

# NEVADA LEGISLATURE

Eighty-Second Session, 2023

---

## ASSEMBLY DAILY JOURNAL

---

### THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 25, 2023

Assembly called to order at 12:54 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rajan Zed.

Om, bhur bhuvah svah  
tat savitur varenyam  
bhargo devasya 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.

samani va akutih, samana hridayani vah  
samanam astu vo mano, yatha vah susahasti.

United your resolve, united your hearts, may your spirits be at one, that you may long together dwell in unity and concord.

niyatam kuru karma tvam karma jyayo hyakarmanah,  
sarirayatrapi ca te na prasiddhyedakarmanah.

yajnarthatkarmano`nyatra loko`yam karmabandhanah  
tadartham karma kaunteya muktasangah samacara.

Fulfill all your duties; action is better than inaction. 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.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 24, 2023

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 4, 43.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 14, 17, 104, 184, 192, 302, 330, 362, 388, 411.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 23, 211, 261.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

NOTICE OF EXEMPTION

April 24, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 163, 290, 419, 439.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 195, 205, 282, 307, 390, 438.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 281, 327.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 400.

WAYNE THORLEY  
*Fiscal Analysis Division*

April 25, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 226.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 367.

WAYNE THORLEY  
*Fiscal Analysis Division*

Assemblywoman Jauregui moved to dispense with the reprinting of all bills for this legislative day.

Motion carried.

Assemblywoman Monroe-Moreno moved that Assembly Bills Nos. 41, 42, 85, 117, 148, 150, 153, 155, 160, 168, 179, 226, 232, 245, 246, 281, 296, 312, 322, 323, 332, 348, 383, 386, 416, 422, 428, 429, 430, 434, 441, and 449 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bills Nos. 182 and 364 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 330 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 285 taken from its position on the General File and placed at the top of General File.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bills Nos. 340 and 456 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 188 be taken from the Chief Clerk's Desk and placed on the General File.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 4.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 14.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 17.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 23.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 43.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 104.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 184.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 192.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 211.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 261.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 302.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 330.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 362.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 388.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 411.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:15 p.m.

ASSEMBLY IN SESSION

At 1:17 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 340.

Bill read third time.

The following amendment was proposed by Assemblywoman Summers-Armstrong:

Amendment No. 522.

AN ACT relating to property; revising provisions relating to summary evictions; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

In general, existing law authorizes a landlord who seeks to recover possession of a premises from a tenant to do so by filing an unlawful detainer action or an action for summary eviction. (NRS 40.253, 40.254, 40.2542, 40.290-40.420) Existing law prescribes separate summary eviction procedures for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent; and (3) certain tenants of a commercial premises who default in the payment of rent. (NRS 40.253, 40.254, 40.2542)

In general, the summary eviction procedures prescribed by existing law require a landlord to provide certain written notice to a tenant: (1) informing the tenant that he or she must take certain action or surrender the premises on or before a date specified in the notice; and (2) advising the tenant of his or her right to contest the matter by filing an affidavit with the court that has jurisdiction over the matter. In so doing, the summary eviction procedures prescribed by existing law require a tenant who contests a summary eviction to file an affidavit in court concerning an action for summary eviction before a landlord is required to make any filing concerning the matter. If such an affidavit is filed, a hearing is held. If no such affidavit is filed, upon noncompliance of a tenant with the written notice, existing law authorizes: (1) the landlord to apply by affidavit of complaint for the summary eviction of the tenant; and (2) the court, without holding a hearing, to order the removal of the tenant within a prescribed period. (NRS 40.253, 40.254, 40.2542)

**Section 22** of this bill repeals the summary eviction procedures prescribed by existing law for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; and

(2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent. **Sections 2-6.5** of this bill reenact, reorganize and revise these procedures. **Section 2** of this bill establishes a new procedure for the summary eviction of certain tenants who are not tenants of a commercial premises and who default in the payment of rent. **Section 6.5** of this bill establishes a new procedure for the summary eviction of certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent.

The new procedures for summary eviction set forth in **sections 2 and 6.5** are similar to the procedures repealed by **section 22** except with regard to: (1) the required contents of a written notice; (2) certain requirements relating to filings made with the court; and (3) the period of time before the removal of a tenant. Instead of requiring a tenant who contests a summary eviction to file an affidavit in court before the landlord files a complaint, **sections 2 and 6.5** require the landlord, upon the expiration of certain notice provided to the tenant, to: (1) apply by affidavit of complaint for the summary eviction of the tenant; and (2) serve the tenant with a file-stamped copy of the affidavit of complaint, a copy of the summons and certain notice. **Sections 2 and 6.5 additionally require the landlord to file with the court proof of service of the affidavit, summons and notice within a prescribed period.** **Sections 2 and 6.5** require the tenant to file an answer to the affidavit of complaint within ~~{10}~~ **7** calendar days after the date of service. If a tenant files an answer within the prescribed period, a hearing is held. If no such answer is filed, **sections 2 and 6.5** authorize the court, without holding a hearing, to order the removal of the tenant within a prescribed period **under certain circumstances.** **Sections 9-20** of this bill make conforming changes relating to the repeal, revision and reorganization of the procedures for summary eviction.

Existing law requires a court that grants an action for summary eviction for a default in the payment of rent during the COVID-19 emergency to automatically seal the eviction case court file. (NRS 40.2545) **Section 11** of this bill removes requirements relating to the COVID-19 emergency, thereby requiring a court that grants an action for summary eviction brought pursuant to **section 2** to automatically seal the eviction case court file. **Section 11** also requires a court to automatically seal the eviction case court file for an action for summary eviction brought pursuant to **section 6.5** if the landlord fails to file an affidavit of complaint for summary eviction within the time prescribed by **section 6.5.**

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

**Section 1.** Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

**Sec. 2. 1. Except as otherwise provided in subsection ~~{13}~~ 14, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for a default in the**

payment of rent using the procedure for summary eviction provided in this section.

2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for a default in the payment of rent, the landlord or the landlord's agent must serve upon the tenant a written notice which:

(a) Except as otherwise provided in subsection ~~11~~ 12, requires the tenant to pay the past due rent or surrender the premises before the close of business on the ~~tenth~~ seventh calendar day following the date of service; and

(b) Informs the tenant that if the tenant fails to comply with the requirements of paragraph (a), the landlord may apply by affidavit of complaint for the summary eviction of the tenant.

3. Upon noncompliance of a tenant with the notice provided pursuant to subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle is located. After the filing of an affidavit of complaint for summary eviction, a summons must be issued.

4. An affidavit of complaint for summary eviction filed pursuant to subsection 3 must:

(a) Except as otherwise provided in subsection ~~11~~ 12, be filed with the court not later than 30 calendar days after the expiration of the notice period described in subsection 2; and

(b) State or contain:

- (1) The date the tenancy commenced;
- (2) The amount of periodic rent reserved;
- (3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant;
- (4) The date the rental payments became delinquent;
- (5) The length of time the tenant has remained in possession without paying rent;
- (6) The amount of rent claimed due and delinquent;
- (7) A statement that ~~if~~

~~(I) The~~ the written notice was served on the tenant in accordance with NRS 40.280; ~~and~~

~~(II) The tenant failed to comply with such notice;~~

(8) A copy of the written notice served on the tenant pursuant to subsection 2; and

(9) A copy of the signed written rental agreement, if any.

5. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 3 shall, within ~~15~~ :

(a) Fifteen calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped

copy of the affidavit of complaint, a copy of the summons and a notice which must advise the tenant that:

~~[(a)]~~ (1) Except as otherwise provided in subsection ~~[(1)]~~ 12, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than ~~[(10)]~~ 7 calendar days after service of the affidavit of complaint for summary eviction;

~~[(b)]~~ (2) If the tenant does not file an answer within the period described in ~~[(paragraph (a))] subparagraph (1)~~, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant;

~~[(c)]~~ (3) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential item or service required by the rental agreement or chapter 118A of NRS; and

~~[(d)]~~ (4) The tenant may request that the court stay the execution of the order of removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

(b) Thirty calendar days after the date on which the affidavit of complaint for summary eviction is filed, file with the court proof of service of the affidavit, summons and notice required by paragraph (a).

6. Except as otherwise provided in subsection ~~[(1)]~~ 12, upon being served pursuant to subsection 5, the tenant shall, within ~~[(10)]~~ 7 calendar days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection ~~[(7)]~~ and the landlord otherwise complies with the requirements prescribed by this section, the court may, without holding a hearing but after determining that a landlord has complied with the requirements prescribed by this section, issue:

(a) A summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant; and

(b) An order directing the sheriff or constable of the county to perform the actions required by section 4 of this act.

7. If a tenant files a written answer pursuant to subsection 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

8. If, after a hearing held pursuant to subsection 7, the court determines that:

(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant.



(b) *There is a legal defense as to the alleged unlawful detainer, require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.*

9. *The court shall dismiss an action for summary eviction if the landlord does not comply with the requirements prescribed by paragraph (b) of subsection 5.*

10. *Written notices to the tenant prescribed by this section must be served in the manner provided by NRS 40.280.*

~~10.~~ 11. *Proof of service of any notice required by this section must be filed with the court before a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.*

~~11.~~ 12. *For the purposes of this section, if the date on which:*

(a) *An affidavit of complaint for summary eviction or a written answer to such an affidavit must be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.*

(b) *A tenant must pay any past due rent or surrender the premises falls on a Saturday, Sunday or legal holiday, the tenant must pay the past due rent or surrender the premises before the close of business on the next day the business office of the landlord is open.*

~~12.~~ 13. *A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.*

~~13.~~ 14. *Except as otherwise provided in NRS 118A.315, this section does not apply to:*

(a) *A tenant of a commercial premises;*

(b) *A tenant of a mobile home lot in a mobile home park or a tenant of a recreational vehicle lot in an area of a mobile home park in this State, other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215; or*

(c) *A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.*

~~14.~~ 15. *As used in this section, "security deposit" has the meaning ascribed to it in NRS 118A.240.*

Sec. 3. (Deleted by amendment.)

Sec. 4. *Upon receipt of a summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant issued pursuant to subsection 6 of section 2 of this act, the sheriff or constable shall:*

1. *Post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable.*

2. *As soon as reasonably practicable, but not earlier than 24 hours after the posting of the order, remove the tenant.*

Sec. 5. 1. *A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460.*

2. *A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 20 days after the later of:*

(a) *The date on which the summary order for removal or the order providing for nonadmittance was issued.*

(b) *The date on which the tenant vacated or was removed from the premises.*

(c) *The date on which a copy of the costs claimed by the landlord was requested by or provided to the tenant.*

3. *Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server licensed pursuant to chapter 648 of NRS. At the hearing, the court may:*

(a) *Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and*

(b) *Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.*

Sec. 6. 1. *A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the reasonableness of any action taken by the landlord pursuant to subsection 3 of NRS 118A.460.*

2. *A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 5 days after the date on which the tenant vacated or was removed from the premises.*

3. *Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:*

(a) *Order the landlord to allow the tenant to retrieve his or her essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and*

(b) *Award damages in an amount not greater than \$2,500.*

4. *In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 3, the court shall consider:*

- (a) *Whether the landlord acted in good faith;*
- (b) *The course of conduct between the landlord and the tenant; and*
- (c) *The degree of harm to the tenant caused by the landlord's conduct.*

Sec. 6.5. 1. Except as otherwise provided in subsection ~~13,~~ 14, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516 using the procedure for summary eviction provided in this section.

2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent must serve upon the tenant:

(a) *The written notice to surrender required by NRS 40.250, 40.251, 40.2514 or 40.2516, as applicable; and*

(b) *A written notice which informs the tenant that if the tenant fails to comply with the requirements of written notice to surrender, the landlord may apply by affidavit of complaint for the summary eviction of the tenant.*

3. Upon noncompliance of a tenant with the written notice required by paragraph (a) of subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle is located. After the filing of an affidavit of complaint for summary eviction, a summons must be issued.

4. An affidavit of complaint for summary eviction filed pursuant to subsection 3 must:

(a) *Except as otherwise provided in subsection ~~11,~~ 12, be filed with the court not later than 30 calendar days after the expiration of the period described in the written notice to surrender required by paragraph (a) of subsection 2; and*

(b) *State or contain:*

(1) *The date the tenancy commenced;*

(2) *The date when the tenancy or rental agreement allegedly terminated;*

(3) *A copy of the written notice served on the tenant pursuant to subsection 2;*

(4) *Any facts supporting the written notice;*

(5) *A copy of the signed written rental agreement, if any;*

(6) *A statement that ~~is~~*

~~(I) *The* the written notice was served on the tenant in accordance with NRS 40.280; ~~and~~~~

~~(II) *The tenant failed to comply with such notice;*~~

(7) *A copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255, if the property has been purchased in a residential foreclosure; and*

(8) *A statement that the claim for relief was authorized by law.*

5. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 3 shall, within ~~15~~ :

(a) Fifteen calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped copy of the affidavit of complaint, a copy of the summons and a notice which must advise the tenant that:

~~(a)~~ (1) Except as otherwise provided in subsection ~~11~~ 12, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than ~~10~~ 7 calendar days after service of the affidavit of complaint for summary eviction;

~~(b)~~ (2) If the tenant does not file an answer within the period described in ~~paragraph (a)~~ subparagraph (1), the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant;

~~(c)~~ (3) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential item or service required by the rental agreement or chapter 118A of NRS; and

~~(d)~~ (4) The tenant may request that the court stay the execution of the order of removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

(b) Thirty calendar days after the date on which the affidavit of complaint for summary eviction is filed, file with the court proof of service of the affidavit, summons and notice required by paragraph (a).

6. Except as otherwise provided in subsection ~~11~~ 12, upon being served pursuant to subsection 5, the tenant shall, within ~~10~~ 7 calendar days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection ~~5~~ and the landlord otherwise complies with the requirements prescribed by this section, the court may, without holding a hearing but after determining that a landlord has complied with the requirements prescribed by this section, issue:

(a) A summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant; and

(b) An order directing the sheriff or constable of the county to perform the actions required by section 4 of this act.

7. If a tenant files a written answer pursuant to subsection 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

8. If, after a hearing held pursuant to subsection 7, the court determines that:

(a) *There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant.*

(b) *There is a legal defense as to the alleged unlawful detainer, require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.*

9. *The court shall dismiss an action for summary eviction if the landlord does not comply with the requirements prescribed by paragraph (b) of subsection 5.*

10. *Written notices to the tenant prescribed by this section must be served in the manner provided by NRS 40.280.*

~~10.~~ 11. *Proof of service of any notice required by this section must be filed with the court before a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.*

~~11.~~ 12. *For the purposes of this section, if the date on which an affidavit of complaint for summary eviction or a written answer to such an affidavit must be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.*

~~12.~~ 13. *A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.*

~~13.~~ 14. *If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 7 wherein the tenant contested the eviction.*

~~14.~~ 15. *Except as otherwise provided in NRS 118A.315, this section does not apply to:*

(a) *A tenant of a commercial premises;*

(b) *A tenant of a mobile home lot in a mobile home park or a tenant of a recreational vehicle lot in an area of a mobile home park in this State, other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215; or*

(c) *A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.*

~~15.~~ 16. *As used in this section, "security deposit" has the meaning ascribed to it in NRS 118A.240.*

Sec. 7. (Deleted by amendment.)

**Sec. 8.** (Deleted by amendment.)

**Sec. 9.** NRS 40.2516 is hereby amended to read as follows:

40.2516 1. A tenant of real property, a dwelling unit, a recreational vehicle or a mobile home other than a mobile home lot or a recreational vehicle lot for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the real property, dwelling unit, recreational vehicle or mobile home is held, other than those mentioned in NRS 40.250 to ~~[40.254,]~~ **40.252**, inclusive, *and sections 2 to 6.5, inclusive, of this act*, and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the real property, dwelling unit, recreational vehicle or mobile home, served upon the tenant, and, if there is a subtenant in actual occupation of the premises or property, also upon the subtenant, remains uncomplished with for 5 days after the service thereof. Within 5 days after the service, the tenant, or any subtenant in actual occupation of the premises or property, or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.

2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS ~~[40.254 or]~~ 40.290 to 40.420, inclusive ~~[,]~~, *or section 6.5 of this act*.

**Sec. 10.** NRS 40.252 is hereby amended to read as follows:

40.252 For the purposes of NRS 40.250 to 40.252, inclusive, and ~~[NRS 40.254-]~~ **sections 2 to 6.5, inclusive, of this act:**

1. It is unlawful for a landlord to attempt by contract or other agreement to shorten the specified periods of notice and any such contract or agreement is void.

2. Notice to surrender the premises which was given by one colessor of real property or a mobile home is valid unless it is affirmatively shown that one or more of the other colessors did not authorize the giving of the notice.

**Sec. 11.** NRS 40.2545 is hereby amended to read as follows:

40.2545 1. If a court grants an action for summary eviction pursuant to ~~[NRS 40.253 during the COVID-19 emergency,]~~ **section 2 of this act**, the court shall automatically seal the eviction case court file.

2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, in any action for summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[,]~~ *or section 6.5 of this act*, the eviction case court file is sealed automatically and not open to inspection:

(a) Upon the entry of a court order which dismisses the action for summary eviction;

(b) Ten judicial days after the entry of a court order which denies the action for summary eviction; ~~[or]~~

(c) Thirty-one days after the tenant has filed an affidavit described in ~~subsection 3 of NRS 40.253 or~~ subsection 3 of NRS 40.2542 ~~[- if]; or~~

~~(d) If the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 or subsection 5 of NRS 40.2542 within 30 days after the tenant filed the affidavit.]~~ **for summary eviction on or before 30 days after the date on which the notice required by subsection 2 of section 2 or subsection 2 of section 6.5 of this act expires.**

3. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsections 1 and 2, the court may order the sealing of an eviction case court file for an action for summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[-]~~ **or section 2 or 6.5 of this act:**

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

4. If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

5. Except as otherwise provided in this subsection, a notice to surrender must not be made available for public inspection by any person or governmental entity, including, without limitation, by a sheriff or constable. This subsection does not:

(a) Apply to a notice to surrender which has been filed with a court and which is part of an eviction case court file that has not been sealed pursuant to this section.

(b) Prohibit the service of a notice to surrender pursuant to NRS 40.280, and such service of a notice to surrender shall be deemed not to constitute making the notice to surrender available for public inspection as described in this subsection.

6. As used in this section ~~[-~~

~~(a) "COVID-19 emergency" means the period of time:~~

~~—(1) Beginning on March 12, 2020, the date on which the Governor issued the Declaration of Emergency for COVID-19; and~~

~~—(2) Ending on the date on which the Governor terminates the emergency described in the Declaration May 20, 2022.~~

~~—(b) “Eviction”~~, **“eviction case court file”** means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

**Sec. 12.** NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2, 4 and 9, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to surrender has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. Except as otherwise provided in subsection 4, if the property has been transferred or sold as a residential sale, absent an agreement between the new owner and the tenant to modify or terminate an existing lease:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property;

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property; and

(c) Upon termination of the previous owner’s interest in the property by residential transfer or sale, the previous owner shall transfer the security deposit in the manner set forth in paragraph (a) of subsection 1 of NRS



118A.244. The successor has the rights, obligations and liabilities of the former landlord as to any securities which are owed under this section or NRS 118A.242 at the time of transfer.

3. The new owner pursuant to subsection 2 must provide a notice to the tenant or subtenant within 30 days after the date of the transfer or sale:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the period of the lease term and states the amount held by the new owner for the security deposit; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to ~~[NRS 40.253 and 40.254.]~~ **sections 2 and 6.5 of this act.**

4. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

5. During the notice period described in subsection 4:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

6. The notice described in subsection 4 must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 4; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to ~~[NRS 40.253 and 40.254.]~~ **sections 2 and 6.5 of this act.**

7. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 4.

8. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 4 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 4.

9. This section does not apply to the tenant of a mobile home lot in a mobile home park.

10. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

**Sec. 13.** NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS ~~[40.253 and]~~ 40.2542, the notices required by NRS 40.251 to 40.260, inclusive, **and sections 2 to 6.5, inclusive, of this act** must be served by the sheriff, a constable, a person who is licensed as a process server pursuant to chapter 648 of NRS or the agent of an attorney licensed to practice in this State:

(a) By delivering a copy to the tenant personally.

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business.

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to “Current Occupant.”

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to “Current Occupant.”

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, **and sections 2 to 6.5, inclusive, of this act** must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to ~~NRS 40.253 or 40.254;~~ **section 2 or 6.5 of this act;**

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414;

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive; or

(d) An order for removal of a commercial tenant pursuant to NRS 40.2542.

5. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, **and sections 2 to 6.5, inclusive, of this act** that must be filed before the court may issue an order or writ filed pursuant to paragraph (a), (b) or (c) of subsection 4 must consist of:

(a) ~~Except as otherwise provided in paragraph (b):~~

~~(1)~~ If the notice was served pursuant to subsection 1, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:

~~(1)~~ (1) Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive ~~(1)~~, **and sections 2 to 6.5, inclusive, of this act;**

~~(1)~~ (2) Reviewed the date and manner of service by the agent; and

~~[(H)]~~ (3) Believes to the best of his or her knowledge that such service complies with the requirements of this section.

~~[(2)]~~ (b) If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

~~[(3)]~~ (c) If the notice was served pursuant to paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

~~[(b) For a short term tenancy, if service of the notice was not delivered in person:~~

~~— (1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~— (2) The endorsement of a sheriff or constable stating the:~~

~~— (I) Time and date the request for service was made by the landlord or the landlord's agent;~~

~~— (II) Time, date and manner of the service; and~~

~~— (III) Fees paid for the service.]~~

6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, **and sections 2 to 6.5, inclusive, of this act** that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to subsection 2 of NRS 40.2542, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.

(c) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:

(a) The landlord has retained the attorney in an action pursuant to NRS 40.230 to 40.420, inclusive ~~[-]~~, **and sections 2 to 6.5, inclusive, of this act;** and

(b) The agent is acting at the direction and under the direct supervision of the attorney.

**Sec. 14.** NRS 40.385 is hereby amended to read as follows:

40.385 1. Either party may appeal an order entered pursuant to NRS ~~40.253, 40.254 or~~ 40.2542 **or section 2 or 6.5 of this act** by filing a notice of appeal within 10 judicial days after the date of entry of the order.

2. Except as otherwise provided in this section, a stay of execution may be obtained by filing with the trial court a bond in the amount of \$250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action. A tenant of commercial property may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of any unpaid rent claim of the landlord.

3. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS ~~40.253, 40.254 or~~ 40.2542 ~~[-]~~ **or section 2 or 6.5 of this act.**

**Sec. 15.** NRS 118.205 is hereby amended to read as follows:

118.205 A notice provided by a landlord to a tenant pursuant to NRS 118.195:

1. Must advise the tenant of the provisions of that section and specify:

(a) The address or other location of the property;

(b) The date upon which the property will be deemed abandoned and the rental agreement terminated; and

(c) An address for payment of the rent due and delivery of notice to the landlord.

2. Must be served pursuant to subsection 1 of NRS 40.280.

3. May be included in the notice required by subsection ~~[H] 2 of [NRS 40.253]~~ **section 2 of this act** or subsection 1 of NRS 40.2542, as applicable.

**Sec. 16.** NRS 118A.460 is hereby amended to read as follows:

118A.460 1. The landlord may dispose of personal property abandoned on the premises by a former tenant or left on the premises after eviction of the tenant without incurring civil or criminal liability in the following manner:

(a) The landlord shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction or the end of the rental period and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the tenant or his or her authorized representative rightfully claiming the property within that period. The landlord is liable to the tenant only for the landlord's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the landlord may dispose of the property and recover his or her reasonable costs out of the property or the value thereof if the landlord has made reasonable efforts to locate the tenant, has notified the tenant in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the tenant. The notice must be mailed to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (a) of subsection 1 may be resolved using the procedure provided in ~~[subsection 7 of NRS 40.253.]~~ **section 5 of this act.**

3. During the 5-day period following the eviction or lockout of a tenant, the landlord shall provide the former tenant a reasonable opportunity to retrieve essential personal effects, including, without limitation, medication, baby formula, basic clothing and personal care items. Any dispute relating to the reasonableness of the landlord's actions pursuant to this section may be resolved using the procedure provided in ~~[subsection 9 of NRS 40.253.]~~ **section 6 of this act.**

**Sec. 17.** NRS 118C.230 is hereby amended to read as follows:

118C.230 1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:

(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be

mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. A tenant of commercial premises is presumed to have abandoned the premises if:

(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and

(b) The removal is not within the normal course of business of the tenant.

3. If a written agreement between a landlord and a person who has an ownership interest in any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the person with respect to the removal and disposal of the abandoned personal property.

4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of NRS 40.2542.

**Sec. 18.** NRS 179.1164 is hereby amended to read as follows:

179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:

(a) Any proceeds attributable to the commission or attempted commission of any felony.

(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760, 202.257, 370.419, 453.301 or 501.3857.

2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge, consent or willful blindness of the claimant.

3. Unless the owner of real property or a mobile home:

(a) Has given the tenant notice to surrender the premises pursuant to ~~NRS 40.254~~ **section 6.5 of this act** within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or

(b) Shows the court that the owner had good cause not to evict the tenant summarily pursuant to ~~NRS 40.254,~~ **section 6.5 of this act,**

↳ the owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and

consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is disputably presumed to have acquired an interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.

**Sec. 19.** NRS 453.305 is hereby amended to read as follows:

453.305 1. Whenever a person is arrested for violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.

2. Whenever a person is convicted of violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the conviction.

3. The notices required by this section must:

- (a) Be written in language which is easily understood;
- (b) Be sent by certified or registered mail, return receipt requested, to the owner at the owner's last known address;
- (c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be;
- (d) Identify the tenant involved and the offense for which the tenant has been arrested or convicted; and
- (e) Advise the owner that:
  - (1) The property or mobile home is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301 unless the tenant, if convicted, is evicted;

(2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted;

(3) In any proceeding for forfeiture based upon such a violation the owner will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home; and

(4) The provisions of NRS 40.2514 and ~~40.254~~ **section 6.5 of this act** authorize the supplemental remedy of summary eviction to facilitate the owner's recovery of the property or mobile home upon such a violation and provide for the recovery of any reasonable attorney's fees the owner incurs in doing so.

4. Nothing in this section shall be deemed to preclude the commencement of a proceeding for forfeiture or the forfeiture of the property or mobile home, whether or not the notices required by this section are given as required, if the



proceeding and forfeiture are otherwise authorized pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301.

5. As used in this section, “tenant” means any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.

**Sec. 20.** NRS 645H.520 is hereby amended to read as follows:

645H.520 1. Subject to the provisions of NRS 645H.770, the services an asset management company may provide include, without limitation:

- (a) Securing real property in foreclosure once it has been determined to be abandoned and all notice provisions required by law have been complied with;
- (b) Providing maintenance for real property in foreclosure, including landscape and pool maintenance;
- (c) Cleaning the interior or exterior of real property in foreclosure;
- (d) Providing repair or improvements for real property in foreclosure; and
- (e) Removing trash and debris from real property in foreclosure and the surrounding property.

2. An asset management company may dispose of personal property abandoned on the premises of a residence in foreclosure or left on the premises after the eviction of a homeowner or a tenant of a homeowner without incurring civil or criminal liability in the following manner:

(a) The asset management company shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the homeowner or the tenant of the homeowner or his or her authorized representative rightfully claiming the property within that period. The asset management company is liable to the homeowner or the tenant of the homeowner only for the asset management company’s negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the asset management company may dispose of the property and recover his or her reasonable costs from the property or the value thereof if the asset management company has made reasonable efforts to locate the homeowner or the tenant of the homeowner, has notified the homeowner or the tenant of the homeowner in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the homeowner or the tenant of the homeowner. The notice must be mailed to the homeowner or the tenant of the homeowner at the present address of the homeowner or the tenant of the homeowner and, if that address is unknown, then at the last known address of the homeowner or the tenant of the homeowner.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

3. Any dispute relating to the amount of the costs claimed by the asset management company pursuant to paragraph (a) of subsection 2 may be resolved using the procedure provided in ~~subsection 7 of NRS 40.253.~~ **section 5 of this act.**

**Sec. 21.** The amendatory provisions of sections 2 to 20, inclusive, of this act apply to an action for summary eviction which accrues on or after October 1, 2023.

**Sec. 22.** NRS 40.253 and 40.254 are hereby repealed.

### **TEXT OF REPEALED SECTIONS**

#### **40.253 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant for default in payment of rent.**

1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

↪ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

- (a) Identify the court that has jurisdiction over the matter; and
- (b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

- (1) The date the tenancy commenced.
- (2) The amount of periodic rent reserved.
- (3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.
- (4) The date the rental payments became delinquent.
- (5) The length of time the tenant has remained in possession without paying rent.
- (6) The amount of rent claimed due and delinquent.
- (7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.
- (8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

- (a) The tenant has vacated or been removed from the premises; and
- (b) A copy of those charges has been requested by or provided to the tenant,

↪ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than \$2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in NRS 118A.240.

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

**40.254 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant from certain types of property.**

1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the summary procedures for eviction as

provided in NRS 40.253 except that written notice to surrender the premises must:

- (a) Be given to the tenant in accordance with the provisions of NRS 40.280;
- (b) Advise the tenant of the court that has jurisdiction over the matter; and
- (c) Advise the tenant of the tenant's right to:

(1) Contest the notice by filing before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or

(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must state or contain:

(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Assemblywoman Summers-Armstrong moved the adoption of the amendment.

Remarks by Assemblywoman Summers-Armstrong.

Amendment adopted.

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

Assembly Bill No. 456.

Bill read third time.

The following amendment was proposed by Assemblyman Carter:

Amendment No. 500.

AN ACT relating to railroads; establishing requirements for the installation and operation of wayside detector systems; requiring a stopped train or other equipment to be cut, separated or moved to clear a railroad grade crossing upon the approach of an emergency vehicle; providing a civil penalty; **prohibiting the operation in this State of certain trains that are more than 7,500 feet long on certain railroad tracks**; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law establishes provisions governing the operation of railroads in this State. (Chapter 705 of NRS) **Section 1.18** of this bill prohibits a person from installing a wayside detector system in this State unless the wayside detector system has certain features. **Section 1.18** requires a person who installs a wayside detector system alongside or on a railroad to ensure such systems are located within a certain distance of each other and requires the operator of any train, rolling stock or on-track equipment to take certain actions when passing wayside detector systems which are not located in this manner. **Section 1.2** of this bill establishes requirements for the alarm on a wayside detector system. **Section 1.22** of this bill requires the operator of any train, rolling stock or on-track equipment to take certain action when notified by a wayside detector system of a defect or that the number of axles on a train is more or less than the reported number. **Sections 1.1-1.16** of this bill define terms related to wayside detector systems. **Section 1.24** of this bill requires a railroad company to ensure the employees of the company are aware of and understand the provisions of **sections 1.1-1.22** of this bill and imposes a penalty for the knowing violation of those provisions.

**Section 1.26** of this bill requires, except in the case of a mechanical failure, a train, rolling stock or other on-track equipment which has come to a complete stop and is blocking a railroad grade crossing to be cut, separated or moved upon the approach of an authorized emergency vehicle.

**Section 1.28 of this bill: (1) prohibits a railroad doing business in this State from running or allowing to be run on certain railroad tracks a work or freight train that exceeds 7,500 feet in length; and (2) provides that a person who violates this prohibition is liable to the Public Utilities Commission of Nevada for a civil penalty.**

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

**Section 1.** Chapter 705 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to ~~1.26~~ **1.28**, inclusive, of this act.

**Sec. 1.1.** *As used in sections 1.1 to ~~1.26~~ 1.24, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.12, 1.14 and 1.16 of this act have the meanings ascribed to them in those sections.*

**Sec. 1.12.** *“Defect” includes, without limitation, hot wheel bearings, hot wheels, defective bearings that are detected through acoustics, dragging*

equipment, excessive height or weight, shifted loads, low hose, rail temperature and wheel condition.

Sec. 1.14. “Wayside detector communications system” means technology that uses wireless communications systems or algorithms to allow communication between one wayside detector system with another wayside detector system in order to predict and detect defects.

Sec. 1.16. “Wayside detector system” means an electronic device or a series of connected devices that scan passing trains, rolling stock, on-track equipment and their component equipment and parts for defects.

Sec. 1.18. 1. No person shall install or operate a wayside detector system in this State unless it is equipped with:

- (a) A hot box detector;
- (b) A hot wheel detector;
- (c) A dragging equipment detector;
- (d) An audible alarm that operates in accordance with section ~~[1.22]~~ 1.2 of this act.

2. Except as otherwise provided in this subsection, any person responsible for the installation of a wayside detector system alongside or on a railroad shall ensure that each wayside detector system location is not more than 10 miles from the adjacent wayside detector system location. If the natural terrain does not allow for the placement of the next adjacent wayside detector system location within 10 miles from the prior wayside detector system location, the next adjacent wayside detector system location shall be installed not more than 15 miles from the prior wayside detector system location.

3. If the wayside detector systems installed on or alongside a railroad do not comply with the requirements of subsection 2 and are further than 15 miles apart, the operator of any train, rolling stock or on-track equipment passing between the noncompliant wayside detector systems shall reduce speed to not more than 10 miles per hour until the train, rolling stock or on-track equipment passes the next available wayside detector system and is issued a “no defects” message from the wayside detector system.

Sec. 1.2. 1. No person shall install or operate a wayside detector system in this State unless the audible alarm for the system:

- (a) Is assigned to the “AAR Frequency” that is assigned to the specific territory in which the wayside detector system is located; and
- (b) In the event of a defect, sounds over the assigned radio channel or frequency not less than three consecutive times with each audible signal lasting not less than 5 seconds and with not less than 5 seconds of silence between each audible alarm.

2. No person shall install or operate a wayside detector system in this State unless:

- (a) The inspection results generated by the wayside detector system provide an audible message, delivered over the applicable radio channel or



*frequency that contains the following information delivered to the operator of the train, rolling stock or on-track equipment:*

- (1) The wayside detector system location milepost and name;*
- (2) The track number, if applicable;*
- (3) The total number of axles on the train, including, without limitation, motive power;*
- (4) If a defect is found, the location of the defect within the train, rolling stock or on-track equipment or the component parts or equipment of the train, rolling stock or on-track equipment; and*
- (5) If no defect is found, the speed of the train, rolling stock or on-track equipment and a message that no defects were found.*

*(b) If a defect is found by the wayside detector system, in addition to the audible alarm signal required pursuant to paragraph (b) of subsection 1, the audible message required to be provided pursuant to paragraph (a) is repeated not less than three times over the applicable radio channel or frequency with 20 seconds of silence between each iteration of the audible message.*

**Sec. 1.22. 1.** *If the operator of a train, rolling stock or other on-track equipment receives a message pursuant to section 1.2 of this act indicating that a defect was found, the operator shall:*

- (a) Stop the train, rolling stock or other on-track equipment in accordance with the safety procedures issued by the managing railroad company;*
- (b) Inspect the location of the defect from a position on the ground;*
- (c) Note and present all inspection results to the appropriate officer of the railroad company, a local dispatcher or another qualified person based on company protocol; and*
- (d) Based on the inspection results:*

*(1) If the operator believes it is safe to do so, proceed along the route at a speed not exceeding 10 miles per hour if carrying hazardous materials or 30 miles per hour if not carrying hazardous materials; and*

*(2) If the operator believes continued operation is not safe, have the train, rolling stock or on-track equipment, or the applicable component or equipment of the train, rolling stock or on-track equipment, fully inspected by a qualified person to make a determination of whether it is safe to proceed.*

**2.** *If the operator of a train, rolling stock or other on-track equipment receives a message from a wayside detector system pursuant to section 1.2 of this act indicating that a defect was found and that defect was previously detected by a prior wayside detector system, the operator shall:*

*(a) Stop the train, rolling stock or on-track equipment in accordance with the safety procedures issued by the managing railroad company;*

*(b) Have the train, rolling stock or on-track equipment, or the applicable component or equipment of the train, rolling stock or on-track equipment, fully inspected by a qualified person to make a determination of whether it is safe to proceed; and*

(c) *Not allow the train, rolling stock or on-track equipment to proceed unless and until a qualified person has thoroughly inspected the defect, made any necessary repairs and declared it safe to proceed.*

3. *All inspections performed pursuant to this section must be performed on the ground. A person must not perform any inspection pursuant to this section from within or on a vehicle or any other mode of transportation.*

4. *If the operator of a train receives a message pursuant to section 1.2 of this act indicating that the number of axles on a train is less than the reported number of axles for that train, the operator shall report the discrepancy to the proper railroad authority.*

5. *If the operator of a train receives a message pursuant to section 1.2 of this act indicating that the number of axles on a train is more than the reported number of axles for that train, the operator shall report the discrepancy to the proper railroad authority. If the discrepancy is not resolved within 5 miles of receiving the message pursuant to section 1.2 of this act the operator shall stop the train. The operator shall not proceed until the discrepancy is resolved, all extra equipment or cars are identified and any necessary documentation is issued.*

Sec. 1.24. 1. *Any railroad company doing business in this State shall ensure that its employees are aware of and understand the requirements of sections 1.1 to 1.24, inclusive, of this act.*

2. *Any person who knowingly violates a provision of sections 1.1 to 1.24, inclusive, of this act is liable for a civil penalty of not more than \$25,000 for each violation.*

Sec. 1.26. 1. *Except for a train, rolling stock or other on-track equipment that is stopped due to mechanical failure where separation or movement is not possible, any train, rolling stock or other on-track equipment that has come to a complete stop and is blocking a railroad grade crossing must be cut, separated or moved to clear the crossing upon the approach of an authorized emergency vehicle.*

2. *As used in this section, “authorized emergency vehicle” has the meaning ascribed to it in NRS 484A.020.*

Sec. 1.28. 1. *It shall be unlawful for any railroad doing business in this State to run or allow to be run on any part of a main line or branch line a work or freight train that exceeds 7,500 feet in length.*

2. *Any railroad doing business in this State which violates the provisions of this section is liable to the Public Utilities Commission of Nevada for a penalty of:*

*(a) Not less than \$5,000 for the first violation;*

*(b) Not more than \$10,000 for the second violation within 3 years after the first violation; and*

*(c) Not more than \$25,000 for a third and any subsequent violation within 3 years after the first violation.*

3. *As used in this section:*

**(a) “Branch line” means a secondary railroad track that branches off from a main line.**

**(b) “Main line” means:**

**(1) A segment or route of railroad tracks over which 5,000,000 gross tons or more of freight railroad traffic is transported annually; and**

**(2) Such other tracks as the Commission may prescribe by regulation.**

**(c) “Railroad” has the meaning ascribed to it in NRS 484A.200.**

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** (Deleted by amendment.)

**Sec. 4.** (Deleted by amendment.)

**Sec. 5.** (Deleted by amendment.)

**Sec. 6.** (Deleted by amendment.)

**Sec. 7.** (Deleted by amendment.)

**Sec. 8.** (Deleted by amendment.)

**Sec. 9.** This act becomes effective on July 1, 2023.

Assemblyman Carter moved the adoption of the amendment.

Remarks by Assemblyman Carter.

Amendment adopted.

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

Assembly Bill No. 285.

Bill read third time.

Remarks by Assemblymen Taylor, Thomas, Summers-Armstrong, Orentlicher, O’Neill, La Rue Hatch, and Torres.

ASSEMBLYWOMAN TAYLOR:

Assembly Bill 285 is intended to provide support to students while utilizing the restorative justice framework. This support happens while providing an environment that is safe and productive for all students, teachers, and schools while allowing a reentry plan for any student who may be suspended or expelled.

Doing the work with my colleagues on Assembly Bill 285, I can say the intention is to thread the needle—thread the line between keeping students safe, providing support for students, while at the same time dancing that nuance, if you will, to make sure everyone in the school environment is safe and able to learn.

ASSEMBLYWOMAN THOMAS:

Today, I rise in strong opposition to AB 285. I will read from the statements I have received from some of my community’s teachers and principals:

Teachers and administrators may feel a false sense of security as they enforce rules even for minor infractions and increasingly exclude students from the classroom.

But safety requires a school climate approach where students internally adopt the need for community rules and appropriate behaviors. Harsh enforcements suppress certain unacceptable behaviors, but they do not address the whole school. In the long run, social-emotional learning and school climate approaches create a stable and safer school environment.

Many of you have heard the famous quote by Tom Herner from 1998: “If a child does not know how to read, we teach. If a child does not know how to swim, we teach. If a child does not know how to multiply, we teach. If a child does not know how to drive, we teach. If a child does not know how to behave, we teach—or punish.” Why can we not finish the last sentence as automatically as we do the others? Similarly, if a student repeatedly misses the same math

problem, do we give up on that student and kick them out of class? Instead, as educators, we provide interventions and support for that student. We provide accommodation so students can learn. Thus, we teach. I speak for the students of Black, Brown, and Indigenous children of the state of Nevada.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

I rise in opposition to AB 285. I honor and appreciate the work of my colleague from AD [Assembly District] 27 and those in this room who have worked diligently to try and find middle ground, but I cannot overcome the fact that we are suspending children as young as 6 years old, and we have no solid plan for what we will do with those children when they are expelled from school.

I like to explain things with analogies. I am not a super educated person, but I have lived a long life. We do not buy auto insurance after we have had a wreck. We buy auto insurance in preparation for the day we need it. We cannot wait for a child to be expelled and then plan on restorative justice. We have to have a plan in place. We have to have understanding from the top of our educational system to the bottom—from the trustees to the janitor—about what we will do and how we will act and move when we have a child who has issues. That means we have to have processes, support, and professionals in place who will help that child if they get in trouble.

With all the work that was done on this bill, we still have a gap where we do not have a solution for that group of children. I am hopeful we will consider this and know that there are thousands of children—most of them Black, Brown, Indigenous, and other children of color—who will be hurt because we, the adults in the room, do not have a clear plan.

ASSEMBLYMAN ORENTLICHER:

I want to start by commending our colleague from Assembly District 27 for addressing a critical issue. I have heard a lot from constituents about the problem of school discipline, and I agree that we need to do something. I commend her for all the efforts she is making to thread the needle, as our colleague put it, to find the right balance. I also share the concerns of our colleagues in Districts 6 and 17. We have not found the balance yet. This is not the perfect bill or the bill I would like to support, but I am going to vote for it today because I want to keep the process going. We need to do something to address it. I want to give our colleague from Assembly District 27 the chance to find the right balance, so I will be supporting the bill today.

ASSEMBLYMAN O'NEILL:

I rise today in support of AB 285. I will try to keep this short, Mr. Speaker and fellow Assembly members. I want to express appreciation to our fellow colleagues from ADs 36 and 27 and commend the work being done in a bipartisan way. It is truly bipartisan. We have come together and worked on this bill. One of our colleagues has years of experience, being involved with numerous children in the educational system, raising them, and the other has been responsible for an entire school district, making sure students perform to the best levels possible.

To have education, you must have organization. To have organization, we must have some kind of togetherness, and we must have an ability for the teacher to reach out to all students and not have to pay attention to just those who want attention, including negative attention.

With that, I ask my colleagues—all of you—to vote in support of AB 285 and commend this bipartisan work being done by our colleagues from Districts 36 and 27.

ASSEMBLYWOMAN LA RUE HATCH:

I rise in support of Assembly Bill 285. As a schoolteacher, I have seen the crisis that is happening in our schools. It is a crisis of behavior. It is a crisis of violence. Our educators do need relief, but I want to make very clear, this crisis is much, much larger than this bill. There are many factors that are impacting this crisis of behavior. I think we are asking our educators to solve societal issues in our classroom. I think that is a problem.

I am in support of this bill because it moves us incrementally forward; however, I would urge us to look at the very serious issues causing this behavior, including mental health support and class sizes, which are the largest class sizes in the nation. I urge your support, but I also urge us to continue working on this issue.

ASSEMBLYWOMAN TORRES:

I rise in support of AB 285 today, and I want to thank my colleagues from Assembly District 27 and Assembly District 32 for their commitment to working with me on this issue. I want to say that we have probably spent well over 40 hours in meetings on just this topic alone. In 2019, I worked alongside my former colleague from Assembly District 17 so that we could pass AB 168 of the 80th Session, which created the current restorative justice laws here in the state of Nevada. At its crux, restorative justice is about holding students accountable, it is about remedies to the behavior, it is about relief to the victim, and it is about changing the behaviors of students. All of that is in this phenomenal piece of legislation. I support AB 285 because it reinforces this belief. I come from a family of educators—my mom, my siblings, my brother-in-law, myself. We deserve to feel safe on our campuses, because this safety is critical to fostering a learning environment where our kids can also feel safe. I know restorative justice works because it is a critical part of my practice every single day.

After implementing the 2019 bill, it was clear the legislation failed to address three critical components that are addressed in this piece of legislation today. One, it did not do anything for data transparency regarding student discipline, especially making sure the Legislature receives that data. Two, it did not outline a plan based on restorative approaches. It said we required one, but we did not include the details for that plan. This phenomenal piece of legislation does just that. It determines whether the student needs additional community-based services or school services while also creating a plan for students so they can come back, because when a student leaves our classrooms, our ultimate goal is to get them back in that classroom. The bill codifies the appeals process for suspensions and expulsions, which empowers Nevada's students and parents. I urge your support of AB 285.

Roll call on Assembly Bill No. 285:

YEAS—38.

NAYS—Considine, Mosca, Summers-Armstrong, Thomas—4.

Assembly Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 330.

Bill read third time.

Remarks by Assemblymen Bilbray-Axelrod, Thomas, La Rue Hatch, Summers-Armstrong, Hansen, and Gray.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 330 makes various changes relating to the behavior and discipline of pupils. It establishes certain conditions concerning disciplinary notifications and appeals and requires the reporting and review of certain disciplinary data, including data concerning disproportionality of punishments.

The bill also outlines certain provisions concerning the removal of a pupil from a classroom or school, including requiring the provision of a plan for the restorative discipline of a temporarily removed pupil; removing certain requirements concerning the return of a pupil under certain circumstances; removing the requirement that a pupil be given the opportunity for a hearing prior to suspension or expulsion under certain circumstances; and allowing a pupil to be temporarily removed prior to the provision of a plan of action based on restorative justice under certain circumstances.

I want to thank everyone who worked tirelessly—and I do mean tirelessly—on this and the previous bill to get the language we are voting on today. The conversations were open and heartfelt, and I believe these bills will help teachers and students feel safe while recognizing that different situations should have different consequences and outcomes. As a mom and in my role as Chair of the Assembly Committee on Education, I would never move legislation forward that would give up on a child. Restorative justice, at its core, looks at the whole child. When

implemented properly, it recognizes that social-emotional learning is imperative for a child's success. I urge you to vote yes on AB 330.

ASSEMBLYWOMAN THOMAS:

I rise in strong opposition to Assembly Bill 330. While I understand calls for increased safety in schools, this push for increasing a punitive response to discipline procedures sends a message that adults' needs supersede those of our children and affirms a dynamic in which students are perceived as potential threats and/or criminals, rather than young people in distress in need of wraparound services. It is taking us entirely in the wrong direction. This bill further contributes to discipline disparities for our state's Black, Brown, and Indigenous student population. According to the 2021-2022 discipline data, African-American students make up 12.15 percent of the student population, yet account for 31.66 percent of suspensions and 38.14 percent of expulsions. Additionally, these disparities seem consistent with poverty, homelessness, health care, academic achievement, and incarceration.

It is my understanding that when I come into these halls, I feel safe because the administration has made me feel safe. In my 20 years in the United States Air Force, at every facility I went to, the base commanders made me feel safe. When I worked at the Regional Justice Center in Clark County, in a courtroom with alleged criminals, I felt safe. The administration made me feel safe. I am asking that this body stop overreaching and let the administrators of our schools do their job to make teachers and students feel safe. Expulsion is not the answer. We are too educated in this 21st century to accept the fact that expulsion is an answer, especially in Assembly Bill 330, where we are looking at 6-year-old students being expelled. What do we do with them? Where do they go? Should we build more jails? I guarantee you, in two years, you will hear bills saying we need more jails. Who will be in those jails? Black, Brown, and Indigenous people, because that is the way our nation is.

ASSEMBLYWOMAN LA RUE HATCH:

I rise in support of AB 330 as an educator who believes we need to find a balance and we need to have safety in our schools. I want to echo the concerns of my colleague because I think there are many schools where a principal is not making their staff feel safe. I think there are larger issues than this bill.

I would like to share some information with the body. In Clark County, there is a ratio of 1,000 students for 1 counselor, and that is a problem for mental health. We have classes of 45 and 50, and that is a problem for behavior. Once again, while I will be in support of this bill, I urge us to continue working on those larger problems.

I would also like to stand in solidarity with my colleague from Assembly District 17, who is fighting for her community and who has endured disingenuous and dishonest attacks as a result. I think that is unacceptable, and I want to make that publicly clear.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

I rise in opposition to AB 330. Earlier, we heard these last two bills we are talking about would implement restorative justice. We had a previous piece of legislation that had an outline for restorative justice, but it was not implemented. That is why we are here today. That bill laid out steps and requirements. The word "shall" was included in the language. It talked about positive behavior intervention and a plan for referrals to individualized educational programs and support teams. The thing that was missing was implementation.

I have received a letter from community organizations that are extremely concerned about these bills, and I will tell you a little bit about what they are saying. There are currently no alternative school placements for elementary school-aged children. The students who will be most impacted by these policies are students in poverty, students of color, homeless students, those who are abused and neglected. Thus, unless the family can afford private instruction or to home school their child, a student will miss out on educational instruction during the most formative years of their life. Those are the students I represent, students in historic west Las Vegas and near North Las Vegas, whose families and generations before them suffered from the intentional segregation of their schools—disenfranchisement, disinvestment, lack of funding. These are the children who will be affected—students at schools near me that are predominantly Black and Brown, where the

school districts have not worked diligently, from my perspective, to ensure those students have the resources they need.

These children did not ask to be born into poverty. They did not ask to be born into homelessness. But they are here, and they are our responsibility. If we continue to blame them and hold them responsible for pulling themselves up from bootstraps they do not even own and do not even have the ability to purchase, what are we saying to them? That they are left to their own devices to find a way when they have no ability to do so. But we do. We have the chance to do something effective to help these children that is more than just saying, Get out. That is not how we all got here. We are here because someone opened the door for us and allowed us an opportunity to grow and be educated to be in this space.

Even with all the language in these bills, there are still things we must consider. These bills do not solve the issue of discipline. That is something deeper. If we are not going to be committed to restorative justice and the implementation of it, before we put anybody out of school, it is again going to fail.

ASSEMBLYWOMAN HANSEN:

I rise in support of Assembly Bill 330. A lot has been said. There is, of course, a lot of opinion and a lot of emotion in this body. It goes without saying that we all care. We absolutely care. I am here to reassure my colleagues that I would never be a party to legislation that would throw away children. I do not think any of us would. We know that from this body, bills still need work, and they still continue to have adjustments. It has been an honor to be involved with those of you here and to be involved with those who have had concerns. We have heard those concerns, and I will make a commitment going forward from here that we will do our best to ensure Nevada's children and Nevada's teachers are protected, that staff is protected, and that administrators are allowed to do their jobs. That is why AB 330 and AB 285 are needed—so that administrators can do their jobs and continue to provide the opportunity for safety to our students and our staff.

I thank those who have been involved. I thank those who have mentioned their opposition, and we will work through that. I wanted to be on the record to let you know that my heart is in this, and I will be part of this in the interim. Hopefully, we can come back here and have a good report because data will be available. That was part of this bill. It is important we know about the disproportionality and, if it is there, how we are addressing it. We need to have full transparency, and I feel that these bills do that. I urge my colleagues to support AB 330.

ASSEMBLYMAN GRAY:

I rise in support of AB 330. When we talk about improving our education system, we must address, as a first priority, the issue of violence in our classrooms. In the Clark County School District last year alone, police responded to nearly 6,000 violent act calls. Some of the restorative justice policies that have been in place since the 2019 Legislature have prevented teachers from controlling their classroom and creating safe learning environments for their students. Let us not forget, that is their first and foremost responsibility—to provide a safe place for their number one job, education. They go hand in hand.

The ethos behind these restorative justice principles was no doubt well-intended; however, the 2019 legislation clearly requires some well-thought-out revision so our classrooms can be safe and productive. We stand with AB 330 and commend the bipartisan work our colleagues have done on the issue. I respectfully request all of my colleagues in this institution to vote yes on AB 330.

Roll call on Assembly Bill No. 330:

YEAS—38.

NAYS—Considine, Mosca, Summers-Armstrong, Thomas—4.

Assembly Bill No. 330 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 11.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Bill 11 prohibits hospitals or psychiatric hospitals from employing certain physicians for practicing medicine except where expressly authorized by law. Hospitals violating these provisions may have their license suspended or revoked and are subject to certain administrative penalties. The bill exempts hospitals or psychiatric hospitals employing physicians who are participating in specific graduate programs and medical facilities that are owned or operated by the federal or state government, a church, or religious denomination.

Further, this bill prohibits hospitals from taking measures to restrict certain activity of health care providers whom they employ or who serve as independent contractors, including prohibiting in contracts with or taking any action against providers who discuss with others their salary, wages, or working conditions, or who work for another medical facility and entering into noncompetition covenants with providers that prohibit them from providing medical services for other medical facilities.

Roll call on Assembly Bill No. 11:

YEAS—26.

NAYS—Backus, Bilbray-Axelrod, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O’Neill, Orentlicher, Yurek—16.

Assembly Bill No. 11 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman DeLong requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DELONG:

I want to put on the record, my vote on AB 11 should have been a no. I mistakenly hit the green button and did not get to the red one in time.

GENERAL FILE AND THIRD READING

Assembly Bill No. 34.

Bill read third time.

Remarks by Assemblyman Gurr.

ASSEMBLYMAN GURR:

Assembly Bill 34 revises certain provisions relating to the State Engineer’s public notice requirements. The bill eliminates the statutory requirement that certain notices and orders be published consecutively and adds a requirement for the Division of Water Resources to post certain orders and notices on its website.

Additionally, AB 34 revises the time period for individuals to file written protest against the granting of certain applications and allows that if no protest is received within a certain timeframe, the State Engineer may presume publication and process the application conditionally. The State Engineer may not grant the application or issue a permit until he or she files proof of proper publication.

This effective date of this bill is October 1, 2023.

Roll call on Assembly Bill No. 34:

YEAS—40.

NAYS—Hafen, Hansen—2.



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

Bill ordered transmitted to the Senate.

Assembly Bill No. 65.

Bill read third time.

Remarks by Assemblywomen Bilbray-Axelrod and Hansen.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 65 makes various changes related to education. The bill revises the definition of bullying and certain requirements for investigating and reporting certain instances of bullying, cyberbullying, and discrimination based on race. Furthermore, the bill requires the Superintendent of Public Instruction of Nevada's Department of Education, rather than the State Board of Education, to approve work-based learning programs. Finally, the bill makes changes relating to kindergarten and starting school, including requiring a child to be 5 years of age on or before August 1 preceding a school year in order to be admitted to kindergarten; complete kindergarten; and begin attending public school at 6, rather than the current age, which is 7.

I want to mention something quickly because I know my dear colleague from Assembly District 32 will be speaking in opposition, and I respect her very much. I thought it was important to add the language around children starting at the age of 6. It was not that long ago—if memory serves, it was two sessions ago—that you could be tried as an adult at age 8. I think our kids deserve chances. That is what we are talking about—doing right by kids. Starting them early is a way we can start with that social-emotional learning and help set kids up for success. I urge your support.

ASSEMBLYWOMAN HANSEN:

I rise in opposition to AB 65. With all due respect to my most excellent Chair of Education, it was the amendment that took me to opposition. Since 1957, we have included in NRS [*Nevada Revised Statutes*] that children are to be enrolled in school by the age of 7. I believe changing decades-old policy was more worthy of a hearing rather an amendment. The reason I would prefer it to be done with a hearing and not just by amendment is because it changes decades-old policy and because the vast majority of children are in school before the age of 7. There are circumstances where parents ought to not start their children until age 7. There are studies to bolster some of those parents' choice to delay enrollment to age 7. A study out of Stanford University by researchers Thomas Dee and Hans Henrik Sievertsen found:

...[K]ids who started kindergarten a year later than average students had 73 percent better scores on tests of their hyperactivity and inattention four years later....Schools in Nordic countries are not exactly strangers to enrolling kids in school later in life. In Finland, for example, it is not uncommon for kids to begin formal schooling at age 8. Much of their childhood is spent either at home or in a form of pre-kindergarten, where the biggest emphases are on playtime and social skills. Traditional subjects do not enter the picture until later....Students in Finland (and other Nordic countries) are some of the top-performing nations in the annual PISA [Programme for International Student Assessment] education rankings....

In closing, I urge my colleagues to vote no on AB 65. I would encourage a better vetting process—a legislative hearing where data and studies could be reviewed—for changing this decades-old policy from age 7 to 6. While the state might have good intentions, parents know what is best for their children, and this long-standing policy has not proven to be a problem but rather a reasonable benchmark for enrollment. I urge my colleagues to vote no on AB 65.

Roll call on Assembly Bill No. 65:

YEAS—31.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, McArthur, O'Neill, Yurek—11.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 66.

Bill read third time.

Remarks by Assemblywoman Newby.

ASSEMBLYWOMAN NEWBY:

Assembly Bill 66 makes various changes to the administrative functions and procedural operations of the Commission on Ethics, including advisory opinions, “cooling-off” periods, and the filing of ethics complaints. It also adds a new chapter to NRS [*Nevada Revised Statutes*], to be cited as the Nevada Legislative Ethics Law.

Roll call on Assembly Bill No. 66:

YEAS—37.

NAYS—Dickman, Hafen, Hansen, Kasama, McArthur—5.

Assembly Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 86.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Assembly Bill 86 prohibits a person from committing certain acts against an animal kept for working purposes or a domesticated animal that is not owned by a person. The bill also makes it unlawful to confine an animal in certain spaces and deprive an animal of necessary veterinary care or grooming or shearing. The bill prohibits a person, with exceptions for dogs engaged in certain activities, from restraining a dog with an improperly fitted collar or harness or with a weighted tether, chain, tie, trolley, or pulley system. The bill prohibits a person from leaving a dog outside and unattended unless the dog has access to adequate shelter, as defined in the bill.

Lastly, the bill repeals, revises, and replaces certain provisions relating to the abandonment of disabled animals.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 86:

YEAS—42.

NAYS—None.

Assembly Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198.

Bill read third time.

Remarks by Assemblyman Orentlicher.

ASSEMBLYMAN ORENTLICHER:

Assembly Bill 198 requires the State Board of Nursing to issue a certificate of registration as a certified registered nurse anesthetist to a registered nurse who meets the requirements of existing law and any additional requirements prescribed by the Board. A certified registered nurse anesthetist may order, prescribe, possess, and administer controlled substances, drugs, and devices

to treat a person under the care of a licensed physician, dentist, or podiatric physician before, during, and after surgery or childbirth.

Roll call on Assembly Bill No. 198:

YEAS—36.

NAYS—Duran, Gurr, Hafen, Hansen, Hardy, McArthur—6.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 213.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 213 revises provisions relating to the adoption of measures in certain counties relating to affordable housing. The measure provides that certain deadlines relating to land use planning that apply to counties also apply to cities. In addition, on or before July 1, 2024, the governing body of each county and city must enact certain ordinances relating to affordable housing projects. Governing bodies must annually submit a plan to the Housing Division, Department of Business and Industry, and the Advisory Committee on Housing.

Roll call on Assembly Bill No. 213:

YEAS—39.

NAYS—Orentlicher, Summers-Armstrong, Thomas—3.

Assembly Bill No. 213 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 225.

Bill read third time.

Remarks by Assemblywoman Newby.

ASSEMBLYWOMAN NEWBY:

Assembly Bill 225 sets forth a process for a person who is not otherwise authorized under existing law, or a representative of a governmental agency for whom such a person is an employee, to petition the district court to make the personal information of the person that is contained in public records confidential.

Roll call on Assembly Bill No. 225:

YEAS—42.

NAYS—None.

Assembly Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 227 creates summary procedures for an annulment and for child custody under certain circumstances. The bill provides that a marriage may be dissolved by the summary procedure for annulment when certain factors are present and both spouses agree to the

summary procedure. Additionally, an action to determine custody of a child may be brought by the summary procedure when the parents or legal guardians of a child have reached a detailed agreement on the custody, medical or other care, education, maintenance, and support of the child and the court determines that using the summary procedure is in the best interest of the child.

Roll call on Assembly Bill No. 227:

YEAS—42.

NAYS—None.

Assembly Bill No. 227 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 241.

Bill read third time.

Remarks by Assemblywomen Mosca and Hansen.

ASSEMBLYWOMAN MOSCA:

Assembly Bill 241 requires a public high school pupil to enroll in the courses and credits required by the State Board of Education to receive a college and career ready high school diploma. The bill also outlines circumstances in which students are not required to enroll in such courses and credits and specifies certain implementation dates for the bill, which depend upon school district populations.

Growing up as a low-income student of color, I originally was put on the regular classes track. It was not until a teacher said she saw something in me that I was put on a different track, which allowed me to graduate and become the first in my family to go to college, a Harvard graduate, and a member of this body. This bill ensures that all young people have access to any opportunities they choose, and I urge its passage.

ASSEMBLYWOMAN HANSEN:

I rise in enthusiastic support of AB 241. This is truly one of my favorite bills of the session. My colleague from Assembly District 14 was an inspiration in the hearing and is an inspiration in this legislative body. Her story should not have to be an exception; it should be the rule. This bill will allow all students the opportunity to have a career and college ready diploma. Thank you for hopefully getting on board with this wonderful bill.

Roll call on Assembly Bill No. 241:

YEAS—42.

NAYS—None.

Assembly Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 250.

Bill read third time.

Remarks by Assemblywoman Considine.

ASSEMBLYWOMAN CONSIDINE:

Assembly Bill 250 prohibits a person or entity, during a price applicability period, that purchases a drug, that is subject to a maximum fair price in this state from paying a price that is higher than the maximum fair price, or seeks reimbursement for a drug subject to a maximum fair price that is delivered, dispensed, or administered to a person in this state, from seeking reimbursement at a higher rate than the maximum fair price. The measure also requires any such person or entity to maintain a registered agent and an office or base of operations in this state. The bill makes it a deceptive trade practice for any person to violate the prohibition.

Nevadans have seen a 500 percent increase in the cost of prescription drugs over the last 30 years, the highest cost increase in the nation. The cost of prescription drugs affects every family and every community across our state. Nevadans across the state and across the political spectrum support cutting the costs of medicine for their families. I brought this legislation forward because it is an opportunity to provide relief to Nevadans dealing with significant health issues. For Nevadans of all ages—for the grandfather and the grandson with the same life-altering health issues, for the 68-year-old suffering from breast cancer and the 22-year-old suffering with the same cancer—I urge this body to vote yes on this legislation so we can continue to lower health care costs for Nevadans.

Roll call on Assembly Bill No. 250:

YEAS—27.

NAYS—DeLong, Dickman, Duran, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—15.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 264.

Bill read third time.

Remarks by Assemblywoman Taylor.

ASSEMBLYWOMAN TAYLOR:

Assembly Bill 264 makes various changes relating to school absences due to the observance of religious holidays. In the case of such absences, a parent or legal guardian must provide notification in writing at least three days prior to the absence, and not more than five absences shall be approved.

I brought this bill to support those students who celebrate their religious holidays. Whether it is Ramadan or Yom Kippur, students should not be penalized for celebrating religious holidays, and this allows that to happen while putting a maximum on approved absences and requiring the student to complete all work they may miss while they are gone.

Roll call on Assembly Bill No. 264:

YEAS—42.

NAYS—None.

Assembly Bill No. 264 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblywoman Jauregui moved that the Assembly recess until 4 p.m.

Motion carried.

Assembly in recess at 2:16 p.m.

ASSEMBLY IN SESSION

At 4:21 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 25, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 234.

WAYNE THORLEY  
*Fiscal Analysis Division*

GENERAL FILE AND THIRD READING

Assembly Bill No. 265.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Assembly Bill 265 creates a statewide children's mental health consortium.

Roll call on Assembly Bill No. 265:

YEAS—42.

NAYS—None.

Assembly Bill No. 265 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 269.

Bill read third time.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

Assembly Bill 269 makes certain changes to evaluation cycles for postprobationary teachers. The bill repeals requirements to include pupil growth and learning goals in teacher evaluations and provides that certain provisions concerning evaluations of postprobationary teachers apply retroactively to such evaluations conducted on or after July 1, 2021.

Roll call on Assembly Bill No. 269:

YEAS—38.

NAYS—Gray, Gurr, Hafen, O'Neill—4.

Assembly Bill No. 269 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 282.

Bill read third time.

Remarks by Assemblywoman Summers-Armstrong.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

Assembly Bill 282 requires school districts to provide a monthly subsidy to full-time substitute teachers for the purchase of health insurance. In order to receive the subsidies, such teachers must provide proof of health insurance coverage. The bill prohibits a school district or public school from taking certain actions that would prevent a substitute teacher from qualifying for the subsidy.

Roll call on Assembly Bill No. 282:

YEAS—31.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, McArthur, O'Neill—11.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 286.

Bill read third time.

Remarks by Assemblymen Brittney Miller and Hibbetts.

ASSEMBLYWOMAN BRITTNEY MILLER:

Assembly Bill 286 requires the administrator of a county or city jail to establish a policy ensuring qualified persons who are detained in the jail may register to vote and vote in an election. Additionally, the administrator must establish a process for the collection and security of mail ballots, and the Secretary of State must allow qualified detainees to use Nevada's Effective Absentee System for Elections to register to vote and cast a ballot.

ASSEMBLYMAN HIBBETTS:

I rise today in support of AB 286. I am voting yes on AB 286 for one simple reason: I took an oath to defend and uphold the *Constitution*. For those who have not yet been convicted of any crime, voting is a constitutional right. To stand in the way of simple provisions that would help them exercise their constitutional right I believe would be an act against the oath I took. Our *Constitution* declares a citizen innocent until proven guilty. Our *Constitution* declares that the innocent have the right to vote. I took an oath to protect that right. I am voting yes.

Roll call on Assembly Bill No. 286:

YEAS—39.

NAYS—Gray, Kasama, McArthur—3.

Assembly Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 309.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

Assembly Bill 309 authorizes the use of secret electronic ballots for the election or removal of members of the executive board of a unit-owners' association of a common-interest community and for the election of delegates or representatives to exercise the voting rights of unit owners in such an association. The bill also provides that money in the operating account of an association may be withdrawn without the usual required signatures for the purpose of making automatic payments for certain costs.

I know you have all been waiting for it—here is your HOA [homeowners' association] bill for this session, so I look forward to your support.

Roll call on Assembly Bill No. 309:

YEAS—42.

NAYS—None.

Assembly Bill No. 309 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 339.

Bill read third time.

Remarks by Assemblywoman Thomas.

ASSEMBLYWOMAN THOMAS:

Assembly Bill 339 requires certain annual accountability reports on pupil achievement to include information on pupils who have accrued ten or more absences within the school year and pupils who received at least four consecutive weeks of instruction in a core academic subject from someone other than a licensed teacher unless certain prohibitions apply. This information must be reported separately by gender and for groups identified in the statewide system of accountability for public schools.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 339:

YEAS—39.

NAYS—Gray, Gurr, O’Neill—3.

Assembly Bill No. 339 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 354.

Bill read third time.

Remarks by Assemblymen Jauregui and Yurek.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 354 prohibits, under certain circumstances, a person from possessing or causing a firearm to be present within 100 feet of an entrance to a place the person knows or reasonably should know is an election site. This prohibition does not apply to a law enforcement officer engaged in the performance of official duties or a private guard or security personnel hired by the owner of the facility or property in which the election site is located.

Additionally, this bill prohibits a person from selling, offering to sell, or transferring and possessing, purchasing, transporting, or receiving an unfinished frame or receiver, ready frame or receiver, or market frame or receiver unless the recipient is a firearms dealer or an importer or manufacturer or such a firearm has been imprinted with a serial number.

Last week, the Assembly took action to make Nevada’s families and communities safer by passing Assembly Bill 355, which would raise the age requirement to purchase an assault weapon from 18 to 21. Now with Assembly Bill 354, we have another chance to take a step in the right direction and protect everyday Nevadans from the epidemic of gun violence.

Since 2020, many poll workers and everyday Nevadans have felt endangered at their voting location. The right of a registered voter to safely and freely access the ballot is fundamental to our democracy. Prohibiting guns at polling locations is important for ensuring voters’ safety, preventing voter intimidation, promoting peaceful elections, upholding the law, and reflecting public opinion.

This legislation will also fix a loophole with a disturbing new trend in crime. Ghost guns have become increasingly common in violent crimes that ravage our communities and tear apart Nevada families. In 2021, the number of ghost guns recovered from crime scenes doubled from the previous year, and law enforcement agencies across the nation are raising the alarm, including at the highest levels of the Department of Justice.

Assembly Bill 354 will prohibit guns in polling places, protecting Nevadans’ right to vote, and crack down on the loopholes in current law that could otherwise make these untraceable ghost guns even more prevalent in violent crime. Keeping our communities safe should not be a partisan issue, so I urge all of my colleagues to support Assembly Bill 354.



ASSEMBLYMAN YUREK:

Today, I stand in opposition to AB 354. This bill is a classic example of a solution in search of a problem. A review of the statistics reveals that actual incidents of armed individuals showing up at voting sites are rare. So, what purpose does this legislation really serve?

Furthermore, the very issues this bill attempts to mitigate may, in fact, create a variety of other troublesome consequences. Consider these conceivable scenarios: A young mom is carrying a legally concealed handgun in her purse when she runs into the grocery store. She is on the phone and misses a sign indicating early voting is taking place that day. Should she be arrested? Perhaps a young man goes to the mall with some friends and has his legally concealed handgun and does not see the sign indicating early voting is taking place that day on the premises. Should he be arrested? What if a retired police officer who carries a legally concealed handgun goes into city hall during the week that a special election is taking place. Should she be arrested?

The *Nevada Revised Statutes* requires Clark County to have at least 25 early voting locations that operate anywhere from two to three weeks before an election and at least 100 polling places on Election Day. This does not include locations where there may be a ballot box or a drop box. This past November, there were 125 sites located across Clark County alone on Election Day where I, as a retired law enforcement officer with a legal permit to carry my handgun, could be arrested by inadvertently being in one of these many places on Election Day.

If there are, as the proponents of this bill suggest, increased incidents where an armed individual shows up at a polling location to intimidate, threaten, or otherwise harass voters or poll workers, laws on our books already exist to address those situations. For example, under federal law, 18 USC [*United States Code*] §594 makes it illegal to intimidate, threaten, coerce or attempt to intimidate, threaten, or coerce any person for the purpose of interfering with the right to vote. Under 18 USC §241, it is illegal for two or more persons to agree to injure, threaten, or intimidate a person in the exercise of any right secured by our *Constitution*, including the right to vote. But we do not need to rely on federal law to protect our elections because Nevada law also prohibits such conduct. *Nevada Revised Statutes* 293.710 makes it a felony to threaten to use any force, intimidation, coercion, violence, restraint, or undue influence in connection with any election. *Nevada Revised Statutes* 293.730 makes it a felony to remain in or outside of any polling place so as to interfere with the conduct of an election.

The reality is, AB 354 creates unnecessary complexities which serve no real purpose because the risks are nominal, and we already have laws on the books to address these issues without removing firearms from the hands of law-abiding citizens. Accordingly, I respectfully ask that you vote no on AB 354.

Roll call on Assembly Bill No. 354:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 371.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 371 enacts the provisions of the Uniform Parentage Act, which is a set of uniform laws governing parentage and the establishment of parent and child relationships. Among other things, this bill revises various provisions relating to proceedings to adjudicate parentage and provisions relating to assisted reproduction and gestational agreements.

Roll call on Assembly Bill No. 371:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 378.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Assembly Bill 378 revises certain provisions related to the timing of negotiation, mediation, and arbitration of certain collective bargaining agreements.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 378:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 378 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 401.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 401 authorizes an approved school of practical or professional nursing to determine the appropriate ratio of faculty members to students for a course that provides clinical training. The ratio must not exceed 1 faculty member for every 12 students.

Roll call on Assembly Bill No. 401:

YEAS—42.

NAYS—None.

Assembly Bill No. 401 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 405.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 405 authorizes a justice court or municipal court to establish a program for the treatment of mental illness or intellectual disabilities and to transfer original jurisdiction of a case involving an eligible defendant to the district court if the justice court or municipal court has not established such a program. The bill further provides that the district court, justice court, or municipal court may impose sanctions against the defendant for the violation but allow the defendant to remain in the program.

Roll call on Assembly Bill No. 405:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 408.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 408 prohibits a person from driving a vehicle in an unauthorized trick driving display or facilitating an unauthorized trick driving display on premises to which the public has access. Additionally, the bill authorizes a law enforcement officer to remove or cause to be removed a vehicle to a place of safekeeping if the person driving or in actual physical control of the vehicle is issued a citation for reckless driving.

This bill is about road safety and preserving lives on our streets. We have worked really hard on this, and I urge your support.

Roll call on Assembly Bill No. 408:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 414.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Assembly Bill 414 replaces the form to create an advance health care directive and revises provisions concerning witnessing the principal's signature.

Roll call on Assembly Bill No. 414:

YEAS—42.

NAYS—None.

Assembly Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 439.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Assembly Bill 439 repeals certain provisions related to arbitration in certain health insurance contracts. In certain health insurance policies, the bill requires language stating the provision is not binding upon the insured or any dependent of the insured.

Roll call on Assembly Bill No. 439:

YEAS—42.

NAYS—None.

Assembly Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 442.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Bill 442 requires the Board of Medical Examiners to take certain actions in response to a complaint alleging that a physician, physician assistant, or practitioner of respiratory care has committed any act which, if proven, would constitute domestic violence or sexual assault.

Roll call on Assembly Bill No. 442:

YEAS—42.

NAYS—None.

Assembly Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Assembly Bill 444 establishes various provisions governing proceedings relating to the custody, adoption, or protection of Indian children or the termination of parental rights to provide additional protections for Indian children in state law.

Roll call on Assembly Bill No. 444:

YEAS—42.

NAYS—None.

Assembly Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 182.

Bill read third time.

Remarks by Assemblywoman La Rue Hatch.

ASSEMBLYWOMAN LA RUE HATCH:

Assembly Bill 182 simply codifies current practice, which requires a bachelor's degree to obtain a standard teaching diploma.

Roll call on Assembly Bill No. 182:

YEAS—22.

NAYS—Bilbray-Axelrod, DeLong, Dickman, Duran, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Peters, Thomas, Torres, Watts, Yurek—20.

Assembly Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 364.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 364 makes various changes to provisions governing physician assistants, including granting physician assistants similar authority and duties as other providers of health care who provide medical services independently and are otherwise treated in the same manner as other such providers of health care; requiring a physician assistant who has practiced for less than 6,000 hours to enter into a collaborative agreement with a physician; and requiring the appointment of one member who is a physician assistant to the Board of Medical Examiners.

Roll call on Assembly Bill No. 364:

YEAS—32.

NAYS—Backus, Duran, Hafen, Hardy, Hibbetts, Kasama, Newby, Nguyen, Peters, Yurek—10.

Assembly Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 188.

Bill read third time.

Remarks by Assemblymen Kasama, Orentlicher, La Rue Hatch, and Gray.

ASSEMBLYWOMAN KASAMA:

Assembly Bill 188 allows a physician to prescribe or recommend and a manufacturer to provide or make available an investigational drug, biological product, or device to a patient diagnosed with a life-threatening or severely debilitating disease or condition. The bill further authorizes a physician, upon completion of certain biochemical analyses, to prescribe or recommend an individualized investigational treatment to such a patient. A manufacturer that meets certain requirements may provide such an individualized treatment. If a patient dies while receiving these treatments, the heir or heirs of the deceased patient are not personally liable for any related outstanding debt.

Finally, AB 188 exempts certain manufacturers and health care providers from criminal penalties or professional discipline for specified actions related to investigational or individualized investigational treatments.

This bill is effective on July 1, 2023.

ASSEMBLYMAN ORENTLICHER:

I rise in strong opposition to Assembly Bill 188. Our colleague from Assembly District 2 and I share a similar goal—we both want seriously ill Nevadans to have access to experimental medical treatments that might restore patient health. In fact, Nevadans already can get potentially lifesaving treatments through the expanded access program of the US Food and Drug Administration, or FDA. When doctors request FDA approval to prescribe experimental treatments for their seriously ill patients, the FDA approves more than 99 percent of the requests, generally within a matter of hours or days. In other words, the right to try already exists in Nevada, including for individualized experimental treatments.

So, what would this bill accomplish? It actually would jeopardize the health of Nevadans who suffer from serious illnesses. Under this bill, doctors could provide experimental treatments without FDA approval. Unfortunately, that is bad for patients, as we have seen when doctors provide experimental stem cell treatments without FDA approval. We have seen that for many

patients, unapproved stem cell treatments have not helped. Rather, the treatments have led to life-threatening infections, chronic pain, and even death.

If we want to safeguard patient health, we need to ensure Nevadans always receive the protection FDA oversight provides. I urge you to vote no on this bill.

ASSEMBLYWOMAN LA RUE HATCH:

I also rise in opposition to AB 188. I believe my colleague from Assembly District 20 laid out the fact that this already exists in law. You can already get approval within hours or days.

I am concerned by the trend across this country of undermining the FDA. As a history teacher, I know the FDA was created for a reason. It is there to protect us and our constituents. Their process is not onerous, and I am very concerned by Nevada joining the trends across this nation of undermining trust in the FDA and not protecting our consumers and our constituents.

ASSEMBLYWOMAN KASAMA:

I am concerned by some of my colleagues' statements. It is crucial to understand that right-to-try legislation does not grant carte blanche access to any and all experimental treatments, including the use of stem cells. The law is subject to specific guidelines and limitations that protect both patients and the integrity of medical research. Stem cell treatment is a highly controversial and heavily regulated area of medical research. In the United States, the use of stem cells or fetal tissue in research is governed by the National Institutes of Health Revitalization Act of 1993.

Assembly Bill 188 is designed to give patients with life-threatening illnesses the opportunity to access individualized experimental treatments. The intent of this legislation is to offer hope and possible solutions for patients who have exhausted all other available treatment options. I thank my colleagues for their bipartisan support that gives hope to Nevadans.

ASSEMBLYMAN GRAY:

I rise in support of AB 188. I do not have a prepared remark, but I would like to say, this is going to provide a treatment and hope for people who may be hopeless. They are at their wits' end. The treatment is going to be supervised by a doctor. There will be protocols to oversee the administration of the medication or the treatment, and it should be their right to pursue that hope.

Roll call on Assembly Bill No. 188:

YEAS—33.

NAYS—Backus, Brown-May, Cohen, Considine, Duran, La Rue Hatch, Brittney Miller, Orentlicher, Summers-Armstrong—9.

Assembly Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 340.

Bill read third time.

Remarks by Assemblywoman Summers-Armstrong.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

Assembly Bill 340 repeals, reenacts, reorganizes, and revises a procedure for summary eviction of certain tenants who are guilty of unlawful detainer. The bill replaces repealed provisions with a new procedure for summary eviction which applies to tenants.

Roll call on Assembly Bill No. 340:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 456.

Bill read third time.

Remarks by Assemblyman Carter.

ASSEMBLYMAN CARTER:

Assembly Bill 456 implements various safety measures on certain railroad tracks within our great state of Nevada.<sup>9</sup>

Roll call on Assembly Bill No. 456:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:07 p.m.

#### ASSEMBLY IN SESSION

At 5:08 p.m.

Mr. Speaker presiding.

Quorum present.

#### REMARKS FROM THE FLOOR

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, April 26, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:10 p.m.

Approved:

STEVE YEAGER

*Speaker of the Assembly*

Attest: SUSAN FURLONG

*Chief Clerk of the Assembly*