Roll call on Assembly Joint Resolution No. 4:

YEAS—21.

NAYS—None.

Assembly Joint Resolution No. 4 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 10 of the 80th Session.

Resolution read.

Remarks by Senators Spearman and Settelmeyer.

SENATOR SPEARMAN:

Assembly Joint Resolution No. 10 of the 80<sup>th</sup> Session proposes to amend the *Nevada Constitution* to set the minimum wage at \$12 per hour worked beginning July 1, 2024, regardless of whether the employer provides health benefits to employees. The resolution proposes to remove the annual adjustment to the minimum wage and, instead, provides that if at any time the federal minimum wage is greater than \$12 per hour worked, the State minimum wage is increased to the amount established for the federal minimum wage. This resolution proposes to allow the Legislature to establish a minimum wage that is greater than the hourly rate set forth in the *Constitution*.

This resolution was approved by the 80<sup>th</sup> Session of the Legislature in 2019. If approved in identical form during the 2021 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2022 General Election.

SENATOR SETTELMEYER:

This resolution that goes before the people actually takes away the dollar increase that currently exists. Currently, under Nevada law in the *Constitution*, we will automatically be one dollar above the federal minimum wage. This bill is a reduction of the minimum wage. If the minimum goes up with the federal government, we will no longer be a dollar ahead. We established many years ago that the *Constitution* simply creates a floor. If we, as the Legislative Body, believe in raising the minimum wage, we have the ability to do so right now rather than punting it to the voters. I oppose Assembly Joint Resolution No. 10.

Roll call on Assembly Joint Resolution No. 10 of the 80th Session:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Seevers Gansert, Settelmeyer—8.

Assembly Joint Resolution No. 10 of the 80th Session having received a constitutional majority, Mr. President pro Tempore declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 9.

Resolution read.

Senator Ratti moved the adoption of the resolution.

Remarks by Senator Ratti.

Senate Concurrent Resolution No. 9 encourages and supports the Nevada System of Higher Education (NSHE) to work collaboratively among its institutions on science and research efforts addressing the specific needs of the Lake Tahoe Basin in alignment with Nevada's State Climate Strategy. The resolution also recommends that NSHE enhance coordination efforts with various State and federal agencies to align NSHE's science and research efforts with policy goals, including the State Climate Strategy, which are established by the Tahoe Bi-State Executive Committee, the Tahoe Science Advisory Council and other relevant agencies and stakeholders in the Basin.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senator Brooks moved that Senate Bill No. 390, just reported out of Committee, be re-referred to the Committee on Health and Human Services.

Motion carried.

Senator Brooks has approved the addition of Senator Ohrenschall as a sponsor of Senate Bill No. 448.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 449—AN ACT relating to outdoor recreation; transferring the duty to develop and administer the Outdoor Education and Recreation Grant Program from the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to the Administrator of the Division of Outdoor Recreation of the Department; and providing other matters properly relating thereto.

Senator Brooks moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 191.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 216.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 256.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 451.

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

Motion carried.

Assembly Bill No. 453.

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

Motion carried.

Assembly Bill No. 454.

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

Motion carried.

Assembly Bill No. 455.

Senator Ratti moved that the bill be referred to the Committee on Finance.  
Motion carried.

Assembly Bill No. 456.

Senator Ratti moved that the bill be referred to the Committee on Finance.  
Motion carried.

Assembly Bill No. 458.

Senator Ratti moved that the bill be referred to the Committee on Finance.  
Motion carried.

Assembly Bill No. 460.

Senator Ratti moved that the bill be referred to the Committee on Finance.  
Motion carried.

Assembly Bill No. 464.

Senator Ratti moved that the bill be referred to the Committee on Finance.  
Motion carried.

Assembly Bill No. 465.

Senator Ratti moved that the bill be referred to the Committee on Finance.  
Motion carried.

Assembly Bill No. 466.

Senator Ratti moved that the bill be referred to the Committee on Finance.  
Motion carried.

Assembly Bill No. 467.

Senator Ratti moved that the bill be referred to the Committee on Finance.  
Motion carried.

Assembly Bill No. 468.

Senator Ratti moved that the bill be referred to the Committee on Finance.  
Motion carried.

Assembly Bill No. 469.

Senator Ratti moved that the bill be referred to the Committee on Finance.  
Motion carried.

Assembly Bill No. 470.

Senator Ratti moved that the bill be referred to the Committee on Finance.  
Motion carried.

Assembly Bill No. 474.

Senator Ratti moved that the bill be referred to the Committee on Finance.  
Motion carried.

Assembly Bill No. 475.

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

Motion carried.

Assembly Bill No. 476.

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

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 430.

Bill read second time.

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

Amendment No. 544.

SUMMARY—Revises provisions governing the Nevada State Infrastructure Bank. (BDR 35-1110)

AN ACT relating to infrastructure; revising provisions governing the establishment of the Nevada Infrastructure Bank; revising provisions governing eligibility to receive loans and other financial assistance from the Bank; expanding the types of projects for which financial assistance from the Bank is available; revising provisions governing the membership, duties and powers of the Board of Directors of the Bank; authorizing certain governmental agencies to provide technical advice, support and assistance to the Bank; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada State Infrastructure Bank, the purpose of which is to provide loans and other financial assistance to various units of state and local government for the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of certain transportation facilities and utility infrastructure. (NRS 408.55048-408.55088) Existing law provides that the establishment of the Bank becomes effective on the date on which the Director of the Department of Transportation notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient money is available to capitalize and carry out the business of the Bank. (Section 39 of chapter 575, Statutes of Nevada 2017, at page 4142) Section 20 of this bill makes the establishment of the Bank effective on July 1, 2021.

Section 15 of this bill adds the Director of the Office of Energy to the Board of Directors of the Bank and provides that the Bank operates under the direction of the Board of Directors.

Sections 10 and 15 of this bill expand the types of facilities for which the Bank is authorized to provide loans and other financial assistance to include water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, social infrastructure and other infrastructure related to economic development.

Sections 17 and 18 of this bill make conforming changes to reflect the wider range of facilities for which the Bank is authorized to provide loans and offer financial assistance.

Sections 12 and 15 of this bill authorize the Bank to provide loans and financial assistance to Indian reservations, Indian colonies and private nonprofit entities created for charitable or educational purposes. Section 17 makes a conforming change to reflect that the Bank may provide loans and financial assistance to entities other than governmental units.

Existing law creates the Nevada State Infrastructure Bank Fund and authorizes the Board of Directors to establish certain accounts within the fund. (NRS 408.55073) Section 16 of this bill authorizes the Board of Directors to establish accounts and subaccounts within the Fund and removes the requirement for the Board of Directors to establish certain specific accounts. Section 16 requires the Board of Directors to ensure that the money in the Fund is accounted for in accordance with all applicable laws and regulations governing the use of funds.

Existing law authorizes any division of the Department of Transportation to provide technical advice, support and assistance to the Bank, to the extent that money is available for that purpose. (NRS 408.55088) Section 19 of this bill authorizes other governmental units to provide such technical advice, support and assistance to the Bank, to the extent that money is available for that purpose.

Sections 2-14 of this bill define terms related to the projects for which the Bank is authorized to provide loans or financial assistance and amend definitions relating to the operation of the Bank.

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

Section 1. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *“Digital infrastructure” means any infrastructure which allows for the use of data, computerized devices, methods, systems and processes that are designed to enhance broadband connectivity or facilitate the development of new or existing technologies.*

Sec. 3. *“Other infrastructure related to economic development” means infrastructure that:*

1. *Supports a public purpose while promoting economic development for a local, regional or state purpose; and*

2. *Is not a transportation facility, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure or social infrastructure.*

Sec. 4. *“Recycling and sustainability infrastructure” means any infrastructure which allows for the processing, storage or transfer of recyclable materials as defined in NRS 444A.013.*



Sec. 5. “Renewable energy infrastructure” means any infrastructure which allows for the generation, ~~transmission, sale,~~ storage or usage of renewable energy as defined in NRS 701.070.

Sec. 6. “Social infrastructure” means any infrastructure which:

1. Is used or useful for the construction, development and maintenance of facilities and systems that support social services, including, without limitation, those services related to health care, education, affordable housing, homelessness and food security; and

2. Augments existing services, including, without limitation, the services provided pursuant to chapters 319 and 387 of NRS.

Sec. 7. “Water and wastewater infrastructure” means any infrastructure which:

1. Relates to water, including, without limitation, clean water, drinking water, wastewater, energy efficiency projects at drinking water and wastewater facilities, brackish or seawater desalination, aquifer recharge, alternative water supply, water recycling and drought mitigation projects; and

2. Augments the existing programs created pursuant to chapter 445A of NRS.

Sec. 8. NRS 408.55048 is hereby amended to read as follows:

408.55048 As used in NRS 408.55048 to 408.55088, inclusive, and sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 408.55049 to 408.55068, inclusive, and sections 2 to 7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 9. NRS 408.55052 is hereby amended to read as follows:

408.55052 “Eligible costs” means, as applied to a qualified project to be financed from ~~the~~

~~1. The federal highway account established by NRS 408.55073, the costs that are allowed under applicable federal laws, requirements, procedures and guidelines in regard to establishing, operating and providing assistance from the Bank.~~

~~2. The state and local highway account established by NRS 408.55073, costs including, without limitation, any account established pursuant to NRS 408.55073, the cost of [preliminary] :~~

1. Applying for and obtaining financial assistance from the Bank.

2. Preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, facilities, sustainability certification and other costs necessary for the qualified project ~~the~~.

~~3. The federal utility infrastructure account established by NRS 408.55073, costs including, without limitation, the cost of preliminary engineering, environmental studies, property right acquisition, legal and financial services associated with the development of the qualified project,~~

~~construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.~~

~~4. A federal or state and local nonhighway account established by NRS 408.55073, costs including, without limitation, the cost of preliminary engineering, traffic and revenue studies, environmental studies, right of way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.~~

~~5. The state and local utility infrastructure account established by NRS 408.55073, costs including, without limitation, the cost of preliminary engineering, environmental studies, property right acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities, sustainability certification and other nonoperating costs necessary for the qualified project.] to the extent such costs are an authorized use of the money obtained to capitalize the Bank.~~

Sec. 10. NRS 408.55053 is hereby amended to read as follows:

408.55053 “Eligible project” means the development, construction, repair, improvement, operation, maintenance, decommissioning or ownership of a transportation facility, ~~for~~ utility infrastructure ~~[-], water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, social infrastructure and other infrastructure related to economic development.~~

Sec. 11. NRS 408.55055 is hereby amended to read as follows:

408.55055 “Federal accounts” means ~~the federal highway account, federal nonhighway account and federal utility infrastructure account established pursuant to NRS 408.55073.] any accounts established pursuant to NRS 408.55073 which are necessary to hold money from federal sources.~~

Sec. 12. NRS 408.55063 is hereby amended to read as follows:

408.55063 “Qualified borrower” means a governmental unit, *an Indian reservation or Indian colony* or ~~an entity established by an agreement between a governmental unit and~~ a private *nonprofit* entity ~~[-, that is authorized to develop, construct, repair, improve, maintain, decommission, operate or own a qualified project.] created for charitable or educational purposes.~~

Sec. 13. NRS 408.55065 is hereby amended to read as follows:

408.55065 “State and local accounts” means ~~the state and local highway account, state and local nonhighway account and state and local utility infrastructure account established by the Bank pursuant to NRS 408.55073.] any accounts established pursuant to NRS 408.55073 which are necessary to hold money from state and local governments or contributions made from any other source, except for federal sources.~~

Sec. 14. NRS 408.55068 is hereby amended to read as follows:

408.55068 “Utility infrastructure” means any infrastructure ~~which allows for the connection of the transmission or distribution system of a utility to a distribution facility installed by a master-planned industrial or business park~~

~~in conformance with the tariffs of the utility and includes, without limitation, the engineering and construction of the infrastructure.] of a utility that is installed in any city or county that improves or expands the system of the utility.~~

Sec. 15. NRS 408.55069 is hereby amended to read as follows:

408.55069 1. The Nevada State Infrastructure Bank is hereby created within the Department.

2. The purpose of the Bank is to provide loans and other financial assistance to ~~[various governmental units]~~ *qualified borrowers* for the development, construction, repair, improvement, operation, maintenance, decommissioning and ownership of transportation facilities , ~~and~~ utility infrastructure , *water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, social infrastructure and other infrastructure related to economic development* as necessary for public purposes . ~~[including, without limitation, economic development.]~~

3. The Bank is administered by *and operates under the direction of* a Board of Directors consisting of:

- (a) The Director of the Department of Transportation or his or her designee;
- (b) The State Treasurer or his or her designee;
- (c) The Director of the Department of Business and Industry or his or her designee;
- (d) The Executive Director of the Office of Economic Development or his or her designee; ~~and~~
- (e) *The Director of the Office of Energy or his or her designee; and*
- (f) Two representatives of the general public, at least one of whom must reside in a county whose population is 700,000 or more, appointed by the Governor.

4. Each member of the Board of Directors who is appointed pursuant to subsection 3 serves at the pleasure of the appointing authority.

5. A vacancy on the Board of Directors in an appointed position must be filled by the appointing authority in the same manner as the original appointment.

6. The Board of Directors shall elect annually from among its members a Chair and a Vice Chair.

7. Four members of the Board of Directors constitute a quorum for the transaction of business, and the affirmative vote of at least four members of the Board of Directors is required to take action.

8. The members of the Board of Directors are public officers and are subject to all applicable provisions of law, including, without limitation, the provisions of chapter 281A of NRS.

9. A meeting of the Board of Directors must be conducted in accordance with the provisions of chapter 241 of NRS.

10. ~~[To the extent that money is available from public or private sources for administrative costs:~~

~~—(a)~~ Each member of the Board of Directors who is not otherwise an officer or employee of this State is entitled ~~[to]~~ :

(a) To receive \$100 for each full day of attending a meeting of the Board of Directors ~~[ ]~~ ; and

(b) ~~[Each member of the Board of Directors is entitled, while]~~ While engaged in the business of the Board of Directors, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be paid by the state agency or political subdivision that employs him or her.

11. A member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Board of Directors and perform any work necessary to carry out the duties of the Board of Directors in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Board of Directors to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Board of Directors; or

(b) Take annual leave or compensatory time for the absence.

Sec. 16. NRS 408.55073 is hereby amended to read as follows:

408.55073 1. The Nevada State Infrastructure Bank Fund is hereby created as an enterprise fund. The Fund is a continuing fund without reversion.

2. The Fund is administered by the Board of Directors.

3. The Board of Directors may establish accounts and subaccounts within the Fund ~~[, but]~~ and shall ~~[establish, without limitation:~~

~~—(a) A federal highway account;~~

~~—(b) A federal nonhighway account;~~

~~—(c) A state and local highway account;~~

~~—(d) A state and local nonhighway account;~~

~~—(e) A state and local utility infrastructure account; and~~

~~—(f) A federal utility infrastructure account.] ensure that accounting for the Fund is performed in accordance with all applicable laws and regulations governing the use of funds.~~

4. Except as otherwise provided in subsection 7, all money received by the Bank pursuant to NRS 408.55048 to 408.55088, inclusive, and sections 2 to 7, inclusive, of this act must be deposited in the Fund.

5. The Bank may accept for deposit into the Fund:

(a) Any money appropriated by the Legislature or authorized for allocation by the Interim Finance Committee;

(b) Federal funds made available to the State;

(c) Gifts, grants, donations and contributions from a governmental unit, private entity or any other source;

(d) Any money paid or credited to the Bank, by contract or otherwise, including, without limitation:

(1) Payment of principal and interest on a loan or other financial assistance provided to a qualified borrower by the Bank; and

(2) Interest earned from the investment or reinvestment of the Bank's money pursuant to NRS 408.55076;

(e) Proceeds from the issuance of bonds or other securities pursuant to NRS 408.55071; and

(f) Any other lawful source of money that is made available to the Bank and is not already dedicated for another purpose.

6. The Bank shall comply with all applicable federal laws governing the use of federal funds, including, without limitation, statutes and regulations governing:

(a) Any conditions or limitations on expenditures;

(b) Reporting; and

(c) The commingling of federal funds.

7. Earnings on balances in ~~the~~ *any* federal accounts must be credited and invested in accordance with federal law. Earnings on *any* state and local accounts must be deposited in the Fund to the credit of the ~~state and local highway account, state and local nonhighway account or state and local utility infrastructure~~ account that generates the earnings.

8. Money in the Fund may be used only:

(a) For the capitalization of the Bank; and

(b) To carry out the statutory purposes and powers of the Bank.

9. A local government may use money from any source that is made available to the local government for the purposes of developing, constructing, repairing, improving, operating, maintaining, decommissioning or owning a transportation facility , ~~or~~ utility infrastructure , *water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, social infrastructure or other infrastructure related to economic development* or for any other purpose set forth in NRS 408.55048 to 408.55088, inclusive, *and sections 2 to 7, inclusive, of this act* to make a gift, grant, donation or contribution to the Bank or to satisfy any obligation owed by the local government to the Bank, including, without limitation, payments of principal and interest.

Sec. 17. NRS 408.55074 is hereby amended to read as follows:

408.55074 1. A ~~governmental unit, or an entity established by agreement between a governmental unit and a private entity,~~ *qualified borrower* that wishes to obtain a loan or other financial assistance from the Bank to develop, construct, repair, improve, operate, maintain, decommission or own an eligible project must apply to the Bank in the manner prescribed by the Bank.

2. The Executive Director shall:

(a) Review each application and determine whether the ~~transportation facility or utility infrastructure described in the~~ application is *for* an eligible project; and

(b) At the request of the Board of Directors, submit information to the Board of Directors concerning any eligible project.

3. The Board of Directors shall, from time to time, designate qualified projects from among the eligible projects. The Board of Directors may give preference to an eligible project that has demonstrated local financial support.

4. The Bank may provide a loan and other financial assistance to a qualified borrower to pay for all or part of the eligible costs of a qualified project. The term of the loan or other financial assistance may not exceed the anticipated useful life of the qualified project. A loan or other financial assistance may be provided in anticipation of reimbursement for or direct payment of all or part of the eligible costs of a qualified project.

5. The Bank shall determine the form and content of a loan application, financing agreement or loan obligation, including, without limitation:

(a) The period for repayment and the rate or rates of interest on a loan; and

(b) Any nonfinancial provisions included in a financing statement or loan obligation, including, without limitation, terms and conditions relating to the regulation and supervision of a qualified project.

↪ Such form and content must substantially conform with the documents typically used for such transactions.

6. The terms and conditions set forth in a financing agreement or loan obligation for a loan or other financial assistance provided by the Bank using money from a federal account must comply with all applicable federal requirements.

Sec. 18. NRS 408.55086 is hereby amended to read as follows:

408.55086 1. To the extent possible, the provisions of NRS 408.55048 to 408.55088, inclusive, *and sections 2 to 7, inclusive, of this act* are intended to supplement other statutory provisions governing the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities , ~~and~~ utility infrastructure , *water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, social infrastructure or other infrastructure related to economic development* and the issuance of bonds and other securities by this State or a political subdivision thereof, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of NRS 408.55048 to 408.55088, inclusive ~~[-]~~, *and sections 2 to 7, inclusive, of this act*. If there is a conflict between such other provisions and the provisions of NRS 408.55048 to 408.55088, inclusive, *and sections 2 to 7, inclusive, of this act*, the provisions of NRS 408.55048 to 408.55088, inclusive, *and sections 2 to 7, inclusive, of this act* control.

2. The provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for construction work on a qualified project if all or part of the costs of the qualified project are paid for using a loan or other financial assistance

from the Bank. The Bank, the qualified borrower, any contractor who is awarded a contract or enters into an agreement to perform construction work on the qualified project, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the qualified project or had awarded the contract.

Sec. 19. NRS 408.55088 is hereby amended to read as follows:

408.55088 Any division of the Department of Transportation, the Department of Business and Industry, the Office of Economic Development, the State Department of Conservation and Natural Resources, the Office of the State Treasurer, the Office of Energy or any other governmental unit may, to the extent that money is available for that purpose, provide technical advice, support and assistance to the Bank.

Sec. 20. Section 39 of chapter 575, Statutes of Nevada 2017, at page 4142, is hereby amended to read as follows:

Sec. 39. 1. This section and sections 37.8 and 37.9 of this act become effective upon passage and approval.

2. Sections 1 to 37.7, inclusive, and 38 of this act become effective f-

~~—(a) Upon passage and approval for the purposes of establishing the Nevada State Infrastructure Bank and appointing the Board of Directors.~~

~~—(b) For all other purposes, on the date on which the Director of the Department of Transportation notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient money is available to capitalize and carry out the business of the Nevada State Infrastructure Bank created by section 20 of this act.] on July 1, 2021.~~

Sec. 21. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 22. This act becomes effective on July 1, 2021.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 544 to Senate Bill No. 430 revises the definition of "renewable energy infrastructure" to exclude "transmission" and "sale." Within the definition of "qualified borrower," the amendment changes the term "private entity" to "private nonprofit entity." Private entities are also further limited as those "created for charitable or educational purposes."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 2.

Bill read second time and ordered to third reading.

Assembly Bill No. 13.

Bill read second time and ordered to third reading.

Assembly Bill No. 14.

Bill read second time and ordered to third reading.

Assembly Bill No. 19.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 512.

SUMMARY—Revises provisions relating to educational subjects and standards. (BDR 34-325)

AN ACT relating to education; revising the academic subjects that constitute social studies; exempting standards of content and performance for courses of study in public schools from certain requirements governing the adoption of regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) designates certain academic subjects, including social studies, as core academic subjects that must be taught in all public schools; and (2) requires the Council to Establish Academic Standards for Public Schools to adopt standards of content and performance for certain courses of study, including courses in the core academic subjects. Additionally, existing law provides that social studies includes only the subjects of history, geography, economics and government. (NRS 389.018, 389.520) Sections ~~1~~ 2 and 3 of this bill remove government from the list of subjects included within social studies and add civics, financial literacy and multicultural education to that list.

Existing law requires rules of general applicability to be adopted as regulations and prescribes a process for the adoption of regulations. (NRS 233B.038, 233B.040-233B.115) Section 4 of this bill exempts standards of content and performance for courses of study in public schools from the process otherwise required for the adoption of regulations, and section 5 of this bill provides for the removal of existing standards from the Nevada Administrative Code.

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

Section 1. ~~NRS 388D.050 is hereby amended to read as follows:~~

~~388D.050 1. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English language arts, mathematics, science and social studies, including history, geography, economics, civics, financial literacy and [government, multicultural education, as appropriate for the age and level of skill of the child as determined by the parent.~~

~~2. The educational plan must be included in the notice of intent to homeschool filed pursuant to NRS 388D.020. If the educational plan contains the requirements of NRS 388D.020, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is~~



~~otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court.~~

~~3. This section does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.] (Deleted by amendment.)~~

Sec. 2. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) English language arts;
- (b) Mathematics;
- (c) Science; and
- (d) Social studies, which includes only the subjects of history, geography, economics , *civics*, *financial literacy* and ~~government.]~~ *multicultural education*.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

- (a) Four units of credit in English language arts;
- (b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;
- (c) Three units of credit in science, including two laboratory courses; and
- (d) Three units of credit in social studies, including, without limitation:
  - (1) American government;
  - (2) American history; and
  - (3) World history or geography.

↪ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma, an adjusted diploma or an alternative diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) The arts;
- (b) Computer education and technology;
- (c) Health; and
- (d) Physical education.

↪ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the

next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021 and the instruction prescribed by subsection 1 of NRS 389.064, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

4. Instruction in health and physical education provided pursuant to subsection 3 must include, without limitation, instruction concerning the importance of annual physical examinations by a provider of health care and the appropriate response to unusual aches and pains.

Sec. 3. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 5, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English language arts;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and ~~government,~~ multicultural education;

(5) The arts;

(6) Computer education and technology, which includes computer science and computational thinking;

(7) Health;

(8) Physical education; and

(9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The standards for health must include mental health and the relationship between mental health and physical health.

5. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

6. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

7. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

↪ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

8. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

9. As used in this section:

(a) “Computer contaminant” has the meaning ascribed to it in NRS 205.4737.

(b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

(c) “Electronic communication” has the meaning ascribed to it in NRS 388.124.

Sec. 4. 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 NRS 209.221, 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 Cannabis Compliance Board.

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; ~~or~~

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive ~~or~~; *or*

(i) *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.*

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.

Sec. 5. As soon as practicable after the effective date of this act, the Legislative Counsel shall remove from the Nevada Administrative Code all regulations establishing standards of content and performance for courses of study in public schools.

Sec. 6. This act becomes effective upon passage and approval.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 512 to Assembly Bill No. 19 deletes section 1, which relates to changing the subjects included within the social studies core academic subject for homeschooled children.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 20.

Bill read second time and ordered to third reading.

Assembly Bill No. 21.

Bill read second time and ordered to third reading.

Assembly Bill No. 22.

Bill read second time and ordered to third reading.

Assembly Bill No. 23.

Bill read second time and ordered to third reading.

Assembly Bill No. 24.

Bill read second time and ordered to third reading.

Assembly Bill No. 25.

Bill read second time and ordered to third reading.

Assembly Bill No. 28.

Bill read second time and ordered to third reading.

Assembly Bill No. 38.

Bill read second time and ordered to third reading.

Assembly Bill No. 47.

Bill read second time and ordered to third reading.

Assembly Bill No. 48.

Bill read second time and ordered to third reading.

Assembly Bill No. 52.

Bill read second time.

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

Amendment No. 509.

SUMMARY—Makes various changes related to the Land Use Planning Advisory Council. (BDR 26-342)

AN ACT relating to public lands; revising the membership and duties of the Land Use Planning Advisory Council; authorizing the removal of certain voting members before the expiration of their term under certain circumstances; requiring the election of a vice chair of the Advisory Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Land Use Planning Advisory Council, which advises the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources and the State Land Use Planning Agency on issues relating to land use planning. (NRS 321.740, 321.750) The Advisory Council consists of 17 voting members appointed by the Governor, with 1 voting member representing each county of the State, and 1 nonvoting member appointed by the Nevada Association of Counties. (NRS 321.740) Section 1 of this bill adds to the Advisory Council: (1) one voting member appointed by the Governor to represent the Nevada Indian Commission; and (2) one nonvoting member appointed by the Nevada League of Cities and Municipalities.

Existing law provides that if a board of county commissioners fails to submit the name of its nominee or nominees for membership on the Advisory Council, the Governor may appoint any resident of that county to represent that county. (NRS 321.740) Section 1 provides that if the Nevada Indian Commission fails to submit the name of its nominee or nominees for membership on the Advisory Council, the Governor may appoint any resident of the State who has experience working with tribal governments in this State and who has knowledge of natural resource issues pertaining to tribal lands in this State as the representative of the Nevada Indian Commission.

Existing law provides that the term of a voting member of the Advisory Council is 3 years. (NRS 321.740) Section 1 provides an exception to the 3-year term if a voting member appointed by the Governor is an elected official of the county that he or she represents on the Advisory Council and does not become a candidate for reelection or is defeated for reelection. In such a circumstance, section 1 authorizes the board of county commissioners to end the person's membership on the Advisory Council before the expiration of the person's 3-year term. If the board of county commissioners ends the person's membership on the Advisory Council: (1) that person's membership on the Advisory Council ends on the date on which his or her term of office as an elected official of the county ends; and (2) a vacancy exists on the Advisory Council that must be filled for the remainder of the unexpired term.

Existing law requires the Advisory Council to elect a Chair. (NRS 321.740) Section 1 also requires the election of a Vice Chair.

Existing law sets forth the duties of the Advisory Council. (NRS 321.750) Section 2 of this bill requires the Advisory Council to also: (1) advise any federal or state agency or local government on land use planning and policy;

(2) assist and advise in the resolution of inconsistencies in land use plans, if requested; and (3) make recommendations related to areas of critical environmental concern.

Section 3 of this bill changes the minimum period required to be given in existing law for notice of certain public hearings of the Advisory Council by publication in newspapers from 20 days to 10 days before the hearing. (NRS 321.770)

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

Section 1. NRS 321.740 is hereby amended to read as follows:

321.740 1. The Land Use Planning Advisory Council ~~[, consisting of 17]~~  
*is hereby created. The Advisory Council consists of:*

(a) ~~Seventeen~~ Eighteen voting members appointed by the Governor ~~and~~  
~~17~~, *as follows:*

(1) One member from each county in this State who represents that county; and

(2) One member who represents the Nevada Indian Commission.

~~(b) One voting member appointed by the Nevada Indian Commission.~~

~~(c) One nonvoting member appointed by the Nevada Association of Counties, or its successor organization. [is hereby created.]~~

~~(d) (c) One nonvoting member appointed by the Nevada League of Cities and Municipalities, or its successor organization.~~

2. The provisions of subsection 6 of NRS 232A.020 do not apply to members of the Advisory Council who also serve as county commissioners, and the Governor may appoint any such member of the Advisory Council to one other board, commission or similar body.

~~[2.] 3. [One voting member must be appointed pursuant to paragraph (a) of subsection 1 by the Governor to the Advisory Council to represent each county. At] Each board of county commissioners and the Nevada Indian Commission shall, at least 30 days before the beginning of any term of the representative of ~~[a] the county [,] or the Nevada Indian Commission,~~ or within 30 days after the position of that representative becomes vacant, ~~[the board of county commissioners of that county shall]~~ submit to the Governor the name of its nominee or a list of the names of not more than three nominees who are elected officials or other representatives of the county or of the Nevada Indian Commission, as applicable, for the position to be filled. If a board of county commissioners or the Nevada Indian Commission submits the names of two or more nominees, the board or the Nevada Indian Commission, as applicable, shall number its nominees in order of preference. That order of preference is not binding upon the Governor. The Governor shall appoint the person so nominated or, if more than one person is nominated, one of the persons from the list of nominees.~~

~~[3.] 4. If [a] :~~

(a) A board of county commissioners fails to submit the name of its nominee or a list of nominees within the time required by this subsection or



subsection ~~[2,]~~ 3, the Governor may appoint to the Advisory Council any resident of that county as the representative of the county. ~~[If a]~~

*(b) The Nevada Indian Commission fails to submit the name of its nominee or a list of nominees within the time required by subsection 3, the Governor may appoint any resident of the State who has experience working with tribal governments in this State and who has knowledge of natural resource issues pertaining to tribal lands in this State as the representative of the Nevada Indian Commission.*

*(c) A board of county commissioners or the Nevada Indian Commission has timely submitted the name of its nominee or a list of nominees pursuant to subsection 3 and the Governor fails to appoint a person so nominated:*

~~[(a)]~~ (1) If one person has been nominated, that person; or

~~[(b)]~~ (2) If two or more persons have been nominated, the person listed by the board *or the Nevada Indian Commission, as applicable,* first in order of preference,

↪ shall be deemed to be a voting member of the Advisory Council as of the beginning of the new term or, in the case of an appointment to fill a vacancy, the first meeting of the Advisory Council that is held not less than 30 days after the submission of the nomination unless, before that date, the Governor notifies the board *or the Nevada Indian Commission, as applicable,* in writing that none of its nominees will be appointed to the Advisory Council. Within 30 days after the date of any such notice, the board *or the Nevada Indian Commission, as applicable,* shall submit to the Governor the name of a new nominee or a list of new nominees.

~~[4.— After the initial terms,]~~

5. *Except as otherwise provided in this subsection, each voting member serves a term of 3 years . If a voting member appointed pursuant to subparagraph (1) of paragraph (a) of subsection 1 is an elected official of the county that he or she represents on the Advisory Council and he or she does not become a candidate for reelection or is defeated for reelection, the board of county commissioners of that county may end the person's membership on the Advisory Council before the expiration of his or her 3-year term. If the board of county commissioners ends the person's membership on the Advisory Council pursuant to this subsection:*

*(a) That person's membership on the Advisory Council ends on the date on which his or her term of office as an elected official of the county ends; and*

*(b) A vacancy exists in the membership of the Advisory Council that must be filled for the remainder of the unexpired term pursuant to subsection 3 or 4, as applicable.*

6. *Any voting member is eligible for reappointment to the Advisory Council.*

~~[5.]~~ 7. The nonvoting ~~[member]~~ members of the Advisory Council ~~[serves]~~ serve at the pleasure of the ~~[Nevada Association of Counties, or its successor organization,~~

~~—6.]~~ appointing authority.

8. At its first meeting each year, the Advisory Council shall elect a Chair and Vice Chair from among its voting members.

~~{7-}~~ 9. A majority of the voting members of the Advisory Council constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Council.

~~{8-}~~ 10. A board of county commissioners may provide that, while engaged in the business of the Advisory Council, a voting member of the Advisory Council is entitled to receive from the county he or she represents the per diem allowance and travel expenses provided by law for state officers and employees generally.

Sec. 2. NRS 321.750 is hereby amended to read as follows:

321.750 The Land Use Planning Advisory Council shall:

1. Advise the Administrator on the development and distribution to cities and counties of information useful to land use planning.

2. Advise the State Land Use Planning Agency regarding the development of plans and statements of policy pursuant to subsection 1 of NRS 321.7355.

3. Work cooperatively with the Attorney General and the Nevada Association of Counties as required pursuant to subsection 3 of NRS 405.204.

4. *Advise any federal or state agency or local government on land use planning and policy, including, without limitation, developing a statement of policy, drafting a resolution or providing formal comment on land use planning policies and land management projects of any federal or state agency or local government.*

5. *Assist and advise in the resolution of inconsistencies in land use plans, if requested.*

6. *Make recommendations related to areas of critical environmental concern pursuant to NRS 321.770.*

Sec. 3. NRS 321.770 is hereby amended to read as follows:

321.770 1. The State Land Use Planning Agency shall provide assistance in land use planning for areas of critical environmental concern:

(a) When the Governor directs that the Agency review and assist in land use planning for an area the Governor finds to be of critical environmental concern.

(b) When one or more local government entities request that the Agency advise and assist in land use planning for an area which affects them and which they consider to be of critical environmental concern.

2. Upon receipt of a directive or a request pursuant to subsection 1, the Administrator shall study the problems of the area described and meet with the affected local government entities to receive their initial comments and recommendations. The Administrator shall then submit the matter of planning for the area of critical environmental concern to the Land Use Planning Advisory Council for consideration and recommendation.

3. The Land Use Planning Advisory Council shall include in its procedures one or more public hearings upon notice given by at least one publication at least ~~{20}~~ 10 days before the hearing in a newspaper or

combination of newspapers having general circulation throughout the area affected and each city and county any portion of whose territory lies within such area. The notice shall state with particularity the subject of the hearing.

4. Following completion of the hearings and consideration of other information, the Land Use Planning Advisory Council shall make its final recommendations for land use planning policies in the area of critical environmental concern. The recommendations may include proposed land use regulations to carry out such policies.

5. No land use regulation adopted by the Land Use Planning Advisory Council pursuant to this section may become effective without the approval of the Governor.

Sec. 4. This act becomes effective on July 1, 2021.

Senator Donate moved the adoption of the amendment.

Remarks by Senator Donate.

Amendment No. 509 to Assembly Bill No. 52 makes a small corrective change to clarify that the additional voting member representing the Nevada Indian Commission is to be nominated by the Commission but appointed by the Governor, the same as the other 17 voting members.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 58.

Bill read second time and ordered to third reading.

Assembly Bill No. 59.

Bill read second time and ordered to third reading.

Assembly Bill No. 63.

Bill read second time and ordered to third reading.

Assembly Bill No. 68.

Bill read second time and ordered to third reading.

Assembly Bill No. 69.

Bill read second time and ordered to third reading.

Assembly Bill No. 70.

Bill read second time and ordered to third reading.

Assembly Bill No. 73.

Bill read second time and ordered to third reading.

Assembly Bill No. 76.

Bill read second time and ordered to third reading.

Assembly Bill No. 77.

Bill read second time and ordered to third reading.

Assembly Bill No. 96.

Bill read second time and ordered to third reading.

Assembly Bill No. 119.  
Bill read second time and ordered to third reading.

Assembly Bill No. 123.  
Bill read second time and ordered to third reading.

Assembly Bill No. 154.  
Bill read second time and ordered to third reading.

Assembly Bill No. 157.  
Bill read second time and ordered to third reading.

Assembly Bill No. 171.  
Bill read second time and ordered to third reading.

Assembly Bill No. 173.  
Bill read second time and ordered to third reading.

Assembly Bill No. 188.  
Bill read second time and ordered to third reading.

Assembly Bill No. 217.  
Bill read second time and ordered to third reading.

Assembly Bill No. 227.  
Bill read second time.

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

Amendment No. 518.

SUMMARY—Revises provisions relating to contractors. (BDR 54-720)

AN ACT relating to contractors; setting forth the persons who may perform certain types of work for a contractor; setting forth the grounds for disciplinary action against a licensee by the State Contractors' Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires a person to be licensed as a contractor to engage in the business of constructing, altering or repairing any structure or other improvement. (NRS 624.020, 624.700) Sections 1 and 2 of this bill set forth: (1) the persons who may perform work that requires a contractor's license; and (2) the persons who may perform for a contractor work that does not require a contractor's license.

Existing law sets forth certain acts which constitute cause for disciplinary action against a licensed contractor by the State Contractors' Board. (NRS 624.3015) Section 3 of this bill: (1) revises the list of acts to include entering into an agreement with a natural person who is not an employee of the licensed contractor and not licensed as a contractor to perform for the licensed contractor any work which requires a contractor's license; and (2) provides that in addition to any disciplinary or other action that may be

taken against the licensed contractor, such an agreement is void and unenforceable.

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

Section 1. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A contractor may perform work that requires a contractor's license:*

(a) *Himself, herself or itself; or*

(b) *By or through an employee or employees of the contractor or of another contractor.*

2. *Work that does not require a contractor's license may be performed for and under the direction and control of a contractor by a person who is:*

(a) *Described in subsection 1; or*

(b) *Employed by a private employment agency that is licensed by the Labor Commissioner pursuant to NRS 611.040.*

3. *As used in subsection 1, "employee" has the meaning ascribed to it in subsection 6 of NRS 624.020.*

Sec. 2. NRS 624.020 is hereby amended to read as follows:

624.020 1. "Contractor" is synonymous with "builder."

2. A contractor is any person, except a registered architect or a licensed professional engineer, acting solely in a professional capacity, who ~~in any capacity other than as the employee of another with wages as the sole compensation,~~ undertakes to, or submits a bid to, or does himself, ~~for~~ herself or ~~itself~~ or by or through ~~others,~~ *an employee or employees of the contractor or of another contractor*, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith. Evidence of the securing of any permit from a governmental agency or the employment of any person on a construction project must be accepted by the Board or any court of this State as prima facie evidence that the person securing that permit or employing any person on a construction project is acting in the capacity of a contractor pursuant to the provisions of this chapter.

3. A contractor includes a subcontractor or specialty contractor, but does not include anyone who merely furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of a contractor.

4. A contractor includes a construction manager who performs management and counseling services on a construction project for a professional fee.

5. A contractor does not include an owner of a planned unit development who enters into one or more oral or written agreements with one or more general building contractors or general engineering contractors to construct a

work of improvement in the planned unit development if the general building contractors or general engineering contractors are licensed pursuant to this chapter and contract with the owner of the planned unit development to construct the entire work of improvement.

6. *As used in subsection 2, "employee" means a natural person who:*

(a) *Works under the direction and control of a contractor; and*

(b) *For federal income tax purposes:*

(1) *Is required by the contractor to complete a Form W-4 for the withholding of federal income taxes from wages paid to the person by the contractor; and*

(2) *Is provided at the end of each year a Form W-2 for the reporting of wages paid to the person by the contractor.*

Sec. 3. NRS 624.3015 is hereby amended to read as follows:

624.3015 The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. Acting in the capacity of a contractor beyond the scope of the license.

2. Bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the Board.

3. Knowingly bidding to contract or entering into a contract with a contractor for work in excess of his or her limit or beyond the scope of his or her license.

4. Knowingly entering into a contract with a contractor while that contractor is not licensed.

5. Constructing or repairing a mobile home, manufactured home, manufactured building or commercial coach or factory-built housing unless the contractor:

(a) Is licensed pursuant to NRS 489.311;

(b) Owns, leases or rents the mobile home, manufactured home, manufactured building, commercial coach or factory-built housing; or

(c) Is authorized to perform the work pursuant to subsection 4 of NRS 118B.090 or subsection 2 of NRS 118B.097.

6. Engaging in any work or activities that require a contractor's license while the license is placed on inactive status pursuant to NRS 624.282.

7. *Entering into any agreement, oral or written, express or implied, with a natural person who is not an employee of the licensee and not licensed as a contractor by which that person, either directly or through any person employed by that person, agrees to perform for the licensee any work which requires a contractor's license. In addition to any disciplinary or other action that may be taken against a licensee pursuant to this subsection, any agreement described by this subsection is void and unenforceable.*

8. *As used in subsection 7, "employee" has the meaning ascribed to it in subsection 6 of NRS 624.020.*

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

2. Sections 1, 2 and 3 of this act become effective:

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

(b) On October 1, 2021, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 518 makes one change to Assembly Bill No. 227. The amendment changes the effective date of the bill to upon passage and approval for the purpose of adopting any regulations and performing other preparatory administrative tasks and on October 1, 2021, for all other purposes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 257.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 499.

SUMMARY—Establishes provisions governing indoor air quality in public schools. (BDR 34-212)

AN ACT relating to school property; requiring the board of trustees of a school district or the governing body of a charter school to assess and improve certain ventilation and filtration systems of a school to the extent that money is available; establishing requirements for such assessments and improvements; requiring certain personnel to complete an assessment report; requiring the board of trustees of a school district or the governing body of a charter school to prepare a report; requiring certain local educational agencies to include certain information in an addendum to a plan to return to in-person instruction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill requires the board of trustees of a school district or governing body of a charter school, to the extent that money is available, to assess the status of and make improvements to the ventilation and filtration systems of a school and ensure that the systems are performing adequately and efficiently. Sections 7-10 of this bill set forth the requirements for qualified adjusting personnel or qualified testing personnel to assess and perform updates to: (1) a filtration system of a school; (2) the ventilation rates of a school; (3) the heating, ventilation and air-conditioning system of a school; and (4) the carbon dioxide monitors in a school, respectively. Sections 7-10 generally require such systems, rates and monitors to meet certain standards. Section 10.5 of this bill sets forth requirements for an assessment of a school with a limited or no ventilation system. Section 11 of this bill requires qualified adjusting personnel or qualified testing personnel to prepare an assessment report including certain information relating to the assessments conducted pursuant to sections 7-10.5. Section 12 of this bill requires the board of trustees of a school district or the governing body of a

charter school to complete a report on the work performed by qualified adjusting personnel or qualified testing personnel pursuant to sections 7-10.5 and make the report available to the Office of Energy and the public upon request. Existing federal law requires a local educational agency that receives certain federal money to develop a plan for the safe return to in-person instruction and continuity of services. (American Rescue Plan Act of 2021, Pub. L. No. 117-2, § 2001(i)) Section 13.5 of this bill requires a local educational agency to ~~include the information contained in a report prepared pursuant to section 12 in~~ prepare an addendum to such a plan that describes how the local educational agency will ensure a public school is equipped with functional ventilation systems.

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

Section 1. Chapter 393 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13.5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 13.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Apprenticeship program” means an apprenticeship program recognized by the State Apprenticeship Council created by NRS 610.030.*

Sec. 3.5. *“Minimum efficiency reporting value” means the minimum efficiency reporting value established by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, or its successor organization.*

Sec. 4. *“Qualified adjusting personnel” means a:*

1. *Technician certified to test, adjust and balance heating, ventilation and air-conditioning systems through a program accredited by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or their successor organizations; or*

2. *Skilled and trained workforce under the supervision of a technician certified to test, adjust and balance heating, ventilation and air-conditioning systems through a program accredited by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or their successor organizations.*

Sec. 4.5. *“Qualified testing personnel” means:*

1. *A technician certified to test, adjust and balance heating, ventilation and air-conditioning systems through a program accredited by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or their successor organizations; or*

2. *A person certified to perform ventilation assessments of heating, ventilation and air-conditioning systems through a program accredited by the American National Standards Institute.*

Sec. 5. *“Skilled and trained workforce” means a workforce not less than 60 percent of which is composed of graduates of an apprenticeship program.*

Sec. 5.5. *The Legislature hereby finds and declares that:*

1. *Studies have found that:*



(a) Approximately 41 percent of the school districts in the United States need to update or replace the heating, ventilation and air-conditioning systems in at least half of their schools;

(b) Most heating, ventilation and air-conditioning systems are improperly installed;

(c) Most classrooms fail to meet minimum standards for ventilation rates;

(d) Many of the problems with heating, ventilation and air-conditioning systems are linked to the use of inadequately trained personnel to install, test, adjust and balance heating, ventilation and air-conditioning systems; and

(e) Improved rates of ventilation and reduced carbon dioxide concentrations can increase pupil performance.

2. Ventilation systems that are not properly installed, inadequate, inefficient or poorly maintained can significantly increase costs to a public school.

3. Ventilation systems should operate as efficiently as possible and inspections and repairs should be performed by qualified personnel.

4. In addition to increasing the risk of infectious, airborne diseases, inadequate ventilation systems in public schools negatively impact the health and learning of pupils.

5. Improving indoor air quality in public schools may protect the health of pupils and school staff, improve attendance, improve pupil performance, reduce the risk of infectious, airborne diseases and save energy.

6. Public schools should have functioning ventilation systems that meet or exceed recommended health and safety standards for classrooms.

7. Consistent, statewide standards are necessary to protect the health and safety of pupils, the ability of pupils to learn effectively and the health and safety of school staff in this State.

Sec. 6. 1. To the extent that money is available, the board of trustees of a school district or the governing body of a charter school shall ensure that each school in the school district or the charter school, as applicable, is equipped with functional ventilation systems that are tested, adjusted and, if necessary or cost-effective, repaired, upgraded or replaced to increase efficiency and performance. Money shall be considered available if the board of trustees of a school district or the governing body of a charter school:

(a) Receives state or federal money and allocates such money to equip a public school with functional ventilation systems or improve ventilation systems or indoor air quality in a public school; or

(b) As a condition of receiving state or federal money, is required to ensure a public school is equipped with functional ventilation systems or improve ventilation systems or indoor air quality in a public school.

2. The board of trustees of a school district or the governing body of a charter school that ensures a public school is equipped with functional ventilation systems pursuant to this section shall employ qualified adjusting personnel or qualified testing personnel to assess the status of and make any necessary improvements to the:

(a) Filtration system of the school in accordance with the provisions of section 7 of this act;

(b) Ventilation rates of the school in accordance with the provisions of section 8 of this act;

(c) Heating, ventilation and air-conditioning system of the school in accordance with the provisions of section 9 of this act; and

(d) Carbon dioxide monitors at the school in accordance with the provisions of section 10 of this act.

3. The board of trustees of a school district or the governing body of a charter school that ensures a public school is equipped with functional ventilation systems pursuant to this section shall perform any work required to meet the minimum requirements for ventilation and filtration established by sections 2 to 13.5, inclusive, of this act, up to an estimated cost of not more than \$200,000. The board of trustees of a school district or the governing body of a charter school may perform any additional recommended work that exceeds an estimated cost of \$200,000.

Sec. 7. In assessing a filtration system of a school pursuant to section 6 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall:

1. Review the capacity and airflow of the filtration system to determine the type of filters with the best minimum efficiency reporting value based on industry standards that can be installed without adversely impacting the filtration system;

2. Ensure that the filters used in the filtration system are of the type determined pursuant to subsection 1 with the best possible minimum efficiency reporting value;

3. Ensure that the filters are properly installed and replace or upgrade the filters as needed;

4. If a filtration system uses ultraviolet germicidal irradiation to disinfect air, ensure that the ultraviolet bulb is operating properly and does not shine on the filters, and replace the ultraviolet bulbs as needed;

5. If a filtration system uses an economizer, test and repair the economizer dampers; and

6. Recommend any additional maintenance, replacements or upgrades to improve the overall performance of the filtration system.

Sec. 8. 1. In assessing the ventilation rates of a school pursuant to section 6 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall:

(a) Ensure that the ventilation rates in each room of the facility that is routinely occupied meet the minimum requirements for ventilation rates set forth in the Uniform Mechanical Code;

(b) Calculate the required minimum outside air ventilation rates for each room of the facility that is routinely occupied based on the maximum anticipated rate of occupancy and the minimum required ventilation rate per occupant in accordance with the Uniform Mechanical Code;

(c) *Ensure that the minimum outside air ventilation rates meet the required minimum rate calculated pursuant to paragraph (b);*

(d) *If the minimum outside air ventilation rates do not meet the required minimum rate calculated pursuant to paragraph (b):*

(1) *Determine whether additional ventilation can be provided without adversely impacting the performance of the filtration system or the environmental quality of the building; and*

(2) *If additional ventilation can be provided, adjust the ventilation rates to meet the required minimum rate;*

(e) *If the minimum outside air ventilation rate cannot be met after adjusting the ventilation rates pursuant to paragraph (d), explain why the rate cannot be met;*

(f) *Conduct survey readings of the inlets and outlets to:*

(1) *Ensure that ventilation is reaching the served zone and is adequately distributed;*

(2) *Ensure that the inlets and outlets are balanced to be tolerated by the design of the filtration system;*

(3) *Document read values and deficiencies; and*

(4) *If the original values of the design of the filtration system for inlets and outlets of the filtration system are not available, document the available information and note the unavailability of the original values;*

(g) *Ensure that there is a positive pressure differential between the building and the outdoors, that the building is not overly pressurized and that rooms designated for temporary occupation by sick pupils or staff maintain a negative pressure differential or a pressure differential otherwise set forth by the applicable industry standards;*

(h) *Ensure that the coil velocities and the coil and unit discharge air temperatures maintain the desired indoor conditions and avoid moisture carryover from the cooling coils;*

(i) *Ensure that the separation between the outdoor air intakes and the exhaust discharge outlets is in accordance with the Uniform Mechanical Code;*

(j) *Verify that the air handling unit is bringing in outdoor air and removing exhaust air as intended by the design of the filtration system;*

(k) *Measure the air volume for the exhaust fans and document any discrepancies in volume between the measurements and the original volume of the design of the filtration system;*

(l) *Verify that the coil condition, condensate drainage, air temperature differentials of the cooling coils, operation of the heat exchangers and drive assembly meet applicable industry standards;*

(m) *Review the control sequences to verify that the systems will maintain the intended ventilation, temperature and humidity during school operation;*

(n) *Verify that daily flushes are scheduled in accordance with the standards set forth by the American National Standards Institute and the American*

*Society of Heating, Refrigerating and Air-Conditioning Engineers and any applicable local or state guidance; and*

*(o) Ensure that the operation times and set points of the heating, ventilation and air-conditioning system and exhaust fans are in accordance with any applicable guidance set forth by the American National Standards Institute and the American Society of Heating, Refrigerating and Air-Conditioning Engineers and any applicable local or state guidance.*

*2. Except as otherwise provided in subsection 3, if a demand control ventilation system is installed at a school, qualified adjusting personnel or qualified testing personnel, as applicable, shall ensure that the set point for carbon dioxide is set to 800 parts per million or less.*

*3. Qualified adjusting personnel, qualified testing personnel or a licensed professional engineer shall disable a demand control ventilation system installed at a school and configure the overall ventilation system to meet the minimum requirements of sections 2 to 13.5, inclusive, of this act if:*

*(a) The demand control ventilation system does not maintain an average daily maximum carbon dioxide concentration of less than 1,100 parts per million;*

*(b) The board of trustees of the school district or governing body of the charter school, as applicable, determines that a public health crisis caused by an airborne illness is in effect; and*

*(c) Disabling the demand control ventilation system would not adversely affect the operation of the overall ventilation system,*

*↳ until the board of trustees or governing body determines that a public health crisis caused by an airborne illness is no longer in effect.*

*Sec. 9. In assessing the heating, ventilation and air-conditioning system of a school pursuant to section 6 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall assess the overall performance of the heating, ventilation and air-conditioning system. If a heating, ventilation and air-conditioning system is broken, fails to meet the minimum requirements for ventilation established by sections 2 to 13.5, inclusive, of this act or is otherwise unable to operate at the level intended by the original design of the system, qualified adjusting personnel or qualified testing personnel, as applicable, shall recommend any necessary repairs or maintenance. Any repairs or maintenance to the heating, ventilation and air-conditioning system must be performed by a skilled and trained workforce.*

*Sec. 10. In assessing the carbon dioxide monitors of a school pursuant to section 6 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall ensure that each classroom in the school is equipped with a carbon dioxide monitor that:*

*1. Is hardwired or plugged in and mounted to the wall at least 3 feet but not more than 6 feet above the floor and at least 5 feet away from any door or operable window;*

*2. Displays readings to appropriate personnel through a display on the monitor or through an application on an Internet website or a cellular phone;*

3. Provides a visual notification, including, without limitation, through an indicator light, electronic mail, text message or an application on a cellular phone, when the concentration of carbon dioxide in the room reaches 1,100 parts per million or more;

4. Maintains a record of previous data that includes, without limitation, the maximum carbon dioxide concentration measured;

5. Has a range of 400 parts per million to 2,000 parts per million or more; and

6. Is certified by the manufacturer of the carbon dioxide monitor to be accurate within 75 parts per million at a carbon dioxide concentration of 1,000 parts per million and requires calibration not more than once every 5 years.

Sec. 10.5. 1. If a public school has a limited or no ventilation system, qualified adjusting personnel or qualified testing personnel, as applicable, shall document existing conditions and provide a licensed professional engineer with any information necessary for the licensed professional engineer to make recommendations for upgrading or installing a ventilation system.

2. Qualified adjusting personnel or qualified testing personnel that conduct an assessment of a public school with a limited or no ventilation system shall determine whether carbon dioxide monitors that meet the requirements of section 10 of this act are installed in each classroom of the school.

Sec. 11. 1. Qualified adjusting personnel or qualified testing personnel, as applicable, shall prepare an assessment report of any assessment performed in a school pursuant to section 6 of this act. A licensed professional engineer shall:

(a) Review the assessment report and determine if any:

(1) Additional adjustments or repairs are necessary to meet the minimum requirements for ventilation and filtration established by sections 2 to 13.5, inclusive, of this act; and

(2) Cost-effective upgrades for energy efficiency are warranted; and

(b) Provide an estimated cost of any work required to meet the minimum requirements for ventilation and filtration established by sections 2 to 13.5, inclusive, of this act, up to an estimated cost of not more than \$200,000 and an estimated cost of any additional recommended work up to an estimated cost of not more than \$200,000.

2. The assessment report must include, without limitation:

(a) The name and address of the person preparing the report and the school where the assessments required pursuant to section 6 of this act were performed;

(b) For each piece of equipment assessed, the model number, serial number, general condition and any additional information that could be used to assess options for replacements, repairs or upgrades;

(c) *Verification that the filters meet the best possible minimum efficiency reporting values pursuant to subsection 2 of section 7 of this act or, if a filter does not meet the best possible minimum efficiency reporting value, documentation of the current minimum efficiency reporting value of the filter;*

(d) *Verification that the ventilation rates meet the requirements set forth in section 8 of this act or, if the ventilation rates do not meet the requirements, an explanation of why the ventilation rates do not meet the requirements;*

(e) *The measurements of air volume for the exhaust fans and the documentation of any discrepancies in volume between the measurements and the original volume of the design of the filtration system prepared pursuant to paragraph (k) of subsection 1 of section 8 of this act;*

(f) *Verification that each assessment conducted pursuant to sections 7 to 10.5, inclusive, of this act meets the requirements of the applicable section;*

(g) *If the minimum outside air ventilation rate of a filtration system cannot be met, the explanation of why the rate cannot be met prepared pursuant to paragraph (e) of subsection 1 of section 8 of this act.*

(h) *If the original values of the design of the filtration system for the inlets and outlets of the filtration system are not available pursuant to paragraph (f) of subsection 1 of section 8 of this act, documentation of the available information and a notation of the unavailability of the original values;*

(i) *Documentation of any deficiencies within any system assessed pursuant to section 6 of this act;*

(j) *Verification of the installation of carbon dioxide monitors pursuant to section 10 of this act, including, without limitation, the make and model of the carbon dioxide monitors;*

(k) *If applicable, documentation of the information prepared pursuant to section 10.5 of this act for a school with a limited or no ventilation system; and*

(l) *Recommendations for additional maintenance, replacements or upgrades to improve the energy efficiency, safety or performance of any system assessed pursuant to section 6 of this act.*

Sec. 12. 1. *The board of trustees of a school district or the governing body of a charter school that ensures a public school is equipped with functional ventilation systems pursuant to section 6 of this act shall prepare a report on the status of the assessments performed pursuant to section 6 of this act and any maintenance, repairs or upgrades performed as a result of those assessments. The report must include, without limitation:*

(a) *The name and address of the person preparing the report and the school where the assessments required pursuant to section 6 of this act were performed;*

(b) *A description of the assessments performed pursuant to section 6 of this act and any maintenance, repairs or upgrades performed as a result of those assessments;*

(c) Verification that the board of trustees of the school district or governing body of the charter school, as applicable, has complied with the requirements of section 2 to 13.5, inclusive, of this act;

(d) Verification that the filters meet the best possible minimum efficiency reporting values pursuant to subsection 2 of section 7 of this act or, if a filter does not meet the best possible minimum efficiency reporting value, documentation of the current minimum efficiency reporting value of the filter;

(e) Verification that the ventilation rates meet the requirements set forth in section 8 of this act or, if the ventilation rates do not meet the requirements, an explanation of why the ventilation rates do not meet the requirements;

(f) The measurements of air volume for the exhaust fans and the documentation of any discrepancies in volume between the measurements and the original volume of the design of the filtration system prepared pursuant to paragraph (k) of subsection 1 of section 8 of this act;

(g) Documentation of any deficiencies within any system assessed pursuant to section 6 of this act;

(h) Documentation of the initial operating verifications and adjustments, the final operating verifications and adjustments and any adjustments or repairs performed;

(i) Verification of the installation of carbon dioxide monitors pursuant to section 10 of this act, including, without limitation, the make and model of the carbon dioxide monitors;

(j) If applicable, documentation of the information prepared pursuant to section 10.5 of this act for a school with a limited or no ventilation system;

(k) Verification that all work has been performed by qualified adjusting personnel or qualified testing personnel or a skilled and trained workforce, as appropriate, which may include, without limitation, the provision of the name and, if applicable, certification number of any contractor, qualified adjusting personnel or qualified testing personnel ~~+~~ who performed such work.

2. The board of trustees of a school district or the governing body of a charter school shall maintain the report prepared pursuant to subsection 1 for at least 5 years and make a copy of the report available to the Office of Energy or any member of the public upon request during the time in which the report is maintained.

Sec. 13. (Deleted by amendment.)

Sec. 13.5. 1. A local educational agency, as defined in 20 U.S.C. § 7801(30)(A), that develops a plan for the safe return to in-person instruction and continuity of services pursuant to section 2001(i) of the American Rescue Plan Act of 2021, Public Law 117-2, and that will ensure a public school is equipped with functional ventilation systems pursuant to sections 6 to 13.5, inclusive, of this act shall ~~include in~~, on or before September 1, 2021, ~~prepare an addendum to the plan ~~the information contained in a report prepared~~ that describes how the local educational agency will ensure that a public school is equipped with functional ventilation systems pursuant to ~~section 12~~ sections 6 to 13.5, inclusive, of this act. The plan must include,~~

without limitation, a timeline for a public school to perform any actions recommended to ensure a public school is equipped with functional ventilation systems pursuant to sections 6 to 13.5, inclusive, of this act.

2. The addendum prepared pursuant to subsection 1 must be made publicly available in the same manner as the plan for the safe return to in-person instruction and continuity of services in accordance with the provisions of section 2001(i) of the American Rescue Plan Act of 2021, Public Law 117-2.

3. Compliance with an addendum prepared pursuant to this section shall not be construed as a prerequisite for a return to in-person instruction.

Sec. 14. This act becomes effective on July 1, 2021, and expires by limitation on June 30, 2023.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 499 to Assembly Bill No. 257 clarifies that the requirements related to the allocation of funds for the school ventilation program apply only if a school chooses to allocate, or is required to allocate, State or federal funds to ventilation or indoor air quality improvement projects. It replaces the requirement that the board of trustees of a school district or the governing body of a charter school provide a report on the work performed by certain personnel with a requirement that a local educational agency prepare an addendum to its plan to return to in-person instruction that outlines the LEA's proposal for ensuring a public school is equipped with functional ventilation systems.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 281.

Bill read second time and ordered to third reading.

Assembly Bill No. 308.

Bill read second time and ordered to third reading.

Assembly Bill No. 338.

Bill read second time and ordered to third reading.

Assembly Bill No. 403.

Bill read second time and ordered to third reading.

Assembly Bill No. 406.

Bill read second time and ordered to third reading.

Assembly Bill No. 417.

Bill read second time and ordered to third reading.

Assembly Bill No. 442.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 439.

Bill read third time.



### Remarks by Senator Dondero Loop.

Senate Bill No. 439, as amended, is a budget implementation bill that provides the following: revises the sources of revenue for the State Education Fund; excludes the interest and income earned on the direct legislative appropriation to the State Education Fund from being credited to the Fund; eliminates the requirement to fund the operations of the State Board of Education, Superintendent of Public Instruction and the Department of Education from the State Education Fund; revises provisions related to the Education Stabilization Account; eliminates the requirement to provide funding for the additional educational needs of pupils with disabilities through additional weighted funding for each such pupil from the State Education Fund, and instead, requires the establishment of a statewide multiplier for the support of pupils with disabilities; revises and repeals the adjustment for each necessarily small school in a school district and instead, creates an adjustment for the increased cost per pupil to a school district to operate public schools in which relatively fewer pupils are enrolled; revises the requirement for the transfer of ending fund balances to the Education Stabilization Account from county school district funds to be based on the total actual expenditures rather than budgeted expenditures; requires interest and income earned on the money in the Education Gift Fund to be credited to the fund and requires the balance in the fund at the end of a fiscal year to be carried forward to the next fiscal year; transfers the apportionment of certain money designated for the National School Lunch Program to the Director of the State Department of Agriculture; eliminates certain reporting requirements; revises provisions related to the timing and reporting of recommended minimum expenditure on textbooks, instructional supplies, instructional software and instructional hardware for public schools; requires the transfer of any remaining balance in the State Education Fund to the Education Stabilization Account at the end of each biennium, rather than at the end of each fiscal year; authorizes the Department of Education to submit a request to the Interim Finance Committee for a transfer from the Education Stabilization Account to the State Education Fund if the committee determines actual enrollment growth for a fiscal year exceeds the projected enrollment growth and a transfer is necessary to fund the excess enrollment; revises provisions related to biennial budget preparation for the State Education Fund; and eliminates certain accounts relating to education.

### Roll call on Senate Bill No. 439:

YEAS—20.

NAYS—Hansen.

Senate Bill No. 439 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

### Assembly Bill No. 4.

Bill read third time.

### Remarks by Senator Lange.

Assembly Bill No. 4 makes various changes concerning the Nevada Insurance Guaranty Association. Among other things, the bill limits the claims that may be asserted against a person insured by a policy issued by an insolvent insurer. It adds various types of insurance products designed to protect the interests of a creditor arising out of a creditor-debtor transaction to the types of insurance that are not covered by the Guaranty Association and describes certain coverages under warranties and service contracts that are not covered by the Guaranty Association. The bill amends the types of claims that are covered by the Guaranty Association, extends the claim filing deadline from 18 months to 25 months, and it lowers the net worth threshold for first-party claims, which are claims made by insureds to \$10 million. It changes the amount of the Guaranty Association's obligation to pay a covered claim by reducing the limit to \$10,000 for each policy if the claim is for the return of unearned premiums and clarifies that the Guaranty Association is not bound by unfunded settlements or releases that were executed or entered within 12 months before an order of liquidation.

Roll call on Assembly Bill No. 4:

YEAS—21.

NAYS—None.

Assembly Bill No. 4 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 6.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 6 provides that a person may file a written protest against the granting of an application for a temporary change and that the State engineer may hold a hearing in accordance with the procedures set forth in existing law.

Roll call on Assembly Bill No. 6:

YEAS—21.

NAYS—None.

Assembly Bill No. 6 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 18.

Bill read third time.

Remarks by Senator Pickard.

Assembly Bill No. 18 eliminates the limitation on the maximum amount of uninsured vehicle coverage that may be provided by a motor vehicle liability insurance policy. The bill provides that certain notice requirements do not apply to a policy upon renewal if the changes to the policy's provisions are favorable to the policy holder.

Roll call on Assembly Bill No. 18:

YEAS—21.

NAYS—None.

Assembly Bill No. 18 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 27.

Bill read third time.

Remarks by Senators Scheible and Pickard.

SENATOR SCHEIBLE:

Assembly Bill No. 27 revises the Uniform Interstate Family Support Act by authorizing a support enforcement agency of this State, in addition to a tribunal, to issue a child-support order and an income-withholding order that redirects payment of current support, arrears and interest if requested to do so by a support-enforcement agency of another state.

SENATOR PICKARD:

I generally vote in favor of any bill that would improve the ability for parents to collect due child support. This goes too far in that it allows the District Attorney's office to issue orders, which is sole province of the judiciary or a judicial officer. I cannot support the bill as I think that is inappropriate.

Roll call on Assembly Bill No. 27:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—9.

Assembly Bill No. 27 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 30.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 30 revises a requirement for eligibility of certain nonprofit organizations to receive a grant from the Account for Aid for Victims of Domestic Violence, which is administered by the Division of Child and Family Services of the Department of Health and Human Services. If a nonprofit is in a county whose population is less than 100,000, it must offer services that are primarily, rather than exclusively, for victims of domestic violence. To be eligible for a grant, a nonprofit must be able to provide certain services and programs. Lastly, the name of the Account is changed to the Account for Aid for Victims of Domestic or Sexual Violence.

Roll call on Assembly Bill No. 30:

YEAS—21.

NAYS—None.

Assembly Bill No. 30 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 31.

Bill read third time.

Remarks by Senator Donate.

Assembly Bill No. 31 revises provisions governing the Nevada Petroleum Products Inspection Act. Specifically, the bill requires the State Board of Agriculture of the State Department of Agriculture to adopt specification standards for aviation fuel, diesel exhaust fluid and certain petroleum heating products. It makes it unlawful for any person to refuse to permit the State Sealer of Consumer Equitability, or the appointees thereof, or any member of the Nevada Highway Patrol to perform their duties concerning petroleum product or motor-vehicle fuel sampling.

The bill allows, by mutual agreement, for the waiver of the 24-hour notice period before an outlet or tank, which has been sealed, to be unsealed for purposes of removal of fuel or other product found to be in violation. It revises provisions relating to the storage and disposal of petroleum products. It revises the powers and duties of the State Sealer of Consumer Equitability relating to petroleum products and makes other technical and conforming changes.

Roll call on Assembly Bill No. 31:

YEAS—21.

NAYS—None.

Assembly Bill No. 31 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 33.

Bill read third time.

### Remarks by Senator Hansen.

Assembly Bill No. 33 authorizes the paternity of a child to be legally established during a civil proceeding concerning the protection of a child. A judgment or order entered in an action to establish paternity issued during such a proceeding is not subject to the provisions relating to the confidentiality of judgments or orders in a proceeding concerning the protection of a child, and it is a final order.

### Roll call on Assembly Bill No. 33:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

### Assembly Bill No. 34.

Bill read third time.

Remarks by Senators Scheible, Settelmeyer and Kieckhefer.

#### SENATOR SCHEIBLE:

Assembly Bill No. 34 revises various provisions governing the control of pests, noxious weeds and pesticides. Specifically, the bill authorizes the Director of the State Department of Agriculture to adopt regulations that establish and administer a program to certify certain agricultural products as being free from propagative parts from which noxious weeds may grow. It authorizes the Department to provide certain notices by electronic mail. It exempts a business from the requirement to obtain a license from the Department if that business is licensed by another State and sells nursery stock only to the public exclusively via the Internet. The bill revises the prohibition against engaging in certain activities involving pest control without a license, and it revises provisions governing the certification of restricted-use pesticide application. It defines the term "control" as it applies to noxious weeds. It also makes various other changes concerning certification and regulation of pesticide applicators.

#### SENATOR SETTELMEYER:

In section 1.5 of this bill, subsection 2, it indicates we will defer to the North American Invasive Species discussion. Within Douglas County, and other counties I represent, there has been discussion in that past that by doing that, we will get into everything from goatheads to other species that are more of a nuisance than noxious weeds. In Douglas County, this has led to businesses who were applying to the weed-free program deciding not to participate by spraying their weeds because it became too onerous to spray all of the goatheads on a property rather than just the noxious weeds. That creates a huge concern.

Within section 8, it states that even conservation districts will have to be licensed to spray weeds. Last year, in Douglas County spent over \$75,000 through the Conservation District to spray noxious weeds. If there is a requirement for licensing, they will not be in compliance, and we will see a proliferation of noxious weeds within that area and the Carson River, which will then spread to the other counties I represent. The bill goes too far and will cause more problems than it does good. For that reason, I oppose Assembly Bill No. 34.

### Roll call on Assembly Bill No. 34:

YEAS—16.

NAYS—Buck, Hammond, Hansen, Pickard, Settelmeyer—5.

Assembly Bill No. 34 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 43.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 43 requests the Nevada Supreme Court to study and make recommendations concerning the procedural and substantive statutes and rules of the Commission on Judicial Discipline and compile all nonconfidential statistics relating to the work of the Commission for the Legislature's consideration.

Roll call on Assembly Bill No. 43:

YEAS—21.

NAYS—None.

Assembly Bill No. 43 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 54.

Bill read third time.

Remarks by Senators Spearman and Pickard.

SENATOR SPEARMAN:

Assembly Bill No. 54 creates the Advisory Committee on Traffic Safety within the Department of Transportation to review, study and make recommendations on best practices for preventing and reducing death and serious injury from motor vehicles crashes, data on fatal or serious motor vehicles crashes, policies to prevent or reduce such deaths and injuries, and any other matter submitted by the Chair of the Committee.

The bill authorizes the Committee to establish working groups and similar entities and requires the Committee to submit an annual report on its work to the governor and the Legislature.

SENATOR PICKARD:

I do not have a problem with the concept of an advisory committee; however, one thing we pointed out was that there was an omission of minority participation and selection to that committee. We were told in the presentation that it might fall into the "others" category should someone want them. That is inappropriate, and balance is needed in all discussions. The more diversity of thought we have, the better an idea will be vetted. Due to that significant omission, I will oppose Assembly bill No. 54.

Roll call on Assembly Bill No. 54:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—9.

Assembly Bill No. 54 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 60.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 60 provides that a provision of a contract or settlement agreement is void and unenforceable if the provision prohibits or restricts the party to the contract or settlement agreement from testifying as a witness at a judicial or administrative proceeding concerning another party to the contract or settlement agreement and his or her commission of a criminal offense; an act of sexual harassment; an act of discrimination based on race, religion, color,

national origin, sexual orientation, gender identity or expression, ancestry, familial status, age or sex by an employer or a landlord or an act of retaliation for reporting such discrimination.

These provisions do not apply to a settlement agreement that results from successful mediation or conciliation by the Nevada Equal Rights Commission.

Roll call on Assembly Bill No. 60:

YEAS—21.

NAYS—None.

Assembly Bill No. 60 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 64.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 64 grants the Attorney General concurrent jurisdiction to prosecute a person for committing the crime of facilitating sex trafficking, engaging in prostitution or solicitation for prostitution. The crime of soliciting a child for prostitution is revised. A person is guilty of such a crime if the person solicits a child, a peace officer who is posing as a child or a person who is assisting an investigation on behalf of peace officer posing as a child.

Roll call on Assembly Bill No. 64:

YEAS—21.

NAYS—None.

Assembly Bill No. 64 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 72.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 72 adds a representative of the Nevada Indian Commission as a voting member of the Nevada State Board on Geographic Names. The bill also removes the State Resident Cartographer as the Board's Executive Secretary and requires the voting members of the Board to select the person to serve in this position. The bill clarifies that the chair and vice chair are designated from among the voting members of the Board and that the vice chair presides in the absence of the chair.

Roll call on Assembly Bill No. 72:

YEAS—21.

NAYS—None.

Assembly Bill No. 72 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 74.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 74 requires that sellers of restricted-use pesticides maintain records of the distribution of those pesticides, in addition to sales records. The sales and distribution records

must be maintained in accordance with federal recordkeeping requirements for State certification plans.

Roll call on Assembly Bill No. 74:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 75.

Bill read third time.

Remarks by Senator Donate.

Assembly Bill No. 75 requires the State Sealer of Consumer Equitability to adopt regulations establishing field-reference standards to be used in the installation, adjustment, repair or calibration of devices for weights and measures and weighing and measuring devices. It transfers standards to be used as temporary measurement references to check the accuracy of commercial weighing and measuring equipment.

The bill also creates a rebuttable presumption concerning the presence of a field reference standard and makes various technical changes concerning weights and measures.

Roll call on Assembly Bill No. 75:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 118.

Bill read third time.

Remarks by Senators Scheible and Hammond.

SENATOR SCHEIBLE:

Assembly Bill No. 118 expands the use of child restraints for children transported in motor vehicles. The measure removes the weight requirement for children under six years of age requiring child restraints. It requires that a child less than 57-inches tall be secured in a child restraint system, and it requires that a child less than two years of age generally be secured in a rear-facing child restraint system in the back seat of the motor vehicle.

Children less than two years of age must be secured in a rear-facing child restraint system in the back seat of a vehicle unless any air bag on the passenger's side of the front seat is deactivated. Special healthcare needs of the child require the child to ride in the front seat and a written statement signed by a physician certifying the requirement is carried in the motor vehicle; all back seats are in use by other children who are less than two years of age, or the motor vehicle is not equipped with back seats.

The measure permits the Department of Public Safety to accept gifts, grants and donations from any source for the purchase or donation of child restraint systems for persons who are in financial need.

SENATOR HAMMOND:

I oppose Assembly Bill No. 118. I understand the intent; the sponsor has done a good job. Half of the bill talks about making sure children are 57 inches tall, which corresponds to the manufacturing of vehicles and how seat belts cross our chests. This makes sense. The other part of the bill, however, designates the age of a child who is to sit in a rear-facing car seat. It seems

like an arbitrary number. Children who are a year of age are tall enough. Their knees are in their chins, and it seems parents should be able to make this decision based on the size of the child. For that reason, I will say "no" to the bill.

Roll call on Assembly Bill No. 118:

YEAS—14.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Pickard, Settlemeyer—7.

Assembly Bill No. 118 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 413.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 413 requires Nevada's Department of Transportation to establish an Advisory Working Group to Study Certain Issues Related to Transportation during the 2021-2022 Interim. The Working Group must consist of at least 20 but not more than 30 persons, including the chairs of the Assembly and Senate Standing Committees on Growth and Infrastructure, with the additional members appointed by the Department to represent a wide variety of interests and organizations.

The topics to be studied include transportation equity, reduction of greenhouse gas emissions and the sustainability of the State Highway Fund. The Department must submit a written report on the findings and recommendations of the Working Group no later than December 31, 2022, for transmittal to the 2023 Nevada Legislature.

Roll call on Assembly Bill No. 413:

YEAS—21.

NAYS—None.

Assembly Bill No. 413 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 420.

Bill read third time.

Remarks by Senator Buck.

Assembly Bill No. 420 revises the definition of an educational-management organization to mean a for-profit entity that contracts with and is accountable to the governing body of a charter school to provide centralized support or operations, including, without limitation, educational, administrative, management, compliance or instructional services or staff to the charter school.

Roll call on Assembly Bill No. 420:

YEAS—21.

NAYS—None.

Assembly Bill No. 420 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 426.

Bill read third time.

The following amendment was proposed by Senator Seevers Gansert:



Amendment No. 511.

SUMMARY—Makes various changes relating to the protection of children. (BDR 38-516)

AN ACT relating to the protection of children; authorizing an agency which provides child welfare service or its designee to request a warrant to place a child in protective custody under certain circumstances; revising the requirements for notice given to certain persons of certain hearings; authorizing the Attorney General to sign a petition alleging that a child is in need of protection; making various other changes relating to the protection of children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an agent or officer of a law enforcement agency, an agent or officer of the local juvenile probation department or the local department of juvenile services, or a designee of an agency which provides child welfare services to place a child in protective custody if there is reasonable cause to believe that immediate action is necessary to protect the child from injury, abuse or neglect. (NRS 432B.390) Section 1 of this bill authorizes an agency which provides child welfare services or its designee to request that the court issue a warrant to place a child in protective custody if there is reasonable cause to believe that the child is in need of protection from injury, abuse or neglect but the threat is not imminent in the time it would take to obtain a warrant. Section 1 also: (1) sets forth the information that must be included in such a warrant; (2) provides that the warrant is enforceable in any jurisdiction in this State; (3) establishes that the warrant is valid for 10 days after the date of issuance, unless otherwise specified in the warrant; (4) requires that a copy of the warrant must be provided to the parent, guardian or custodian of the child; (5) clarifies that obtaining a warrant does not preclude an agency which provides child welfare services from requesting a subsequent warrant; (6) requires that a hearing on protective custody must be held in accordance with existing law if the warrant is executed; and (7) requires the application for the warrant and the warrant to be filed with the clerk of the court. Section 2 of this bill makes a conforming change to indicate the placement of section 1 in the Nevada Revised Statutes, and sections 3 and 4 of this bill make conforming changes that are necessary as a result of the changes made by section 1.

Existing law grants the court exclusive original jurisdiction in proceedings concerning any child living or found within the county who is a child in need of protection or may be a child in need of protection. (NRS 432B.410) Section 5 of this bill provides that the jurisdiction of the court also applies to any child who is domiciled within the county.

Existing law sets forth the circumstances under which a person is considered to have a special interest in a child and provides that if the court or a special master finds that a person has a special interest in a child, the court or the special master is required to: (1) ensure that the person is involved in and notified of any plan for the temporary or permanent placement of the child and

is allowed to offer recommendations regarding the plan; and (2) allow the person to testify at any hearing to determine any temporary or permanent placement of the child. (NRS 432B.457) Section 6 of this bill clarifies that such a finding: (1) may be made upon the initiative of the court or special master or the motion of a party; and (2) may be reviewed or modified by the court or special master at any time.

Existing law requires that certain persons be given notice of certain hearings regarding the placement of a child when the child has been placed in protective custody, when the court is conducting a review of the placement of the child and when the court is considering the permanent placement of the child. (NRS 432B.470, 432B.580, 432B.590) Sections 7, 11 and 12 of this bill revise the provisions relating to the notice given to a parent or other person responsible for the child's welfare before such hearings. Sections 11 and 12 also clarify that certain determinations by the court must be made based upon a preponderance of the evidence.

Existing law provides that a petition alleging that a child is in need of protection may be signed only by: (1) a representative of an agency which provides child welfare services; (2) a law enforcement officer or probation officer; or (3) the district attorney. (NRS 432B.510) Section 8 of this bill authorizes the Attorney General to sign such a petition. Section 9 of this bill makes a conforming change to reflect the change in section 8 authorizing the Attorney General to sign such a petition.

Existing law authorizes the court to dispose of a case if the court finds by a preponderance of the evidence that the child was in need of protection at the time of the removal of the child from the home. (NRS 432B.530) Section 10 of this bill authorizes the court to dispose of a case if the court finds by a preponderance of the evidence that the child was in need of protection at the time of the completion of the investigation by the agency which provides child welfare services, if the child was not removed from the home.

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An agency which provides child welfare services or its designee may request that the court issue a warrant to place a child in protective custody if there is reasonable cause to believe that the child is in need of protection from injury, abuse or neglect but the threat is not imminent in the time it would take to obtain a warrant.*

2. *If the court, after review of a verified statement or sworn testimony presented by the agency which provides child welfare services or its designee, finds that there is reasonable cause to believe that the child is in need of protection from injury, abuse or neglect, the court may issue a warrant authorizing the child to be placed in protective custody.*

3. *The warrant to place a child in protective custody:*

(a) *Must include a finding that it is contrary to the welfare of the child to remain in the home;*

(b) *Must identify the basis for the finding that there is reasonable cause to believe that the child is in need of protection from injury, abuse or neglect;*

(c) *Must authorize the agency which provides child welfare services or its designee to immediately place the child in protective custody; and*

(d) *May, if there is reasonable cause to believe that the child or the person placing the child in protective custody may be threatened with harm, authorize an agent or officer of a law enforcement agency or an agent or officer of a local juvenile probation department or the local department of juvenile services to assist the agency which provides child welfare services or its designee in placing the child in protective custody.*

4. *A warrant issued pursuant to this section:*

(a) *Is enforceable in any jurisdiction in this State; and*

(b) *Is valid for 10 days after the date of issuance, unless otherwise specified in the warrant.*

5. *A copy of a warrant issued pursuant to this section must be provided to the parent, guardian or custodian of a child placed in protective custody.*

6. *The provisions of this section do not preclude an agency which provides child welfare services or its designee that has obtained a warrant pursuant to this section from requesting a subsequent warrant if there remains reasonable cause to believe that the child is in need of protection from injury, abuse or neglect.*

7. *If a warrant issued pursuant to this section is executed, a hearing on protective custody must be held in accordance with the provisions of NRS 432B.470 and 432B.480.*

8. *The application for the warrant and the warrant must be filed with the clerk of the court.*

Sec. 2. NRS 432B.260 is hereby amended to read as follows:

432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides child welfare services of any report it receives.

2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:

(a) There is a high risk of serious harm to the child;

(b) The child has suffered a fatality; or

(c) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.

3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides child welfare services shall conduct an

evaluation not later than 3 days after the report or notification was received to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:

- (a) The child is not in imminent danger of harm;
- (b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens the immediate health or safety of the child;
- (c) The alleged abuse or neglect of the child or the alleged effect of a fetal alcohol spectrum disorder or prenatal substance use disorder on or the withdrawal symptoms resulting from any prenatal substance exposure of the newborn infant could be eliminated if the child and the family of the child are referred to or participate in social or health services offered in the community, or both; or
- (d) The agency determines that the:
  - (1) Alleged abuse or neglect was the result of the reasonable exercise of discipline by a parent or guardian of the child involving the use of corporal punishment; and
  - (2) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150.

4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.

5. If an agency which provides child welfare services investigates a report of alleged abuse or neglect of a child pursuant to NRS 432B.010 to 432B.400, inclusive, *and section 1 of this act*, the agency shall inform the person responsible for the child's welfare who is named in the report as allegedly causing the abuse or neglect of the child of any allegation which is made against the person at the initial time of contact with the person by the agency. The agency shall not identify the person responsible for reporting the alleged abuse or neglect.

6. If the agency determines that an investigation is not warranted, the agency may, as appropriate:

- (a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or
- (b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.

7. If an agency which provides child welfare services enters into an agreement with a person to provide services to a child or the family of the child pursuant to subsection 6, the agency shall require the person to notify the agency if the child or the family refuses or fails to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

8. If an agency which provides child welfare services determines pursuant to subsection 3 that an investigation is not warranted, the agency may, at any time, reverse that determination and initiate an investigation.

9. An agency which provides child welfare services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

Sec. 3. NRS 432B.340 is hereby amended to read as follows:

432B.340 1. If the agency which provides child welfare services determines that a child needs protection, but is not in imminent danger from abuse or neglect ~~[,] and does not need to be placed in protective custody pursuant to NRS 432B.390,~~ it may:

(a) Offer to the parents or guardian a plan for services and inform the parents or guardian that the agency has no legal authority to compel the parents or guardian to accept the plan but that it has the authority to petition the court pursuant to NRS 432B.490 or to refer the case to the district attorney or a law enforcement agency; or

(b) File a petition pursuant to NRS 432B.490 and, if a child is adjudicated in need of protection, request that the child be removed from the custody of the parents or guardian or that the child remain at home with or without the supervision of the court or of any person or agency designated by the court.

2. If the parent or guardian accepts the conditions of the plan offered by the agency pursuant to paragraph (a) of subsection 1, the agency may elect not to file a petition and may arrange for appropriate services, including medical care, care of the child during the day, management of the home or supervision of the child, the parents or guardian.

Sec. 4. NRS 432B.390 is hereby amended to read as follows:

432B.390 1. An agent or officer of a law enforcement agency, an officer of the local juvenile probation department or the local department of juvenile services, or a designee of an agency which provides child welfare services ~~[,] may place a child in protective custody:~~

(a) ~~[May place a child in protective custody without the consent of] If the person responsible for the child's welfare if parent or legal guardian consents to the child being placed in protective custody. ~~;~~~~

(b) ~~If the agent, officer or designee has reasonable cause to believe that immediate action is necessary to protect the child from injury, abuse or neglect ~~;~~~~

~~(b) Shall place a child in protective custody upon]~~

(c) ~~Upon the issuance of a warrant to place a child in protective custody pursuant to section 1 of this act ~~;~~ or~~

(d) ~~Upon the death of a parent of the child, [without the consent of the person responsible for the welfare of the child,] if the agent, officer or designee has reasonable cause to believe that the death of the parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.~~

2. When an agency which provides child welfare services receives a report pursuant to subsection 2 of NRS 432B.630, a designee of the agency which provides child welfare services shall immediately place the child in protective custody.

3. If there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, a protective custody hearing must be held pursuant to NRS 432B.470, whether the child was placed in protective custody or with a relative. If an agency other than an agency which provides child welfare services becomes aware that there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, that agency shall immediately notify the agency which provides child welfare services and a protective custody hearing must be scheduled.

4. An agency which provides child welfare services shall request the assistance of a law enforcement agency in the removal of a child if the agency has reasonable cause to believe that the child or the person placing the child in protective custody may be threatened with harm.

5. Before taking a child for placement in protective custody, the person taking the child shall show his or her identification to any person who is responsible for the child and is present at the time the child is taken. If a person who is responsible for the child is not present at the time the child is taken, the person taking the child shall show his or her identification to any other person upon request. The identification required by this subsection must be a single card that contains a photograph of the person taking the child and identifies the person as a person authorized pursuant to this section to place a child in protective custody.

6. A child placed in protective custody pending an investigation and a hearing held pursuant to NRS 432B.470 must be placed, except as otherwise provided in NRS 432B.3905, in the following order of priority:

(a) In a hospital, if the child needs hospitalization.

(b) With a person who is related within the fifth degree of consanguinity or a fictive kin, and who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative or fictive kin resides within this State.

(c) In a foster home that is licensed pursuant to chapter 424 of NRS.

(d) In any other licensed shelter that provides care to such children.

7. Whenever possible, a child placed pursuant to subsection 6 must be placed together with any siblings of the child. Such a child must not be placed in a jail or other place for detention, incarceration or residential care of persons convicted of a crime or children charged with delinquent acts.

8. A person placing a child in protective custody pursuant to subsection 1 shall:

(a) Immediately take steps to protect all other children remaining in the home or facility, if necessary;

(b) Immediately make a reasonable effort to inform the person responsible for the child's welfare that the child has been placed in protective custody; and

(c) As soon as practicable, inform the agency which provides child welfare services and the appropriate law enforcement agency, except that if the placement violates the provisions of NRS 432B.3905, the person shall immediately provide such notification.

9. If a child is placed with any person who resides outside this State, the placement must be in accordance with NRS 127.330.

10. As used in this section, "fictive kin" means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Sec. 5. NRS 432B.410 is hereby amended to read as follows:

432B.410 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act, the court has exclusive original jurisdiction in proceedings concerning any child *domiciled*, living or found within the county who is a child in need of protection or may be a child in need of protection.

2. Action taken by the court because of the abuse or neglect of a child does not preclude the prosecution and conviction of any person for violation of NRS 200.508 based on the same facts.

Sec. 6. NRS 432B.457 is hereby amended to read as follows:

432B.457 1. If, *upon the initiative of the court or a special master appointed pursuant to NRS 432B.455 or the motion of a party*, the court or ~~a~~ special master ~~[appointed pursuant to NRS 432B.455]~~ finds that a person has a special interest in a child, the court or ~~the~~ special master shall:

(a) Except for good cause, ensure that the person is involved in and notified of any plan for the temporary or permanent placement of the child and is allowed to offer recommendations regarding the plan; and

(b) Allow the person to testify at any hearing held pursuant to this chapter to determine any temporary or permanent placement of the child.

2. *A finding that a person has a special interest in a child pursuant to subsection 1 may be reviewed or modified at any time by the court or special master.*

3. For the purposes of this section, a person "has a special interest in a child" if:

(a) The person is:

- (1) A parent or other relative of the child;
- (2) A foster parent or other provider of substitute care for the child;
- (3) A provider of care for the medical or mental health of the child;
- (4) An educational decision maker appointed for the child pursuant to

NRS 432B.462; or

- (5) A teacher or other school official who works directly with the child;

and

(b) The person:

- (1) Has a personal interest in the well-being of the child; or

(2) Possesses information that is relevant to the determination of the placement of the child.

Sec. 7. NRS 432B.470 is hereby amended to read as follows:

432B.470 1. A child ~~taken into~~ placed in protective custody pursuant to NRS 432B.390 must be given a hearing, conducted by a judge, master or special master appointed by the judge for that particular hearing, within 72 hours, excluding Saturdays, Sundays and holidays, after being ~~taken into~~ placed in protective custody, to determine whether the child should remain in protective custody pending further action by the court.

2. Except as otherwise provided in this subsection, notice of the time and place of the hearing must be given to a parent or other person responsible for the child's welfare:

(a) By personal service of a written notice;

(b) Orally ~~and~~, with a written notice mailed to the last known address of the parent or other person responsible for the child's welfare within 24 hours after the child is placed in protective custody; or

(c) If the parent or other person responsible for the child's welfare cannot be located ~~after a reasonable effort, by posting a written notice on the door of the residence of the parent or other person.~~ for personal or oral service, by mailing a written notice to the last known address of the parent or other person responsible for the child's welfare within 24 hours after the child is placed in protective custody.

↪ If the child was delivered to a provider of emergency services pursuant to NRS 432B.630, the parent who delivered the child to the provider shall be deemed to have waived any right to notice of the hearing conducted pursuant to this section.

3. If ~~notice is given by means of paragraph (b) or (c) of subsection 2, a copy of the notice must be mailed to the person at the last known address of the person within 24 hours after the child is placed in protective custody.~~ the parent or other person responsible for the child's welfare cannot be located for personal or oral notice and the last known address of the parent or other person responsible for the child's welfare cannot be ascertained, reasonable efforts must be made to locate and notify the parent or other person responsible for the child's welfare as soon as possible.

4. Actual notice of the hearing or appearance at the hearing shall be deemed to satisfy the requirements relating to notice set forth in this section.

Sec. 8. NRS 432B.510 is hereby amended to read as follows:

432B.510 1. A petition alleging that a child is in need of protection may be signed only by:

(a) A representative of an agency which provides child welfare services;

(b) A law enforcement officer or probation officer; or

(c) The district attorney ~~and~~ or the Attorney General.

2. The district attorney shall countersign every petition alleging need of protection, other than a petition signed by the Attorney General, and shall represent the interests of the public in all proceedings. If the district attorney



fails or refuses to countersign the petition, the petitioner may seek a review by the Attorney General. If the Attorney General determines that a petition should be filed, the Attorney General shall countersign the petition and shall represent the interests of the public in all subsequent proceedings.

3. Every petition must be entitled "In the Matter of....., a child," and must be verified by the person who signs it.

4. Every petition must set forth specifically:

(a) The facts which bring the child within the jurisdiction of the court as indicated in NRS 432B.410.

(b) The name, date of birth and address of the primary residence of the child at the time of removal.

(c) The names and addresses of the residences of the child's parents and any other person responsible for the child's welfare, and spouse if any. If the parents or other person responsible for the welfare of the child do not reside in this State or cannot be found within the State, or if their addresses are unknown, the petition must state the name of any known adult relative residing within the State or, if there is none, the known adult relative residing nearest to the court.

(d) Whether the child is in protective custody and, if so:

(1) The agency responsible for placing the child in protective custody and the reasons therefor; and

(2) Whether the child has been placed in a home or facility in compliance with the provisions of NRS 432B.3905. If the placement does not comply with the provisions of NRS 432B.3905, the petition must include a plan for transferring the child to a placement which complies with the provisions of NRS 432B.3905.

5. When any of the facts required by subsection 4 are not known, the petition must so state.

Sec. 9. NRS 432B.515 is hereby amended to read as follows:

432B.515 1. A court clerk may allow any of the following documents to be filed electronically:

(a) A petition signed by the district attorney *or the Attorney General* pursuant to NRS 432B.510; or

(b) A report prepared pursuant to NRS 432B.540.

2. Any document that is filed electronically pursuant to this section must contain an image of the signature of the person who is filing the document.

Sec. 10. NRS 432B.530 is hereby amended to read as follows:

432B.530 1. An adjudicatory hearing must be held within 30 days after the filing of the petition, unless good cause is shown or the hearing has been continued until a later date pursuant to NRS 432B.513.

2. At the hearing, the court shall inform the parties of the specific allegations in the petition and give them an opportunity to admit or deny them. If the allegations are denied, the court shall hear evidence on the petition.

3. In adjudicatory hearings, all relevant and material evidence helpful in determining the questions presented, including oral and written reports, may

be received by the court and may be relied upon to the extent of its probative value. The parties or their attorney must be afforded an opportunity to examine and controvert written reports so received and to ~~cross-examine~~ *examine* individuals making reports when reasonably available.

4. The court may require the child to be present in court at the hearing.

5. If the court finds by a preponderance of the evidence that the child was in need of protection at the time of the removal of the child from the home ~~or~~ *or, if the child was not removed from the home, at the time of the completion of the investigation by the agency which provides child welfare services*, it shall record its findings of fact and may proceed immediately or at another hearing held within 15 working days, to make a proper disposition of the case. If the court finds that the allegations in the petition have not been established, it shall dismiss the petition and, if the child is in protective custody, order the immediate release of the child.

6. The findings of fact recorded by the court pursuant to subsection 5 and any specific allegations in the petition admitted to by the parties must be included as part of the disposition of the case in the report required to be made to the Central Registry pursuant to NRS 432B.310.

Sec. 11. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings;

and

(II) A plan for the child to visit the siblings, which must be presented at the first hearing to occur after the siblings are separated and approved by the court. The plan for visitation must be updated as necessary to reflect any change in the placement of the child or a sibling, including, without limitation,

any such change that occurs after the termination of parental rights to the child or a sibling or the adoption of a sibling.

(c) Information concerning the child's education, including:

(1) A copy of any academic plan or individual graduation plan developed for the child pursuant to NRS 388.155, 388.165, 388.205 or 388.227;

(2) The grade and school in which the child is enrolled;

(3) The name of each school the child attended before enrolling in the school in which he or she is currently enrolled and the corresponding dates of attendance;

(4) Whether the child has not completed or passed any course of instruction that the child should have completed or passed by the time the report is submitted, which has resulted in the child having a deficiency in credits;

(5) A copy of any individualized education program developed for the child;

(6) A copy of any plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;

(7) A summary of any special education services received by the child;

(8) A copy of the most recent report card of the child;

(9) A statement of the number of credits earned by the child during the most recent semester, if applicable;

(10) A statement of the number of times the child has been absent from school during the current or most recent school year for which the child was enrolled in school;

(11) The scores the child received on any academic assessments or standardized examinations administered to the child;

(12) Any information provided by the educational decision maker appointed for the child pursuant to NRS 432B.462; and

(13) Whether a request that the child receive special education services has been made and, if so, the outcome of such a request.

(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. Upon the issuance of such an order, the court shall provide each sibling of the child with the case number of the proceeding for the purpose

of allowing the sibling to petition the court for visitation or enforcement of the order for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in subsection 7 and subsection 5 of NRS 432B.520, notice of the hearing *must be filed with the court and* must be given by ~~registered or certified~~ *first-class mail or any other means agreed upon in writing between the agency which provides child welfare services and the recipient of the notice to:*

- (a) All the parties to any of the prior proceedings;
- (b) Any persons planning to adopt the child;
- (c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to this section or NRS 127.171 and his or her attorney, if any;
- (d) Any other relatives of the child or providers of foster care who are currently providing care to the child; and
- (e) The educational decision maker appointed for the child pursuant to NRS 432B.462.

7. The notice of the hearing required to be *filed and* given pursuant to subsection 6:

- (a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of NRS 127.171;
- (b) Must not include any confidential information described in NRS 127.140;
- (c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040; and
- (d) Need not be given to a parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630.

8. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 a right to be heard at the hearing.

9. The court or panel shall ~~review~~, *after considering the report provided in subsection 2 and any other relevant evidence, determine based on a preponderance of the evidence:*

- (a) The continuing necessity for and appropriateness of the placement;
- (b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child;

(d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship; and

(e) ~~[The information described in paragraph (c) of subsection 2 to determine whether]~~ *Whether* the child is making adequate academic progress and receiving the educational services or supports necessary to ensure the academic success of the child.

10. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

11. As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 12. NRS 432B.590 is hereby amended to read as follows:

432B.590 1. Except as otherwise provided in subsection 2 and NRS 432B.513, the court shall hold a hearing concerning the permanent placement of a child:

(a) Not later than 12 months after the initial removal of the child from the home of the child and annually thereafter.

(b) Within 30 days after making any of the findings set forth in subsection 3 of NRS 432B.393.

↪ Notice of this hearing *must be filed with the court and must be given by* ~~[registered or certified]~~ *first-class mail or any other means agreed upon in writing between the agency which provides child welfare services and the recipient of the notice to all the persons to whom notice must be given pursuant to subsection 6 of NRS 432B.580.*

2. A parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630 shall be deemed to have waived any right to notice pursuant to this section.

3. The court may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 1 a right to be heard at the hearing.

4. At the hearing, the court shall review *the report submitted by the agency which provides child welfare services pursuant to subsection 2 of NRS 432B.580, any plan for the permanent placement of the child adopted pursuant to NRS 432B.553 and any other relevant evidence* and, if the goal of the plan is a permanent living arrangement other than reunification with his or her parents, placement for adoption, placement with a legal guardian or placement with a relative, ask the child about his or her desired permanent living arrangement. After doing so, the court must determine ~~[+]~~, *based on a preponderance of the evidence:*

(a) Whether the agency with legal custody of the child has made the reasonable efforts required by subsection 1 of NRS 432B.553;

(b) Whether, and if applicable when:

(1) The child should be returned to the parents of the child or placed with other relatives;

(2) It is in the best interests of the child to:

(I) Initiate proceedings to terminate parental rights pursuant to chapter 128 of NRS so that the child can be placed for adoption;

(II) Initiate proceedings to establish a guardianship pursuant to chapter 159A of NRS; or

(III) Establish a guardianship in accordance with NRS 432B.466 to 432B.468, inclusive; or

(3) The agency with legal custody of the child has produced documentation of its conclusion that there is a compelling reason for the placement of a child who has attained the age of 16 years in another permanent living arrangement;

(c) If the child will not be returned to the parents of the child, whether the agency with legal custody of the child fully considered placement options both within and outside of this State;

(d) If the child has attained the age of 14 years, whether the child will receive the services needed to assist the child in transitioning to independent living; and

(e) If the child has been placed outside of this State, whether the placement outside of this State continues to be appropriate for and in the best interests of the child.

5. The court shall prepare an explicit statement of the facts upon which each of its determinations is based pursuant to subsection 4. If the court determines that it is not in the best interests of the child to be returned to his or her parents, or to be placed for adoption, with a legal guardian or with a relative, the court must include compelling reasons for this determination and an explanation of those reasons in its statement of the facts.

6. If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the procedures required by chapter 128 of NRS are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures.

7. The provisions of this section do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.

8. If a child has been placed outside of the home and has resided outside of the home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

9. This hearing may take the place of the hearing for review required by NRS 432B.580.

10. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child

or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Senator Seevers Gansert moved the adoption of the amendment.

Remarks by Senator Seevers Gansert.

It clarifies circumstances under which an agent or officer of a law-enforcement agency, an officer of the local juvenile probation department or the local department of juvenile services or a designee of an agency that provides child welfare services may place a child in protective custody.

Amendment adopted.

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

Assembly Bill No. 437.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 437 revises certain educational qualifications for a license to practice embalming. The bill also allows for the issuance of a license by reciprocity to practice the profession of embalming to an applicant who has practiced embalming successfully for at least five years and practiced actively for at least two of the previous five years. Finally, the bill authorizes a student enrolled in an accredited embalming college or school of mortuary science to enter an embalming room without the express permission of the immediate family of the deceased.

Roll call on Assembly Bill No. 437:

YEAS—21.

NAYS—None.

Assembly Bill No. 437 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

#### REPORTS OF COMMITTEE

*Mr. President pro Tempore:*

Your Committee on Revenue and Economic Development, to which were referred Senate Bill No. 423; Assembly Bills Nos. 360, 414, 435, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JULIA RATTI, VICE *Chair*

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President pro Tempore and Secretary signed Senate Bills Nos. 17, 23, 52, 53, 65, 342; Senate Joint Resolutions Nos. 10, 12.

Senator Cannizzaro moved that the Senate adjourn until Monday, May 17, 2021, at 11:00 a.m.

Motion carried.

Senate adjourned at 1:47 p.m.

Approved:

MOISES DENIS

*President pro Tempore of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*