McDONALD CARANO

GOVERNMENT AFFAIRS & ADVOCACY GROUP

Nevada's 82nd Legislative Session, 34th & 35th Special Session

2023



Provided by

MCDONALD CARANO GOVERNMENT AFFAIRS & ADVOCACY GROUP

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Overview of 2023 Nevada Legislative Session

The 82nd Session of the Nevada Legislature commenced on February 6, 2023 and ran the full 120 days allowed by the Nevada Constitution. The session had legislators rushing to the finish line with conference committees in the middle of hallways and "behind the bar" in floor sessions. It marked a historic event for the state of Nevada with the introduction of the bill to bring a major film studio to Las Vegas, along with visits from celebrity guests. Also discussed were funding increases in access to healthcare and education. Although the session ran to the last minute of Sine Die, a special session was announced by Governor Lombardo on June 6 to pass the final budget bill. The 35th special session involved the Capital Improvement Program (CIP) bill and lasted only a couple hours, wrapping up the day it was announced. A second special session followed shortly after on June 7 where the Legislature passed a public financing package for a Major League Baseball stadium to be built in Las Vegas for the A's. In total, the Governor vetoed 75 bills, setting a new single-session veto record.

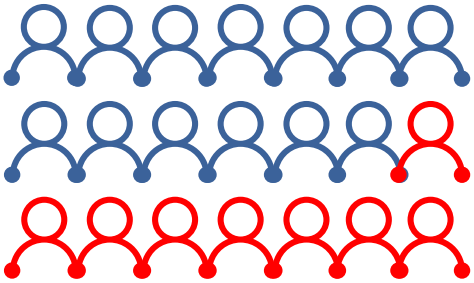
Conflicting Priorities

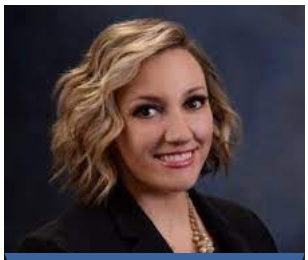
With a Republican Governor and a Democrat majority in both the Assembly and Senate, including a supermajority in the Assembly, conflict between the executive and legislative branches was inevitable. The Governor's priorities included expanded school choice, voter ID, rollbacks of criminal justice and school discipline reforms, and a modernized state government including pay raises for state employees. The Democratic Legislature's priorities included gun regulation, expanded prevailing wage laws, tenant protections, and higher public education spending. At the end of the day, the executive and legislative branches agreed on some of these issues, including a rollback of school discipline reform, state employee pay raises and increased funding for public schools. Other issues became casualties of the session and either failed to pass the Legislature or were vetoed by the Governor.

Legislative Makeup

Senate

13 Democrats
8 Republicans





Nicole Cannizzaro (D)
Senate Majority Leader



Heidi Seevers Gansert (R)
Senate Minority Leader

Nevada maintains female majority (61.9%)

2 New Legislative Appointments

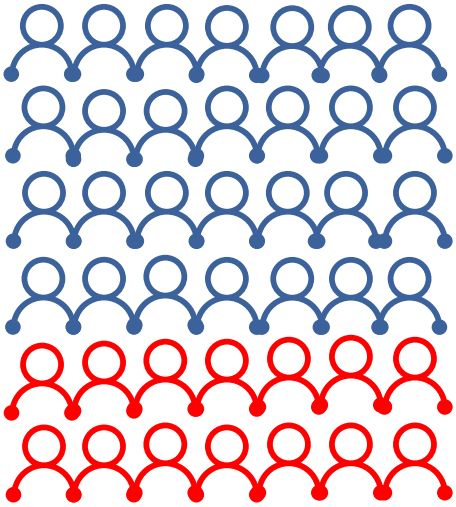
22 Freshman Legislators

14 New Committee Chairs

Democrat supermajority in Assembly

Assembly

28 Democrats
14 Republicans





Steve Yeager (D)
Speaker of Assembly



Sandra Jauregui (D)
Assembly Majority Leader



P.K. O'Neil
Minority Floor Leader

Major Session Themes

Medical Malpractice

The 20-year battle over the state's cap on noneconomic damages in medical malpractice cases began in 2004 when Nevada voters approved a ballot question limiting non-economic medical malpractice damages to $350,000. The 2004 ballot question campaign was premised on a concern that health care professionals were leaving the state due to medical malpractice claims and insurance policy costs. Since 2004, trial lawyers have argued that the damages cap provides limited legal accountability for serious medical mistakes, leaving permanently disabled victims with little economic restitution. Healthcare providers have argued that lifting the cap will increase insurance liability costs and force providers to leave the state. During the legislative session, the debate over medical malpractice centered on AB 404.

The trial attorneys initially sought a cap increase to $2,500,000 along with various other changes including an increase on the amount of contingency fees in medical malpractice cases. In the final week of the session, the trial lawyers and the health care industry agreed to a deal whereby the cap would be increased to $750,000 over a five year period with annual adjustments thereafter, and the amount of contingency fees allowed was increased to 35% of the recovery.

Economic Development

Two major economic development proposals were considered during the session, one relating to the construction of film studios and the second relating to a Major League baseball stadium.

SB 496, sponsored by Senator Roberta Lange (D-LV), proposed to issue $190,000,000 annually in transferable tax credits to construct film studios on UNLV campus and in Summerlin. Efforts to pass the bill included cameo appearances from movie industry giants Mark Wahlberg and Jeremy Renner. Faced with a potential $4,000,000,000 in lost revenue over 20 years, the Legislature balked at the scope of the proposal and it was not processed.

SB 1 was considered in the 35th special session of the Legislature, shortly after the conclusion of the regular session. The bill proposed a financing package of $380,000,000 for a Major League baseball stadium in the form of transferable tax credits and county general obligation bonds repaid through a sports and entertainment tax financing district. After several lengthy hearings and amendments clarifying a community benefits agreement and a restriction of the stadium site to the current location of the Tropicana hotel, the bill was passed and signed into law by the Governor.

Housing

Housing issues, and particularly landlord tenant relationships, were a significant issue throughout the legislative session. Several bills relating to rent control and the summary eviction process were passed along party lines and vetoed by the Governor. Vetoed bills included AB 298 (10% rent cap for senior tenants), AB 340 (extension of the summary eviction process), SB 78 (security deposits and rental agreements), SB 275 (rent caps in manufactured home parks), SB 335 (stay of summary eviction process).

Other bills that would have likely faced a veto failed to be processed. These bills included SB 143 (prohibition on tenant background checks) and SB 175 (prohibition on foreclosure for certain people).

Bills that found other ways to promote housing had more success. AB 213 received broad bi-partisan support and requires a local government to expeditiously process residential land use applications, create a five year plan to address both market rate and affordable housing needs, prioritize affordable housing projects, and track application processing times. AB 528 authorizes up to $100,000,000 in matching funds for a program to provide support services to people who are homeless or at risk of becoming homeless.

Healthcare

SB 131, sponsored by Senate Majority Leader Nicole Cannizzaro (D-LV), proposed to codify former Governor Sisolak's Executive Order protecting out of state residents who come to Nevada seeking reproductive care regardless of the policies in their home states. The Majority Leader stated that the bill aimed to provide healthcare providers the assurance that they may provide reproductive care which is legal under Nevada law without being prosecuted in another state. Opponents argued that the bill may create "abortion tourism" and could potentially increase sex trafficking. The Majority Leader dismissed these notions as unfounded and distracting from the purpose of the bill. Governor Lombardo stated publicly that he would support the bill as long as it focused on preventing state agencies from assisting other states in the prosecution of someone receiving reproductive care in Nevada. SB 131 was approved by the Governor (Chapter 82).

AB 108, sponsored by the Assembly Committee on Commerce and Labor, would have enabled Nevada to join the interstate Nurse Licensure Compact. The measure allowed a licensed nurse in a state that is also part of the Compact to obtain a multistate license to practice in states within the Compact. The bill was intended to address the healthcare provider shortage in this state. AB 108 was heard in the Committee on Commerce and Labor but was opposed by the nurses union and died at the First House Committee Passage deadline.

AB 250, sponsored by Assemblywoman Venicia Considine (D-LV), would ensure future negotiated prices for prescription drugs by Medicare once the federal insurance program for individuals 65 years and older sets those prices. Once approved, the measure would take effect in 2026 providing time for businesses to adjust. Supporters for the bill argued that setting prescription prices would save money for the average consumer. Opposition stated that the problem lies with the insurance industry imposing higher deductibles and other costs. AB 250 was vetoed by the Governor.

Education

Several K-12 education bills were proposed during the 2023 legislative session, including two bills on school safety, one of which was brought forward by Governor Lombardo (AB 330).

The school safety bills, AB 285 and AB 330, would repeal provisions originally implemented in AB 168, the restorative justice bill from the 2019 session. AB 285 and AB 330 provide easier authorization for school officials to suspend or expel a student who is at least 6 years old, rather than 11 years old, which was established in AB 168 (2019). Both bills were supported by two major teacher unions in Nevada and after Governor Lombardo threatened to veto several Democrat-sponsored bills, including the state budget, both AB 285 and AB 330 passed and were signed into law.

Other education bills included AB 175, which added four appointed nonvoting members to the Clark County School Board, AB 73, which allows students to wear religious or cultural regalia to a graduation, and SB 292, which makes K-12 principals at-will employees who can be dismissed. All bills were approved by the Governor.

Below is a brief look at various appropriations for K-12 education over the next biennium:

SB 400

- $7,000,000 in 2024 and $7,000,000 in 2025 for the State Public Charter School Authority for transportation.
- $70,000,000 in 2024 and $70,000,000 in 2025 for the Early Childhood Literacy and Readiness Account.
- $2,000,000 in 2024 and $2,000,000 in 2025 for the Nevada Teacher Advance Scholarship Program.

SB 503

- $5.5 billion in 2024 and $5.8 billion in 2025 for the Pupil-Centered Funding Plan.
    - Per-pupil funding- $12,863 per pupil in FY 2023-2024 and $13,368 per pupil in FY 2024-2025.
        - Adjustments to the per pupil amount are made based on county size and other weighted categories.
- $470.6 million in funding for the Special Education Program.
- $7,667,393 in 2024 and $7,667,393 in 2025 for the Professional Development Programs Account.
- $2,407,861 in 2024 and $2,407,861 in 2025 for the Teach Nevada Scholarship Program Account.

General Budget Overview

A crucial component of the Nevada Legislative Session is creating the biennial budget. Typically, the budget is influenced by the Governor's priorities. This session proved to be different as the Democrat Legislature sparred with Republican Governor Lombardo on several key budgetary issues. Governor Lombardo outlined his priorities during the State of the State address which included improvements to K-12 education, aggressive economic development policies and the reversal of certain Democrat-led election and criminal justice policies. In the final weeks of session, Governor Lombardo threatened to veto the five major budget bills proposed by Democratic lawmakers until the Governor's priorities had been passed. Ultimately, Democratic leadership and Governor Lombardo came to an agreement and all but one of the five major budget bills were passed as AB 521, Capital Improvement Program (CIP) faltered in the final hours of session and failed to gain the necessary two-thirds majority to pass. This prompted a special session the day after the regular session ended to pass the CIP bill. In return, Governor Lombardo received three of his priority bills including charter school legislation, a government modernization effort and criminal justice reform. It is important to note that all three of the Governor's priority bills have been changed significantly from their original form. The two-year general fund budget passed is the largest in state history at $11.6 billion with a projected $2 billion surplus compared to 2021 ($9.2 billion) as sales and gaming tax collections have exceeded expectations.

SB 503- K-12 Funding

- $5.5 billion in 2024 and $5.8 billion for the Pupil-Centered Funding Plan.
- Per-pupil funding- $12,863 per pupil in FY 2023-2024 and $13,368 per pupil in FY 2024-2025.
    - Adjustments to the per pupil amount are made based on county size and other weighted categories.
- $470.6 million in funding for Special Education.

SB 504- The Authorizations Act (Authorizes state agencies to expend federal funds and certain fees)

- $10.79 billion for Nevada Medicaid.
- $1.18 billion for the Public Employees' Benefits Program.
- $1.03 billion in COVID-19 funding for the Department of Education.
- $432.6 million for the Governor's Office of Science, Innovation and Technology for broadband services.
- $375 million for Home Means Nevada Initiative, the affordable housing program.

AB 1- (34th Special Session, 2023)- Capital Improvement Program Bill

- $213.9 million for offices in Las Vegas to replace the Grant Sawyer building.
- $158.5 million for the construction of an administration building in Carson City.
- $21.4 million to replace doors, locks and security at the Southern Desert Correctional Center and $10.6 million to upgrade perimeter security fencing.

AB 520- The Appropriations Act

- $2.41 billion for Nevada Medicaid.
- $255 million for UNR and $379 million for UNLV.
- $200.2 million for the Southern Nevada Adult Mental Health Services and $50.6 million for Northern Nevada Adult Mental Health Services.
- $49 million for the Office of Early Learning and Development.
- $35 million for assessments and accountability within the Department of Education.

AB 522- Increase in State Employee Pay

- Implements a pay raise for state employees between 10%, 12% and 13% for Fiscal Year 2023-2024 and 4% for Fiscal Year 2024-2025.
    - The difference between the 10%, 12% and 13% would depend on the state worker's bargaining unit.
- Includes a retention incentive of $250 to be paid to eligible employees on a quarterly basis beginning in September 2023 and continuing through June of 2025.
- The bill also includes an additional 7% pay increase for state workers in Fiscal Year 2025 that would only take effect if AB 498 (Revises provisions relating to public employees' retirement.) were not signed into law.
    - AB 498 would reduce the amount employees contribute to their state retirement.

AB 213 - Land Use Planning for Residential Housing (PASSED)

Sponsor: Assemblywoman Jauregui (D)

AB 213 makes various changes related to the processing of residential housing land use applications by a county or city. The bill requires a county and city to track the amount of time an application is pending and post that information on its website. It requires a county and city to submit an annual report to the State identifying, among other things, a five-year plan to provide affordable and market rate housing. It sets forth a statement of legislative intent that the efficient processing of applications is important to the economic well being of the county and city, and further states that a robust supply of housing is an important factor in housing affordability.

The bill sets forth a time period in which a county or city has to review an application for completeness and deems an application complete if those time frames are not met. It prohibits a county or city from creating a preliminary application process to circumvent those timeframes. Finally, it clarifies that application time frames apply to both cities and counties.

Bottom Line: Land use applications for residential projects will be processed more efficiently and with less delay.

Assembly Passage: 39-3
Senate Passage: 18-2, 1 Excused
Approved by Governor: June 5, 2023.
Effective: January 1, 2024

AB 312: Environmental Justice (FAILED)

Sponsor: Assemblywoman Peters (D)

Creates the Environmental Justice Advisory Council within the Office of Minority Health and Equity, Department of Health and Human Services. The Council would provide advice to the Legislature and the Division of Environmental Protection and upon request, the Governor or any other state agency on matters relating to environmental justice. The council would have the authority to create grant programs for projects which maximized the climate health, public health and environmental, workforce and economic benefits in the state.

AJR 3: Environmental Rights (FAILED)
Sponsor: Assemblywoman Peters (D)

Would have proposed an amendment to the Nevada State Constitution to set forth certain inalienable rights of an individual to: (1) a clean and healthy environment; (2) mandates a trust obligation of the state to conserve, protect, and maintain certain environmental resources; (3) requires that that obligation is fulfilled equitably for all its beneficiaries and; (4) prohibits the state from causing the unreasonable degradation, diminution, or depletion of the environment.

SB 169: Heat Mitigation (FAILED)
Sponsor: Senate Committee on Government Affairs

This bill would require master plans of counties with a population of 100,000 or more (currently Clark or Washoe Counties) to include a heat mitigation element within the plan which includes a plan to develop heat mitigation strategies such as cooling spaces, public drinking water, shade over paved surfaces and urban tree canopies.

Assembly Passage: 31-10, 1 Excused
Senate Passage: 18-3
Vetoed by Governor: May 31, 2023
Veto Message

SB 175: Common Interest Communities (FAILED)
Sponsor: Senator Spearman (D)

Prohibited an association from foreclosing a lien through a nonjudicial foreclosure sale if the unit's owner or their successor in interest, or a household member is a veteran, senior citizen, or person with a disability (protected person). If an association wished to foreclose a lien against such a person, they are required to do so though the judicial foreclosure process. They were required to inform the owner of these protections and verify if a unit owner or successor in interest is entitled to those protections. If any person knowingly initiated a foreclosure through the nonjudicial process against a protected individual, that person would be guilty of a misdemeanor and would be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party. If a community manager knowingly participated in the foreclosure of a lien that does not comply with the provisions of this bill, they may have their certificate suspended or revoked. Additionally, an association was required to file with the Real Estate Division an annual report containing the number of judicial foreclosure actions in the preceding year against protected persons.

The bill also imposed treble damages, special damages and punitive damages against an association for actions brought by a unit owner alleging a failure to comply with Chapter 116 or the governing documents of the association.

SB 226: Prevailing Wages in Public Works (PASSED)

Sponsor: Senator Cannizzaro (D)

SB 226 makes various changes related to the application of prevailing wage to certain public works projects that are privately financed. It makes a statement of legislative intent that the payment of prevailing wage is important to the economic well being of the state and that there should be "careful scrutiny of novel leasing and financing arrangements . . . to ensure that workers on public works projects are paid prevailing wages."

The bill authorizes a public private partnership for the construction of a hospital, medical education building or medical research building and provides that any such project must pay prevailing wage. Finally, the bill provides that prevailing wage is required if a local government enters into a lease, lease-purchase or installment-purchase agreement for the construction or repair of an improvement.

Bottom Line: This bill is part of an ongoing effort by Labor to require prevailing wage on projects owned or operated by a public body, even if the project is privately financed.

Senate Passage: 12-6, 3 Excused
Assembly Passage: 28-14
Approved by Governor: June 16, 2023 (Chapter 250)
Effective: Upon passage and approval.

SB 293: Distributed Generation Systems (PASSED)

Sponsor: Senator Donate

This bill authorizes a purchaser or lessee who enters into an agreement of a distributed generation system or a power purchase agreement to rescind or cancel the agreement within 3 business days in which it was signed. The solar installation company must verbally communicate information provided on the cover page or the arrangement via in person, telephone, or video call that would be recorded. As well as maintain the recording for at least four years after the final inspection of a generation system. The company would also have to provide translation of the contract in the language the purchaser is most comfortable.

Assembly Passage: 24-17, 1 Excused
Senate Passage: 21-0
Approved by Governor: June 3, 2023 (Chapter 193)
Effective Date: January 1, 2024

SB 371: Dillon's Rule Modification (VETOED)

Sponsor: Senate Committee on Government Affairs

Senate Bill 371 would have authorized a board of county commissioners and a governing body of an incorporated city to enact any ordinance or measure relating to affordable housing, unless expressly prohibited by statute.

Assembly Passage: 26-14, 2 Excused
Senate Passage: 12-9
Veto by Governor: June 16, 2023
Veto message

SB 395: Real Property (VETOED)

Sponsor: Senator Neal (D)

Senate Bill 395 would have required the total number of units of residential real property in Nevada to not exceed 1,000 units in any 1 calendar year by corporations, limited-liability companies and any affiliates of such entities. Entities would be required to register with the Securities Division of the Office of the Secretary of State before purchasing any residential real property and the Division would be required to maintain a registry of these entities that purchase or own residential real property in Nevada. "Corporation" as used in this bill does not include a family trust company or a housing authority. If a corporation, limited-liability company or any affiliate purchases residential real property, the deed must: be accompanied by a copy of the certificate of registration issued by the Secretary of State; and clearly state that the residential property is not the primary residence of the owner. If this information is not contained, the county recorder is prohibited from recording the deed.

Assembly Passage: 28-14
Senate Passage: 14-6, 1 Excused
Vetoed by Governor: June 16, 2023
Veto message

SB 427: Occupational Safety and Health (FAILED)
Sponsor: Senate Committee on Government Affairs.

Senate Bill 427 required the establishment of a written safety program which would include: (1) a program to mitigate heat illness on any day that the temperature is expected to be 105 degrees Fahrenheit or greater; (2) a training program for employees related to heat illness; (3) a program to mitigate exposure to poor air quality on any day that employees are exposed to air with an Environmental Protection Agency Air Quality Index value of 201 or greater; and (4) a training program for employees who may be exposed to poor air quality on the hazards of working without personal protection equipment. This bill exempted providers of emergency services, including, without limitation, a law enforcement agency, a firefighting agency and a provider of emergency medical services from these requirements. This bill further required these programs and training to be conducted and made available in a language and format that is understandable to each employee.

Bottom Line: Established requirements for a written safety program aimed to mitigate heat illness and exposure to poor air quality.

SB 433: Prevailing Wage (VETOED)
Sponsor: Senator Daly (D)

Senate Bill 433 required the Labor Commissioner to adopt regulations establishing the factors to be considered when determining whether prevailing wages are required to be paid on a project. The bill did not bind the Labor Commissioner to the applicability of the requirements for the payment of prevailing wages, and stated that any determination made by the Labor Commissioner regarding the requirements is a final order of the Labor Commissioner.

Assembly Passage: 28-14
Senate Passage: 13-8
Vetoed by Governor: June 3, 2023
Veto message

AB 20: Water Provisions (PASSED)

Sponsor: Assembly Committee on Natural Resources

This bill makes changes to the Account to Finance the Construction of Treatment Works and the Implementation of Pollution Control Projects. Eligible recipients of the Account are defined as those who are legal entities, including municipalities or interstate agencies, and those only approved under federal law. The bill additionally transfers the administration of the Account from the Director of the State Department of Conservation and Natural Resources to the Administrator of the Division of Environmental Protection. States that the percentage authorized by federal law, rather than the 4% of each grant awarded authorized in state law, can be used to administer the Account. The bill additionally creates the Set-Aside Account in the Fund for Water Projects Loans rather than the Fund for the Municipal Bond Bank, and that it may be used to make loans and grants.

The bill states that a percentage authorized by federal law can be used to administer the Revolving Fund Account and the Set-Aside Account, and transfers the responsibility of financing water projects to the State Environmental Commission. The bill removes the requirement that not more than 3 members of the Board of Financing Water Projects can be members of the same political party, and expands the list of eligible recipients who receive grants of money for water conservation and capital improvements to water systems to include individual sewage disposal systems and connecting the property to a community sewage disposal system.

Bottom Line: Revises provisions and authority over the Revolving Fund Account and Set Aside funding account for water resources.

Assembly Passage: 37-5
Senate Passage: 20-1
Governor Approval: May 30, 2023 (Chapter 69)
Effective Date: Upon passage and approval

AB 22: State Contractors Board (PASSED)

Sponsor: Assembly Committee on Commerce and Labor

Replaces the procedures in existing law governing the State Contractors' Board of which the Board is required to follow after the issuance of a cease-and-desist order to a person acting as a contractor or submitting a bid on a job in this State without a license as a contractor. The Board is thus required, regardless of the person's compliance with the order, to issue an administrative citation and impose an administrative fine for the first violation which does not involve theft or fraud. For the second violation, or for any first violation involving theft or fraud the Board is required to issue an administrative citation and fine as well as report the violation for possible criminal prosecution. The bill retains the authority of the Board to require the person to submit an application for a license as a contractor and apply for injunctive relief after the issuance of a cease-and-desist order.

Bottom Line: Revises the procedures taken by the State Contractors' Board after the issuance of a cease and desist order for unlicensed activity.

Assembly Passage: 42-0
Senate Passage: 21-0
Approval by the Governor: June 2, 2023 (Chapter 174)
Effective: October 1, 2023

AB 23: State Contractors Board (PASSED)

Sponsor: Assembly Committee on Commerce and Labor

Revises requirements regarding the State Contractors' Board issuance of a written administrative citation. Requires a person who wishes to contest a citation to submit to the Board written notice of their intent to contest, and the Board is thus required to hold a hearing on the matter within 90 calendar days after receipt of the notice.

Creates an additional, informal process for the resolution of an administrative citation issued by the board, which authorizes a person to submit to the Executive Officer of the Board, within 15 days of notice, a written request for an informal citation conference. The Executive Officer is then required to hold a conference within 60 business days after receipt of the request. At the conclusion of the conference the executive officer is required to affirm, modify, or dismiss the citation. If they chose to affirm or modify the citation, they are required to serve the now affirmed or modified citation on the person or their attorney. Any contest of the citation must be done within 15 business days, if the matter is contested the Board is required to hold a hearing. If the person fails to contest the matter within the period, the citation is deemed a final order of the Board and is not subject to review by any court or agency. Additionally, cause for disciplinary action by the Board can be found if the person fails to comply with the affirmed or modified citation within the time permitted, or if a hearing is held on the citation, within 15 business days after the hearing.

Bottom Line: Revises the requirements of the State Contractors Board regarding the issuance of a written administrative citation. Establishes an informal citation conference procedure.

Assembly Passage: 42-0
Senate Passage: 21-0
Approval by Governor: June 5, 2023 (Chapter 196)
Effective: October 1, 2023

AB 27: Management and Counseling Services by Contractors (PASSED)

Sponsor: Assembly Committee on Commerce and Labor

Assembly bill 27 requires a general building contractor who provides management and counseling services on a construction project for a professional fee to have an active license in the same classifications and subclassifications that are required to be held by the prime contractor for the construction project.

Assembly Passage: 33-9
Senate Passage: 17-4
Approved by Governor: May 23, 2023 (Chapter 13)
Effective: Upon passage and approval.

AB 29: Disciplinary Action Against a Licensed Contractor (PASSED)

Sponsor: Assembly Committee on Commerce and Labor.

Revises provisions regarding the licensure and regulation of contractors by the State Contractors Board. Providing that the making, causing to be made, false or misleading statement, representation or omission of material fact by a licensee in connection with the application of another person for a contractor's license with the purpose of assisting the applicant in obtaining the license constitutes cause for disciplinary action by the Board.

Assembly Passage: 42-0
Senate Passage: 21-0
Approved by Governor: May 23, 2023 (Chapter 14)
Effective: Upon passage and approval.

AB 39: Residential Contractors (PASSED)

Sponsor: Assembly Committee on Commerce and Labor

Requires specific terms in contracts to construct, remodel or repair completed residences similar to the terms required in contractors a residential solar system, pool or spa. Limits down payments before the start of work with an exception for certain bonded contractors. Authorizes the state Contractors' Board to adopt regulations to establish the mandatory elements which are to be included in the contract. The residential contractor is required to provide the owner with a copy of all documents signed and a receipt for any money paid to the residential contractor and apply for all necessary permits. If a contract between the contractor and the owner does not include the information required, the bill authorizes the owner to modify the contract to bring the contract into compliance and provides that such modification is enforceable if the modification is reasonable. Noncompliance with the requirements of the bill is cause for disciplinary action.

Assembly Passage: 33-9
Senate Passage: 20-0, 1 Excused
Approved by Governor: June 2, 2023 (Chapter 178)
Effective: October 1, 2023

AB 62: Property Tax Exemptions for Low-Income Housing (PASSED)

Sponsor: Assembly Committee on Revenue

Assembly Bill 62 makes the following changes to the existing exemption from real and personal property taxes for certain low-income or very low-income housing and related facilities: The exemption is expanded to include projects financed by additional federal programs specified in the bill or from the State's Account for Affordable Housing. The exemption is clarified to only apply in years where the project qualifies as a low-income or very low-income housing project or related facility. Additionally the exemption only applies to the portion of the housing project that was federally financed, or which is occupied by or used exclusively for very low-income elderly persons or persons with disabilities.

Bottom Line: Expands the exemptions from real and personal property taxes for certain low and very low income housing and related facilities.

Assembly Passage: 42-0
Senate Passage: 21-0
Approved by Governor: June 8, 2023 (Chapter 232)
Effective: July 1, 2023

AB 76: Expert Witnesses (PASSED)

Sponsor: Speaker Yeager

Assembly Bill 76 increases, from $1,500 to $15,000, the maximum amount of costs that a court may award to a prevailing party for the reasonable fees of an expert witness.

Assembly Passage: 42-0
Senate Passage: 18-2, 1 Excused
Approval by Governor: May 30, 2023 (Chapter 70)
Effective: July 1, 2023.

AB 91: Replacement Wells (PASSED)
Sponsor: Assemblyman DeLong (R)

Expands the exception for a person to sink or bore a replacement well without submitting an application for a permit if both the original site of the well and the replacement well are on public lands and on the property of the person who holds the appropriate permit to appropriate water that is not more than 300 feet from the original place of diversion on the permit. The person seeking to sink or bore a replacement well on public lands must also notify any relevant federal agency which is charged with administering such public lands and comply with all federal laws which apply.

Assembly Passage: 40-2
Senate Passage: 20-0, 1 Excused
Approved by Governor: May 31, 2023 (Chapter 143)
Effective: July 1, 2023

AB 120: Voluntary Health Care Restrictions (PASSED)
Sponsor: Assemblyman Hafen (R)

This bill prohibits a provider of health care who was not initially issued his or her professional license or certificate within the immediately preceding 3 years and who has not practiced his or her profession within the immediately preceding 3 years from providing voluntary health care service in this State.

Assembly Passage: 42-0
Senate Passage: 20-0, 1 excused
Approved by Governor: May 31, 2023 (Chapter 128)
Effective: October 1, 2023

AB 131: Urban and Community Forestry Program (PASSED)
Sponsor: Assemblyman Watts (D)

Creates the Urban and Community Forestry Program within the Division of Forestry of the State Department of Conservation and Natural Resources to promote, create, improve and maintain urban and community forests in Nevada. Requires the State Forester Firewarden to administer the program. The duties of the Firewarden include the development of local and regional targets for urban and community tree canopies; promoting and advancing urban and community forests; and development and dissemination of best practices for maintaining their health of such community forests. In order to maintain the program, the Firewarden is authorized to develop a grant program, enter into cooperative agreements, and accept gifts, grants, services, and donations.

Assembly Passage: 37-4, 1 Excused
Senate Passage: 20-0, 1 Excused
Approved by Governor: May 30, 2023 (Chapter 74)
Effective: Upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks and on January 1, 2024 for all other purposes.

AB 162: Neonicotinoid Pesticides (PASSED)

Sponsor: Assemblywoman Gorelow (D)

Assembly Bill 162 prohibits the purchase or use of neonicotinoid pesticides on plants in Nevada except for commercial agricultural use. Any person seeking to use the pesticide for commercial agricultural use must obtain a certificate from the State Department of Agriculture.

Assembly Passage: 42-0
Senate Passage: 17-3, 1 Excused
Approved by Governor: May 30, 2023 (Chapter 76)
Effective: Upon passage and approval for the purpose of adopting any regulations and performing any preparatory administrative tasks necessary. On January 1, 2024 for all other purposes.

AB 177: Parcel Datasets (PASSED)

Sponsor: Assemblyman Gurr (R)

Requires the State Demographer to provide their fiscal year-end parcel dataset of a county to an association for operators upon written request.

Assembly Passage: 42-0
Senate Passage: 20-0, 1 Excused
Approval by Governor: June 1, 2023 (Chapter 152)
Effective: October 1, 2023

AB 189: Construction Start Times (PASSED)

Sponsor: Assemblywoman Jauregui (D)

Provides that if a Board of County Commissioners of a governing body in a county whose population is 700,000 or more (currently only Clark County) may adopt an ordinance restricting the hours in which construction work may begin in a common-interest community, the hours for work in a declarant-controlled common-interest community must be allowed to begin at, but not earlier than 5am during the period beginning on April 1 to September 30. If the Board or governing body has a current ordinance that does not match the provisions in the bill, the ordinance must be amended to comply.

Assembly Passage: 42-0
Senate Passage: 19-1, 1 Excused
Approval by Governor: May 30, 2023 (Chapter 91)
Effective: Upon passage and approval

AB 191: Water (PASSED)
Sponsor: Assemblyman DeLong (R)

Revises the definition of "supplier of water" to exclude a public or private entity that has less than 15 service connections. Due to this change, these entities will no longer be required to adopt and update a water conservation plan, conduct a water loss audit, calculate water losses, or adopt a plan to provide certain incentives.

Assembly Passage: 42-0
Senate Passage: 20-0, 1 Excused
Approved by Governor: June 2, 2023 (Chapter 188)
Effective: October 1, 2023

AB 210: Prevailing Wage (PASSED)
Sponsor: Assemblywoman Duran (D)

Requires each contractor engaged on a public work to provide their workers at the time of hire a written or electronic notice which notifies them of the internet website of the Labor Commissioner where the prevailing wage rates for the project are posted, the name of the contractor, and the physical address of the principal place of business of the contactor. The contractor is required to obtain acknowledgement of receipt of any notice, and maintain it for at least 2 years and make it available upon request to the Labor Commissioner.

The bill also states that a person who is found to have willfully and repeatedly failed to pay the prevailing wage to pay and affected worker damages in any amount that is equal to the difference between the prevailing wages required to be paid and the wages that the contractor actually paid to the worker.

Assembly Passage: 29-12, 1 Excused
Senate Passage: 19-1, 1 Excused
Approved by Governor: May 30, 2023 (Chapter 92)
Effective: Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act. On January 1, 2024 for all other purposes.

AB 220: Water Conservation and Sewage (PASSED)
Sponsor: Assembly Committee on Natural Resources

The bill establishes a grant program to assist water users with septic systems to connect to the municipal water supply. The bill also authorizes SNWA to restrict water usage by single family residences if Nevada's Colorado River allocation falls below 270,000 acre feet. Provides a water supplier in Clark County with 30 days, instead of 15 days, to comment on tentative maps. Requires irrigation controllers and spray sprinklers on new construction to be WaterSense certified.

Bottom Line: This bill is part of an ongoing effort by SNWA to restrict consumptive water use and maximize return flow credits.

Assembly Passage: 30-12
Senate Passage: 17-3, 1 Excused
Approved by Governor: June 6, 2023 (Chapter 210)
Effective: Upon passage and approval

AB 261: Water Conservation (PASSED)
Sponsor: Assembly Committee on Natural Resources

Requires the Executive Director to include a statement in the State Plan regarding the manner in which the state can maximize the efficient use of water in Nevada through economic development programs. For plans presented by each regional development authority which are focused on the development and enhancement of certain recruiting and marketing efforts, in counties that have a population of 100,000 or more (currently Clark and Washoe Counties) to also include strategies on conserving water through such recruiting and marketing efforts.

Assembly Passage: 42-0
Senate Passage: 21-0
Effective: July 1, 2023

AB 309: Electronic Ballots and Voting in Unit-Owners' Associations (PASSED)
Sponsor: Assemblywoman Hansen (R)

This act promotes the use of electronic ballots for elections and voting in unit-owners' associations, facilitates virtual voting and electronic fund withdrawals, and mandates regulations for smooth transfer of items in management agreements.

Assembly Passage: 42-0
Senate Passage: 20-0, 1 Exempted
Approved by Governor: June 1, 2023 (Chapter 172)
Effective: Upon passage and approval for the purpose of adopting regulations and performing any preparatory administrative tasks necessary. October 1, 2023 for all other purposes.

AB 310 - Housing Grant Program (Passed)
Sponsor: Assemblywoman Monroe-Moreno (D)

The bill creates the Nevada Supportive Housing Development Fund as a special revenue fund and appropriates $32,200,000 to the Fund. The bill requires the Housing Division of the Department of Business and Industry to develop and implement a supportive housing grant program using the Fund. Supportive housing is designed for people who have disabling behavioral or health conditions and have experienced homelessness or unnecessary institutionalization.

The Division is additionally required to consult with the Nevada Interagency Advisory Council on Homelessness to Housing before approving any applications for a grant or adopting regulations to carry out the grant program which must include the criteria for eligibility to receive funding as well as procedures for the submission and review of applications. Information on this grant program is required to be submitted to the Chair of the Council, the Governor and the Director of the Legislative Counsel Bureau.

Bottom Line: Creates a new supportive housing development fund program in Nevada.

Assembly Passage: 42-0
Senate Passage: 20-1
Effective: January 1, 2024

AB 321: Foil Balloons (PASSED)

Sponsor: Assemblyman Carter (D)

Sets forth requirements and restrictions concerning the manufacturing and sale of foil balloons, defined as a balloon that is constructed of electrically conductive material and that is not a hot air balloon or a balloon used in a governmental or scientific research project. The foil balloon manufacturers in the state must include certain markings on the balloon. The bill also prohibits sale or distribution of a balloon that is filled with a gas lighter than air unless: an object of sufficient weight is affixed to the balloon or its appurtenance to counter the lift capability of the foil balloon; and no electrically conductive string, tether or streamer or other electrically
a conductive object is attached to the foil balloon. The Public Utilities Commission will be required to set standards for these balloons and any balloons sold or offered for sale in the state must meet these performance standards. The bill provides a civil penalty of a manufacturer who sells foil balloons in violation of these provisions of $50 for each balloon sold, offered for sale, or manufactured, not to exceed $2500 for each day on which the violation occurs. Lastly, the bill provides protections against theft or damage to property or persons working at a public utility.

Assembly Passage: 42-0
Senate Passage: 21-0
Approved by Governor: June 16, 2023 (Chapter 483)
Effective Date: October 1, 2023

AB 391: Public Works Projects (PASSED)

Sponsor: Assembly Committee on Government Affairs

Assembly Bill 391 authorizes a local government to enter into a pre-hire agreement for a public work and allows a preference for hiring labor to local residents who reside in the jurisdiction of the local government or within a distance of the jurisdiction of the local government. The bill states that this authority does not apply if any federal statute or regulation prevents the granting of federal assistance or reduces the amount of that assistance for a public work. The bill additionally set forth that these provisions do not authorize a contractor on a public work to pay a worker less than the prevailing wage.

Assembly Passage: 35-7
Senate Passage: 13-7, 1 Excused
Approved by Governor: June 16, 2023 (Chapter 488)
Effective: Upon passage and approval.

SB 10 - Nevada State Infrastructure Bank (PASSED)

Sponsor: Senate Committee on Growth and Infrastructure

Senate Bill 10 authorizes loans from the State Infrastructure Bank to K-12 schools in small counties, and to workforce housing projects. The bill also makes changes to the confidentiality of records held by the Bank, makes the Treasurer the permanent Chair of the Board of Directors for the Bank, and makes certain other changes to the governance of the Bank.

Bottom Line: Expands the scope of projects that can be financed through the State Infrastructure Bank.

Assembly Passage: 30-12
Senate Passage: 16-5
Approved by Governor: June 16, 2023 (Chapter 463)
Effective: July 1, 2023

SB 13: Pest Control (PASSED)
Sponsor: Senate Committee on Natural Resources.

Clarifies the definition of "pest control" to include certain activities of a city, county, state or other governmental agency, clarifying that employees of such agencies who engage in pest control are required to obtain a license from the Director of the State Department of Agriculture. The bill also includes additional requirements for licensed persons selling, offering to sell, distributing or delivering a restricted use pesticide; requiring that all records must be kept at each place of business.

Assembly Passage: 41-0, 1 Excused
Senate Passage: 21-0
Approved by Governor: May 29, 2023 (Chapter 49)
Effective: July 1, 2023

SB 18 - Meetings of Planning Commissions (PASSED)
Sponsor: Senate Government Affairs

Requires each planning commission in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to hold at least one regular meeting in each quarter. Each planning commission in a county whose population is 100,000 or more is still required to hold at least one regular meeting in each month.

Assembly Passage: 41-0, 1 Excused
Senate Passage: 20-0, 1 Excused
Approved by Governor: May 29, 2023 (Chapter 53)
Effective: July 1, 2023

SB 23: Redevelopment Plans (PASSED)
Sponsor: Senate Committee on Government Affairs

Authorizes a legislative body of a city with a population of less than 25,000 to amend a redevelopment plan to remove an area if the legislative body determines in a public hearing that the removal will not adversely impair any outstanding bonds or securities, the area consists primarily of single-family residential dwellings or multi-family residential dwellings of three stories or less, and the removal is necessary or desirable in the public interest for the property tax revenue collected from the area be removed to be distributed in the manner property tax revenue is distributed outside the redevelopment area. A legislative body is prohibited from amending the redevelopment area if it would impair adversely outstanding obligations of any political subdivision of the state or any public entity.

Assembly Passage: 41-0
Senate Passage: 21-0
Approved by Governor: May 29, 2023 (Chapter 57)
Effective: Upon passage and approval

SB 27: Excavations (PASSED)

Sponsor: Senate Committee on Health and Human Services

Clarifies that within the definition of "emergency" immediate action includes the use of non-mechanical equipment and standard methods to determine the severity or spread of an underground leak and locating a subsurface installation using non-mechanical equipment within the area of proposed excavation under certain circumstances. Additionally, expands the definition of "excavation" to include the movement or removal of earth, rock, or other material in the ground using non-mechanical equipment if the movement or removal of such material occurs more than 12 inches below the surface of the original groundline.

Assembly Passage: 42-0
Senate Passage: 21-0
Approved by Governor: May 25, 2023 (Chapter 47)
Effective: July 1, 2023

SB 82: Public Work Apprenticeships (PASSED)

Sponsor: Senator Daly (D)

Eliminates the threshold number of workers for the applicability requirements of using apprentices, and applies the requirements based on all public works projects to be measured during a calendar year instead of by each project. Additionally limits the requirements to enter into an apprenticeship agreement to the contractors or subcontractors who are not signatories to a collective bargaining agreement with a sponsoring union. Requires a contractor or subcontractor to maintain and provide the Labor Commissioner any documentation supporting that the contractor made a good faith effort to comply with the annual requirements to use one or more apprentices for a certain percentage of the total hours worked on a public work. Expands the circumstances under which a person is treated as an apprentice.

Assembly Passage: 40-2
Senate Passage: 13-8
Approved by Governor: June 16, 2023 (Chapter 462)
Effective: Sections 1 and 2 become effective upon passage and approval for the purposes of adopting any regulations and other preparatory administrative tasks and on January 1, 2024 for all other purposes. Section 1.5 becomes effective on July 1, 2024.

SB 113: Groundwater Management Plans (PASSED)

Sponsor: Senator Goicoechea (R)

Requires the State Engineer to affirm or modify the perennial yield of a basin based on the best available science at the same time that the basin is designated as a critical management area. The State Engineer is also required to review the perennial yield before reviewing the results of the groundwater management plan (GMP) and modify the yield if there has been a change. The Engineer is required to review an approved GMP that has been in effect for 10 consecutive years to determine progress and is authorized to alter the withdrawal of groundwater to conform to priority rights until the water level is stabilized.

Petitions of approval for a GMP are required to be signed by the holders of permits or certificates to appropriate water in the basin who represent a majority of the total groundwater permitted or certificated for use in the basin. Priority right holders who do not sign the petition may not be required to comply with an approved GMP. If the State Engineer modifies the yield of a basin priority right owners must be required to comply or allowed to opt out of an approved GMP, depending on whether the yield is increased or decreased.

Bottom Line: Revises the steps available to the State Engineer in the management of a groundwater management plan within a designated basin.

Assembly Passage: 42-0
Senate Passage: 21-0
Approved by Governor: June 1, 2023 (Chapter 159)
Effective: October 1, 2023

SB 155: Judicial Proceedings Relating to Homeless Individuals (PASSED)

Sponsor: Senator Ohrenschall (D)

Senate Bill 155 authorizes homeless persons who commit certain misdemeanor offenses to be assigned to a diversionary or specialty court program. In addition, the court is authorized to waive or reduce any fine, administrative assessment or fee that would be otherwise imposed on the individual. Additionally, a justice court or municipal court is authorized to transfer original jurisdiction of a case involving a defendant who is eligible to receive assisted outpatient treatment to the district court. Finally, the bill expands the definition of an eligible defendant.

Assembly Passage: 41-0, 1 Excused
Senate Passage: 13-8
Approved by Governor: June 10, 2023 (Chapter 270)
Effective: October 1, 2023

SB 223: Real Property (PASSED)
Sponsor: Senator Harris (D)

In various legal actions relating to real property in multiple counties, existing law requires certain notices to be filed in one of those counties. This bill requires such notices to be filed in all counties where the real property is located. The bill makes several other technical changes to Nevada law on real property. These include: the removal of an obsolete fire code reference from a statute addressing the rights of secured creditors; a transfer of provisions governing the survival of leases upon the sale of property from Chapter 40 to Chapter 118A; a clarification that only instruments affecting the subordination of a mortgage, deed of trust or lien must be recorded pursuant to NRS 106.220; the synchronization of conflicting terms regarding a surety and surety bonds in Chapter 107; clarification that NRS 118A.180(2)(d) does not apply when a residential seller becomes the tenant of the buyer; and a requirement that a real estate broker release a claim for fees if it is paid or if an escrow agent deposits the seller's net proceeds with the court.

Assembly Passage: 42-0
Senate Passage: 21-0
Approved by Governor: May 31, 2023 (Chapter 118)
Effective: July 1, 2023

SB 276: Collection Agencies (PASSED)
Sponsor: Senator Lange (D)

Defines a "debt buyer" as a person who is regularly engaged in the business of purchasing claims that have been charged off for the purpose of collecting such claims. Additionally, includes a debt buyer in the definition of "collection agency" requiring a debt buyer to obtain a license as a collection agency and comply with existing law governing collection agencies. Establishes requirements governing collections agents who work from remote locations. Requires the remote location from which a collection agent works to satisfy certain requirements to protect data and enable the collection agent to work safely and effectively.

Revises the definition of the term "claim" to include any obligation for the payment of money that is delinquent or in default and assigned to a collection agency. Revises the term "collection agency" to exclude those collecting claims that they originated on their own behalf and various other persons and entities not deemed to be debt collectors under federal law, exempting them from requirements governing collection agencies. Requires foreign collection agencies to be licensed in the same manner as domestic collection agencies. Requires an agency to display its license number and the certificate identification number of the certificate issued to the compliance manager of the collection agency on an internet website maintained by the collection agency.

Bottom Line: Revises the licensing and remote work requirements of collection agencies as well as definitions of certain terms.

Assembly Passage: 42-0
Senate Passage: 20-0,1
Approved by Governor: June 16, 2023 (Chapter 534)
Effective: Sections 1-48, 50,51 and 52 become effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks and on October 1, 2023 for all other purposes. Section 49 becomes effective on the date on which the Commissioner of Financial Institutions notifies the Governor and the Director of the Legislative Counsel Bureau that the Nationwide Multistate Licensing System and Registry has sufficient capabilities to allow the Commissioner to carry out the provisions of chapter 347, Statutes of Nevada 2021, at page 2030

SB 281: Public Utilities on Natural Gas (PASSED)
Sponsor: Senator Nguyen (D)

This bill replaces the requirement to file an annual informational report with a requirement for a public utility which purchases natural gas for resale to 10 or more customers in this State to file with the Public Utilities Commission, on or before October 1, 2025, and on or before October 1 of every third year thereafter, a plan designed to meet the current and future needs for natural gas at the lowest reasonable cost to the public utility and its customers. Each public utility must meet with personnel from the Commission and the Bureau of Consumer Protection in the Office of the Attorney General and other interested persons at least four months before filing the plan. The Commission will be required to convene a public hearing on the adequacy of the plan and make certain determinations following the hearing, then a plan or an amendment that is accepted by the Commission shall be deemed prudent and a public utility is authorized to recover all prudently incurred costs for the reasonable implementation. This bill prohibits a public utility which purchases natural gas for resale to 10 or more customers in this State from filing a general rate application within 180 days before or after the filing of a plan. The bill requires the Commission to adopt regulations authorizing a public utility which purchases natural gas for resale to 10 or more customers in this State to include in the plan required to be filed by the public utility a proposal to expand its infrastructure in a manner consistent with a program of economic development. Lastly, the bills removes the existing requirement for the Commission to adopt certain regulations establishing methods and programs that remove financial disincentive which discourage a public utility that purchases natural gas for resale from supporting energy conservation.

Assembly Passage: 42-0
Senate Passage: 20-0, 1 Excused
Approved by Governor: June 9, 2023 (Chapter 243)
Effective Date: Section 19 becomes effective upon passage and approval. Sections 1-18 become effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provision of this act; and on January 1, 2024, for all other purposes.

SB 378: Common Interest Communities (PASSED)
Sponsor: Senator Cannizzaro (D)

Requires the Internet website or electronic portal which is required for an association of a common interest community, to provide units' owners with the ability to pay obligations electronically if certain requirements are met, such as the association maintaining certain insurance and the executive board of the association makes a determination that providing this to make payments is in the best interest of the association. Additionally, requires notices to be delivered to the owner's electronic mail address, unless the owner has opted out.

Assembly Passage: 42-0
Senate Passage: 21-0
Approved by Governor: June 15, 2023
Effective: Upon passage and approval

SB 417: Common Interest Communities (PASSED)
Sponsor: Senate Committee on Judiciary

Senate bill 417 increased the maximum hourly amount that an executive board of an association of a common interest community charge to review books, records, or contracts of the association from $10 per hour to $25.

The bill additionally revises provisions regarding individuals who knowingly files a false or fraudulent affidavit with the Real Estate Division of the Department of Business and Industry, increasing the maximum amount of the administrative fine from $1,000 to $10,000 and additionally authorizes the Commission for Common Interest Communities and Condominium Hotels or hearing panel to impose sanctions against the person, disqualifying them from serving as a member of the executive board for a period of not more than 10 years. In addition to this, the bill authorizes the Commission or hearing panel to designate a person as a vexatious affiant. If the commission does so, they are required to transmit a copy of the order to the Real Estate Division. The Division will then not accept an affidavit filed by the person unless the person first submits a copy of the affidavit to the Ombudsman and the Ombudsman grant leave for the person to file the affidavit with the Division.

Bottom Line: Revises certain costs and fees a common interest community is authorized to charge to make certain services available for review. Authorizes a Commission to sanction certain individuals who knowingly file false or fraudulent affidavits.

Assembly Passage: 42-0
Senate Passage: 20-1
Approved by Governor: June 1, 2023 (Chapter 234)
Effective: October 1, 2023.

SB 431: Office of Nevada Boards, Commissions and Councils Standards Office (PASSED)

Sponsor: Senate Committee on Government Affairs (Governor's Bill)

SB 431 creates the Office of Nevada Boards, Commissions and Councils Standards in the Department of Business and Industry. The bill adds various staff and employees to the Office of the Governor, including the appointment of a Chief Innovation Officer (CIO) in Sec. 8.3 and prescribes its duties and responsibilities which include IT leadership, strategic IT planning, data storage and integrity, etc . The bill additionally expands the duties of the Chief Information Officer by eliminating and transferring the Division of Enterprise Information Technology Services duties to the Chief Information Officer.

Sec. 8.4. gives the Governor authority to appoint a Chief Innovation Officer to oversee employee acquisition, professional development, retention, evaluation of competitive compensation and benefits.

Sec. 20 creates the Office of Nevada Boards, Commissions and Councils Standards within the Department of Business and Industry. The Director of B&I shall appoint a Dep Dir of the office which is responsible for centralized administration, uniform standards for investigations, licensing and discipline and separates the roles and responsibilities for occupational licensure from occupational discipline. It requires a uniform set of standards for legal representation, and all professional and occupational licensing boards shall be under the purview of the Office.

The bill increases the maximum amount that an entity of the Executive Department of State Government can request in revising a work program to more than $75,000 if the revision will increase by 20%, or $350,000, whichever is less. Positions are revised in the state classified service in how they are filled by the State. Finally, the bill makes a 6% increase to the Rainy-Day Fund's limited maximum balance and increases the threshold of approved gifts and grants to a state agency to $200,000.

While the bill was introduced March 27, it was not heard until the final day of session when the Senate Majority Leader moved to suspend all rules and declared SB 431 an emergency measure. The bill was amended on the Senate Floor and voted out unanimously.

Assembly Passage: 42-0
Senate Passage: 21-0
Approved by Governor: June 16, 2023 (Chapter 532) Effective: Sections 113 and 141.7 of this act become effective upon passage and approval. Sections 1 to 112, 114 to 141.5 and 142 to 146 of this act become effective on July 1, 2023.

SB 451: Hydrogen Study (PASSED)
Sponsor: Senator Spearman (D)

The bill directs the Joint Interim Standing Committee on Growth and Infrastructure to conduct a study during the 2023-2024 interim concerning the production and storage of hydrogen; the use of stored hydrogen as a potential energy resource in this State and the development of hydrogen technologies. This bill requires the study to include a review of the opportunities for students enrolled in an institution within the Nevada System of Higher Education to study subjects concerning hydrogen; and an assessment of the feasibility of using hydrogen as an energy resource in this State. Finally, this bill requires the Committee to submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 83rd Session of the Nevada Legislature.

Bottom Line: Directs the Joint Interim Standing Committee on Growth and Infrastructure to conduct a study concerning subjects relating to hydrogen.

Assembly Passage: 42-0
Senate Passage: 21-0
Approved by the Governor: June 15, 2023 (Chapter 439)
Effective: Upon passage and approval

AB 97: Refrigerants (VETOED)
Sponsor: Assemblywoman Hardy (R)

Assembly bill 97 provided that the governing body of a city or county or any other governmental entity, including the State Public Works Board shall not adopt a building code or take any other action to prohibit or otherwise limit the use of refrigerants that are designated by the United States Environmental Protection Agency as alternatives or substitutes to certain other refrigerants, as long as the equipment containing the alternative or substitute is installed in compliance with certain industry standards. A governmental body may adopt a building code, ordinance or other action to prohibit the construction or use of an evaporative cooling mechanism.

Assembly Passage: 42-0
Senate Passage: 20-0, 1 Excused.
Vetoed by Governor: June 3, 2023.
Veto message

AB 144: Fluorescent Lights (VETOED)
Sponsor: Assemblywoman La Rue Hatch (D)

The bill prohibited a person, on and after January 1, 2025, from selling or distributing a new compact fluorescent lamp with a screw or bayonet base type. Additionally, the bill prohibited a person, on and after January 1, 2026, from selling or distributing in Nevada a new compact fluorescent lamp with a pin base type or a linear fluorescent lamp. Civil penalties were established for violations of the aforementioned provisions and authorized the Attorney General to bring a civil action against a person for violating this statute.

Bottom Line: Prohibited sale of certain fluorescent lights for safety purposes.

Assembly Passage: 28-14
Senate Passage: 12-9
Vetoed by the Governor
Veto Message

AB 235: Prevailing Wage (VETOED)
Sponsor: Assemblywoman Monroe-Moreno (D)

Would have subjected workers who perform custom fabrication on a public work to prevailing wage. Would not have applied to a public works contract or performance contract awarded before January 1, 2024.

Assembly Passage: 27-14, 1 Excused
Senate Passage: 12-8, 1 Excused
Vetoed by Governor: June 1, 2023
Veto message

AB 305: Public Works (VETOED)
Sponsor: Assemblywoman Monroe-Moreno (D)

Assembly Bill 305 would have required at least 2% of apprentice labor for vertical construction to be performed by women and at least 1% of the hours of labor for horizontal construction. The Apprenticeship Council would have been required to review the policies of an apprenticeship program that does not provide enough apprentices who are women in order to meet the percentage requirements for labor, at least every two years.

Assembly Passage: 33-9
Senate Passage: 16-4, 1 Excused
Vetoed by Governor: June 16, 2023
Veto message

SB 78 - Rental Application Transparency & Deposits (VETOED)

Sponsor: Senator Donate (D)

Required a landlord to deliver an itemized, written accounting of the security deposit or surety bond. The bill prescribed how delivery of the written accounting must be made and makes the landlord liable for failing to deliver the itemized written accounting. Redefined "security deposit" to mean a deposit made in cash or another acceptable manner to a landlord for the remedying any default of the tenant in their payment of rent; including the late payment of rent, repairing damage to the premises caused by the tenant, excluding normal wear and the cleaning of the unit. In regard to repairing damages to the premises, the landlord has the burden of proving that the damage occurred during the tenancy and identifying the cost of repair.

Written rental agreements would be required to include a grace period for the late payment of rent, and prohibited the landlord from charging the fee for the late payment until the expiration of the grace period. The written rental agreement would have been required to contain an explanation of each fee that may be charged and makes it unlawful for the landlord to charge a tenant a fee that is not set forth in the agreement. The written agreement was required to contain an explanation of the rights of the tenant. Any enforcement of the provisions of a rental agreement must have been brought no later than 2 years after the termination of the tenancy and as a small claims action.

The bill additionally authorized a landlord to charge a fee for the eviction of a tenant. In identifying new tenants, if a landlord collected a fee from a prospective tenant, the landlord must refund the fee if the unit is rented to a different tenant. The landlord was prohibited from collecting an application fee, a fee to obtain a credit report, or a background check for a minor who is a member of the household. The landlord would have been further prohibited from sharing any amount owned by the tenant to certain agencies unless the tenant is delivered an itemized, written accounting of all amounts owed. Additionally, a landlord may have billed the tenant if the tenant failed to perform basic obligations which could have been remedied by cleaning and the tenant failed to comply with a request to remedy in a timely manner.

Lastly, tenants must have been notified if the landlord was increasing certain fees, fines, and costs. Additional notification was required within 10 days if the landlord changes their agent, broker, or property management company.

Provisions of this bill did not apply to a tenant of a manufactured home, or on the premises of a manufactured home or a manufactured home park.

Bottom Line: Revised certain landlord requirements regulating landlord and tenant relations. Including charges and fees by which a landlord can enforce and the rights of the tenants in being notified of certain actions or fees.

Assembly Passage: 28-14
Senate Passage: 14- 7
Vetoed by Governor: June 16, 2023
Veto message

SB 301- Prevailing Wage (VETOED)

Sponsors: Senator Lange (D)

Senate Bill 301 provided that a worker who is employed by delivering or removing construction material or structures to or from the site of a public work; and necessary in the execution of the contract for the public work is also deemed to be employed on the public work for purposes of the payment of prevailing wages. Further defined "construction material or structures" to mean aggregate, asphalt and concrete. Additionally SB 301 made an appropriation to the Office of the Labor Commissioner in the Department of Business and Industry for personnel, operating, travel and information services costs for compliance and enforcement duties related to the provisions of this bill.

Bottom Line: Revised which workers are subject to prevailing wages. Made an appropriation to the Office of the Labor Commissioner in the Department of Business and Industry for the costs of compliance and enforcement duties related to the bill.

Senate Passage: 12-8, Excused 1
Assembly Passage: 25-17
Vetoed by the Governor
Veto message

SB 335: Real Property (VETOED)

Sponsor: Senator Ohrenschall (D)

Senate Bill 335 authorized a tenant who has been served with a notice to pay rent or surrender the premises, to request that the court stay the action for summary eviction based on a default in the payment of rent until a decision is made concerning an application for rental assistance. A landlord was additionally authorized to file a motion to lift the stay and require that the stay expire not later than 60 days after it is issued. If an application for rental assistance was granted in an amount that will allow the tenant to cure the default, the landlord was required to accept the payment of rent from the rental assistance on behalf of the tenant. If it was not enough to cure the default, the court is required to proceed with the action for summary eviction. Additionally, a court was required to dismiss an action for summary eviction based on the neglect or failure to perform a condition or covenant of a lease or agreement if the court found that the affidavit of complaint for summary eviction was filed by the landlord in bad faith or as a pretext for evicting a tenant who is in default for the payment of rent.

A justice court is authorized to establish a diversion program to which it may assign an eligible tenant that is subject to summary eviction. If a tenant was placed in such a program the court was required to stay the pending summary eviction for not more than 60 days and if the tenant paid the landlord the rent owed, or surrenders the premises before the expiration of the stay, the court was required to dismiss the action.

Bottom Line: The bill authorized tenants subject to certain actions for summary eviction to request that the court stay the action until a decision concerning an application for rental assistance is made. Required a landlord to accept payment of rent from a tenant and rental assistance on behalf of a tenant; and authorized a justice court to establish a diversion program for certain tenants subject to an action for summary eviction.

Assembly Passage: 27-14, 1 Excused
Senate Passage: 12-9
Vetoed by Governor: June 16, 2023
Veto message

AB 10 - Tax Increment Area (FAILED)

Sponsor: Assembly Committee on Government Affairs

Assembly Bill 10 authorized a governing body of a municipality to adopt an ordinance that designates a tax increment area called a "transportation and housing reinvestment zone" (Zone) to promote transportation projects, improvements, and mixed-use, multi-family, and affordable housing developments within that zone. Additionally, it authorized the governing body to finance such projects by issuing general obligation bonds, medium term obligations, revenue bonds, or other securities.

The Zone could expire not more than 30 years after the date ordinance is adopted, may include property that at the time of adoption is included within a redevelopment area or another tax increment area, and is not subject to the statutory limitation on taxes ad valorem. The tax revenue in the zone was to be allocated between the taxing agencies and the tax increment account created for the zone.

Bottom Line: Would have expanded traditional tax increment zones to include areas benefited by certain transportation and housing projects.

AB 71: Interim Environmental Justice Study (FAILED)

Sponsor: Assembly Committee on Natural Resources

This bill directed the Division of Environmental Protection of the State Department of Conservation and Natural Resources to conduct an interim study concerning environmental justice. In conducting the study, section 9 required the Division to identify: the communities in this State that face the greatest cumulative environmental burdens; methods for preventing the increase of the cumulative environmental burdens of such communities; and strategies to decrease the cumulative environmental burdens of such communities. The bill also authorized the Division to contract with a private entity to conduct the study.

AB 89: Public Work (FAILED)

Sponsor: Assemblyman O'Neill (R)

Required a contractor or subcontractor on a public work to use the federal E-Verify employment verification system to verify the employment eligibility of all workers on the public work.

AB 90: Water (FAILED)

Sponsor: Assemblyman Gurr (R)

Authorized the State Engineer to grant an application for a temporary change of the place of diversion, manner of use or place of use of water already appropriated for a period not to exceed 10 years, if an application for a temporary change is filed for a period of more than 1 year. Revised the fees that the State Engineer is required to collect for providing services relating to the appropriation of water including: examining and filling an application for a temporary permit to change an existing water right; issuing and recording each permit for a permanent change; and issuing and recording each permit for a temporary change to existing rights.

AB 106: Contractors (FAILED)
Sponsor: Assemblywoman Gallant (R)

Increased the value of work that a licensed contractor may perform without a license in the applicable classification or subclassification to $7,600 including labor and materials, if the work does not require a permit. Would have required the State Contractors' Board to annually adjust the amount based on inflation capturing the increasing cost of labor and materials.

AB 109: Soil Health (FAILED)
Sponsor: Assemblywoman La Rue Hatch (D)

Would have created the Soil Health Advisory Board within the State Conservation Commission to advise the Commission of the Healthy Soils Initiative. The Commission would have been required to encourage the adoption of soil health practices by agricultural producers, promote and advance the understanding of the environmental benefits and support scientific research into soil health. The Commission would be additionally authorized to create a grant program and a soil health monitoring and inventory platform to support Commission based programs which would have been voluntary and incentive based.

AB 111: Common Interest Community (FAILED)
Sponsor: Assemblywoman Gallant (R)

Would have prohibited an association of a common interest community from prohibiting a unit's owner or occupant of a unit from displaying religious items.

AB 142: Sale of Property (FAILED)
Sponsor: Assemblyman O'Neill (R)

Revised provisions governing the sale of property under execution, a sale of property pursuant to a trustee's power of sale, deed of trust to adopt certain covenants, and a sale of a unit in a common-interest community. Removed the requirements concerning the time of day at which a sale must be held and authorized the appropriate authority to conduct the sale on an internet website or other electronic medium. Revised the requirements pertaining to the notice of the sale of the property if applicable.

Changed the requirement to declare void a sale of property pursuant to a trustee's power of sale and required it to be brought in the county in which the property is located in order to account for sales which were held on an internet website or other electronic medium. Prohibited certain persons from becoming a purchaser or being interested in any purchase at a sale of property such as the agent conducting the sale, an appraiser involved, or the person who operates the internet website or electronic medium.

AB 171: Public Works (FAILED)
Sponsor: Assemblywoman Duran (D)

Authorized a public body to award a contract for a public work for which the estimated cost exceeds $100,000 to a responsive and responsible bidder offering the best value bid, if after notice and a public healing, the public body determined that the work presents unique and complex construction challenges.

AB 173: Public Works (FAILED)
Sponsor: Assemblyman Gray (R)

Revised the requirements for a prime contractor who submits a bid for certain public works to include a list of the names of each first tier subcontractor who will provide labor on the public work to the prime contractor, for which the subcontractor will be paid an amount exceeding $100,000.

AB 284: Mortgage Companies (FAILED)
Sponsor: Assemblywoman Kasama (R)

Assembly Bill 284 would have authorized an employee of a mortgage company to conduct business at a remote location if authorized by the company. Would have prohibited an employee from interacting with a customer in person at the residence of the employee and the maintenance of physical records at a remote location.

AB 325: Temporary Change in Water Use (FAILED)
Sponsor: Assemblyman O'Neill (R)

Would have allowed a person to temporarily change the place of diversion, manner of use or place of use of surface water already appropriated if the temporary change occurs within the boundaries of an irrigation district within a federal reclamation project, the irrigation district approves the change, and the change does not exceed 1 year.

AB 416: Exemption from Property Tax (FAILED)
Sponsor: Assemblywoman Summers-Armstrong (D)

Would have provided an exemption from property taxes for an accessory dwelling unit if the unit is rented or leased to a tenant receiving assistance under the Housing Choice Voucher Program pursuant to a lease which is for not less than 12 consecutive months and is located in the same parcel as a single-family residence which is the primary residence of the owner of the accessory unit which complies with all applicable local zoning laws.

AB 425: Low-Income Housing Shared Net Metering Systems (FAILED)

Sponsor: Assembly Committee on Growth and Infrastructure

Assembly Bill 425 authorized the users of a low-income housing shared net metering system to participate in net metering. Revised existing provisions governing net metering to provide for the administration of net metering with respect to these systems. This bill excluded persons who own or operate a low-income housing shared net metering system from the definition of a public utility. Required the Public Utilities Commission of Nevada to adopt regulations prescribing the form and substance for a low-income housing shared net metering tariff and a standard contract.

SB 12: Charter of the City of Reno (FAILED)

Sponsor: Senate Committee on Government Affairs

Senate Bill 12 would have repealed the provision that currently divides the City of Reno into six wards, and the provisions which removed the at-large position and replaced it with a council member to represent the new ward. The bill would have additionally authorized the City Council to participate in green infrastructure projects and replaced gendered language in the Charter.

SB 26: Public Works (FAILED)

Sponsor: Senate Committee on Government Affairs

Would have authorized the Administrator of the State Public Works Division of the Department of Administration to authorize change orders related to the construction and repair of certain building projects: in any amount, where the change represented a reduction of the total awarded contract price; not exceed the aggregate 15% of the total awarded contract price in which the price is more than $1,000,000 and the change represents an increase in that price; or the aggregate of 20% if the total awarded contract price is at least $100,000 but not more that $1,000,000; any amount where the total awarded contract price is less than $100,000 and the change represents an increase not exceeding the amount of the total awarded contract price; or lastly, in any amount where additional money was authorized or appropriated by the Legislature and issuing a new contract would not be in the best interest of the state.

Bottom Line: Revised the authority of the Administer of the State Public Works Division to approve change orders.

SB 47: Teachers (FAILED)

Sponsor: Senate Committee on Education

This bill authorized the board of trustees of a school district to build, issue bonds, issue general obligation bonds, and purchase or rent residential dwellings for employees. The fees for the initial issuance and renewal of a teacher or other educational personnel license would have been reduced from not less than $100 to not more than $50, and any regulation prescribing a fee greater than $50 for an initial or renewal license is void.

SB 52: Design and construction standards (FALIED)
Sponsor: Senate Committee on Government Affairs

Would have required the standards adopted by the State Public Works Board for the efficient use of energy for the purposes of the design and construction of buildings or other projects of this state to include provisions for the purposes of achieving net-zero energy consumption and net-zero greenhouse gas emissions by those buildings and projects when practicable.

SB 68: Real Property Transfer Provisions (FAILED)
Sponsor: Senate Committee on Revenue and Economic Development

Senate Bill 68 created the Critical Needs Fund (Fund) which is administered by the Housing Division (Division) of the Department of Business and Industry. In order to support the Fund, the bill required that $0.15 cents on each $500 of value of the real property transfer tax (Tax) be transmitted to the Fund.

Required the Fund to be used to provide assistance for very low-income housing, supportive housing and supportive services. The Division is further required to annually allocate money in the fund to be used on the five behavioral health regions in Nevada for rental or other assistance, home repair assistance, or the assistance of eligible individuals to obtain or retain very low-income housing as well as supportive housing and supportive services. Prioritizing households with the lowest income and supportive housing. The allocated funds can be additionally used to award grants to aid with rental assistance to supportive housing projects, acquisition and rehabilitation of properties suitable for supportive housing.

Bottom Line: Would have created the Critical Needs Fund and increased the tax on real property transfers to be transmitted to the fund in order to provide assistance for low-income housing, supportive housing and supportive services in the five behavioral health regions in the state.

SB 96: Abatement of Property Taxes (FAILED)
Sponsor: Senate Committee on Revenue and Economic Development.

Senate Bill 96 revised the formula for calculating the partial abatement of property taxes so that the annual cap on increases of the tax on certain single-family residences and residential rental property is 3%. This bill would have prohibited any increase of property tax on other properties, stating that they cannot be less than 3% or more than 8%.

SB 102: Water Resource Plans (FAILED)
Sponsor: Senator Goicoechea (R)

Made an appropriation to the Division of Water Resources of the State Department of Conservation and Natural Resources for the Division to award grants to governing bodies for the development and maintenance of water resource plans.

SB 142: Homeless Persons' Bill of Rights (FAILED)
Sponsor: Senator Harris (D)

This bill enacted the Homeless Persons' Bill of Rights. Section 3 of this bill required that a person experiencing homelessness be entitled to the same rights, privileges and benefits afforded to a resident of this State who is not experiencing homelessness. Section 3 also provided that a person experiencing homelessness is entitled to certain specific rights. Section 4 of this bill authorized a court to award declaratory and injunctive relief, actual damages, reasonable attorney's fees and any other appropriate legal or equitable relief to a prevailing plaintiff who alleges a violation of these rights.

Bottom Line: Stated that a person experiencing homelessness is entitled to the same rights, privileges, and benefits afforded to a resident of Nevada who is not experiencing homelessness.

SB 174: Debt Collection in Common Interest Communities (FAILED)
Sponsor: Senator Hammond (R)

Would have authorized an association; a member of the executive board, officer or employee; unit's owner; community manager of an association or any employee agent or affiliate of a community manager to not be a licensed debt collection agency or to contract with one to collect amounts due to the association before the association mails a notice of delinquent assessment to the unit's owner or their successor in interest.

SB 179: Civil Litigation (FAILED)
Sponsor: Senator Hammond (R)

Senate Bill 147 defined the term "third-party litigation funding agreement" to mean a written agreement pursuant to which a person provides money to a party to a civil action or proceeding in exchange for a contingent right to receive an amount of the potential proceeds of a settlement, judgment, award or verdict obtained in a legal claim of the party to whom money is provided. Required that a party to a civil action or proceeding promptly: (1) produce for inspection and copy any third-party litigation funding agreement into which the party has entered without formal discovery; and (2) make available for inspection and copying any updated version of any such agreement under certain circumstances.

The bill then defined "third-party litigation funding company" to mean a person who provided money to a party to a civil action or proceeding in exchange for a contingent right to receive an amount of the potential proceeds of a settlement, judgment, award or verdict obtained in the legal claim of the person. Additionally, the bill made a third-party litigation funding company jointly and severally liable for any reasonable attorney's fees or costs awarded by the court against a party to a civil action or proceeding. Authorized the court to impose against a third-party litigation funding company any reasonable costs or fees incurred by a nonparty in responding to a subpoena or order related to discovery.

Additionally, this bill made it a deceptive trade practice to publish or cause to be published an advertisement for legal services concerning prescription drugs or medical services that does not comply with certain requirements.

Bottom Line: Revised statutes regarding third party litigation funding agreement and companies. Additionally adds to what constitutes as a deceptive trade practice in regard to advertisement of legal services concerning prescription drugs or medical services.

SB 180: Groundwater Board (FAILED)
Sponsor: Senator Goicoechea (D)

Would have authorized a board of county commissioners to request that the State Engineer establish a Groundwater Board. Limited to one Board per designated groundwater basin, and must be dissolved after 4 years unless the State Engineer approves a request from the Board to have it continued, the Board may also vote to dissolve. The State Engineer would have been required to consider the written advice and recommendation of the Board on reducing over pumping in the designated basin.

SB 198: Trimming and Removal of Trees on a Residential Property (FAILED)
Sponsor: Senator Hammond (R)

Would have authorized an owner of a residential property to trim any branches of a tree located on an adjacent residential property which extends into their property back to the property line. The bill would have made the owner of the tree civilly liable for any cost which occurred related to the trimming of the branches if the owner of the tree failed to trim the branches within a reasonable time and after being provided with written notice.

SB 288: Real Estate Administration Fund (FAILED)
Sponsor: Senator Hammond (R)

Senate Bill 288 would have created the Account for Real Estate Administration in the State General Fund to hold certain administrative fines, fees, penalties and charges that are collected by the Real Estate Commission, the Commission of Appraisers of Real Estate and the Real Estate Division of the Department of Business and Industry as well as any money required to support the Division.

SB 318: Affordable Housing (FAILED)
Sponsor: Senator Scheible (D)

Senate bill 318 would have authorized a governing body of an incorporated city to impose an annual surcharge on uses of the sanitary sewer system. The proceeds of this charge were to be allocated to provide services or affordable housing for persons who are homeless or indigent.

SB 358: Common Interest Communities (FAILED)
Sponsor: Senator Hansen (R)

Senate Bill 358 repealed existing law governing common interest communities, with the goal of providing for the enforcement of matters relating to common interest communities through private civil action, action which is prohibited under current law.

SB 426: Rent Control (FAILED)
Sponsor: Senator Spearman (D)

Senate bill 426 required the Housing Division to annually determine and publish on their internet website the maximum cost-of-living increase for that calendar year, off which must be equal to the increase in the Consumer Price Index for the region where the dwelling unit is located and must not exceed 5%. Once identified, the Division was required to issue a press release containing the increase and maintain on its website information relating to each cost-of-living increase for at least 2 years.

In addition to this, the bill would have prohibited a landlord from increasing the rent payable by an existing tenant during the first year of tenancy and any 12-month period by an amount that exceeds the division's cost-of-living increase. The landlord was additionally prohibited from charging a prospective tenant an amount exceeding the maximum rent of the existing tenant or an amount that exceeds the amount for which the unit was advertised. A landlord was authorized to apply to the Housing Division for an exemption from the cost-of-living increase under certain circumstances. If the landlord chose to apply for this exemption, they were required to provide the tenant with a written notice and the tenant would have been authorized to provide evidence to support or oppose the application of the landlord. If a landlord were to increase the rent payable, the bill required them to provide written notice to the tenant 90 days in advance of the first rental payment to be increased. This written notice was required to include the amount of the increase, the total amount of the new rent, and if the increase exceeded the cost-of-living increase, the reason why the landlord is exempt, as well as the date that the increase became effective.

If the landlord violated the requirements regarding the rent increase, the tenant could apply to the court for relief, withhold any rent without incurring any fees or charges related to withholding and recover actual damages and receive an amount equal to three months' rent. The landlord was prohibited from retaliating against a tenant, and provided a rebuttable presumption if a landlord acts in retaliation for the tenant.

Bottom Line: Provided for rent control based on cost-of-living.

35th (2023) Special Session

SB 1 -Revises provisions governing economic infrastructure projects.

Sponsor: Senate Committee of the Whole

SB 1 enacts the Southern Nevada Tourism Innovation Act to establish financing for a Major League Baseball (MLB) stadium. Once the Clark County Stadium Authority (Authority) has taken certain actions relating to the relocation of an MLB team, the bill requires the Clark County Board of County Commissioners to create a sports and entertainment improvement district on the corner of Las Vegas Boulevard and Tropicana Avenue. It requires the Authority to negotiate and enter into a development, lease, and non-relocation agreement once an MLB team has committed to relocating. It requires 15% of the subcontracts for the construction of the MLB stadium project (Project) to be with small local businesses. It revises the membership of the Board of Directors of the Authority (Board) to include two members of the public, one who is recommended by an NFL team and one who is recommended by an MLB team.

The bill mandates the development of a community benefits agreement (CBA) as part of the Project. The bill requires the CBA to be approved by the Board and must be updated at least once every five years. It establishes and outlines the membership and powers of the Baseball Stadium Community Oversight Committee to oversee the implementation of the CBA.

The CBA must include:

- Requirements to ensure diversity among the workforce used on the Project;
- Require a living wage to employees of the Project;
- Outlines the requirements for community engagement by the MLB team and the Baseball Stadium Events Company (Company) including:
  - Participation by players in the community including education programs, donation of tickets, and programs to support youth baseball in underserved communities.
- The use of a community suite by charitable or economic development organization;
- Require the developer partner and the Company to:
  - Provide educational programming by working with colleges and universities on career development for the sports industry and scholarships, internships and mentorship programs; and
- Require the developer partner and the Company to make an annual financial commitment in the community which must not be less than:
  - $500,000 per calendar year while the Project is being constructed; and
  - $2 million per calendar year or 1% of MLB team ticket revenue generated by the Project beginning one year after the Project opening.

The bill prohibits the Authority from approving more than $36 million of transferable tax credits (Credits) in a fiscal year or $180 million in total Credits. Also, if the total amount of Credits exceeds $60 million, the Credits in excess of $60 million will be refunded to the state by the Authority.

The bill made two other changes that were not directly related to the A's stadium. First, it requires a business applying for a state tax abatement and with more than 50 full-time employees to have a policy of at least 12 weeks of paid family and medical leave at a rate of 55% of the employees' regular wage. Second, the bill requires rail or monorail projects to be subject to prevailing wage laws.

Vetoed Bills

Firearms

AB 354- Revises provisions relating to firearms.

Prohibited possession of a firearm within a certain distance of an election site and marketing/buying unfinished frames or receivers.

AB 355- Revises provisions relating to firearms.

Prohibited a person less than 21 years of age from possessing certain firearms.

SB 171- Revises provisions relating to firearms.

Prohibited the purchase, possession or ownership of a firearm by a person who has been convicted of committing or attempting to commit a crime motivated by certain characteristics of the victim.

State and Local Government

SB 20- Revises provisions relating to the process for filling a vacancy in the office of county commissioner.

Required the Governor to fill a vacancy on a County Commission from a list of two nominees provided by the County Commission.

SB 169- Revises provisions governing master plans.

Required Clark County and Washoe County to include a heat mitigation element in master plans.

SB 210- Revises provisions governing state boards and commissions.

Required persons appointed to certain public bodies by the Governor to reflect the diversity of the State.

AB 464- Makes an appropriation to the Legislative Fund for costs relating to anticipated building renovations and construction.

Would have sent $1.55 million to the Legislative Fund for project development and initial operating expenses relating to anticipated building renovations and construction.

AB 366- Revises provisions governing the Keep Nevada Working Task Force.

Moved the Keep Nevada Working Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State; revising the membership of the Task Force.

AB 520- Makes various changes regarding state financial administration and makes appropriations for the support of the civil government of the State.

Made appropriations from the State General Fund and the State Highway Fund for the support of the civil government of the State of Nevada for the 2023-2025 biennium.

AB 97-Revises provisions relating to government administration.

Provided, with certain exceptions, that governmental entities shall not prohibit the use of certain refrigerants.

AB 243- Revises provisions relating to legislative affairs.

Proposed numerous changes to the Legislature's interim structure, applying common-law principles of parliamentary law to interim committees, moving up the authorized start date for interim committees and renaming committees.

AB 498- Revises provisions relating to public employees' retirement.

Would have trimmed in half state employees' share of retirement contributions through the Public Employees' Retirement System (PERS), while increasing employer's share of contributions.

AB 527- Revises provisions relating to state financial administration.

Would have required the Governor, in preparing the executive budget, to include the judicial and legislative branches' budgets in conjunction with the executive budget when calculating the minimum 5 percent and maximum 10 percent reserve.

SB 81- Revises provisions governing regional planning.

Would have extended and revised existing law that requires certain counties and cities in Nevada to prepare reports on growth-related issues (the I-80 corridor within Washoe, Lyon and Storey counties) by extending the reporting requirements that expired last year until 2026.

SB 88- Requires the Joint Interim Committee on Natural Resources to conduct an interim study of certain state agencies.

The Joint Interim Committee on Natural Resources would have been charged with conducting an interim study of state agencies that regulate natural resources in Nevada.

SB 440- Makes appropriations requiring certain one-time payments for certain state personnel.

Would have paid out more than $25 million of a 2021 arbitration award for some state worker bargaining units, including the Nevada Police Union (NPU) and AFSCME.

SB 104- Revises provisions relating to traffic offenses.

Aimed to clean up two bills from the 2021 session that reformed state traffic laws: AB116, which decriminalized traffic tickets, and SB219, which prohibited suspension of a driver's license for unpaid fines.

SB 246- Revises provisions relating to governmental administration.

Included a workforce development program and made various revisions designed to empower a city charter committee.

SB 262- Revises the qualifications for membership on certain town advisory councils and boards.

Eliminated a requirement that members of a citizen's advisory council or town advisory board be qualified electors.

SB 371- Revises provisions governing local governments.

Provided a broad and undefined grant of power to a local government to take action in response to affordable housing issues.

SB 384- Establishes certain provisions relating to the award of grants of federal money by a state agency for the development of broadband services and infrastructure.

Would have created new requirements for state agencies issuing federal grants for broadband infrastructure projects.

SB 314- Revises provisions relating to energy storage systems.

Sought to require the Public Utilities Commission of Nevada to establish targets every two years for energy storage by electric utilities.

SB 319- Revises provisions relating to public employees.

Would have changed the definition of "employee" in the state employee collective bargaining law to include unclassified category I, II and III peace officers in addition to classified employees already covered by the law.

AB 160- Revises provisions governing the sealing of certain criminal records.

Would have adopted procedures to automatically seal criminal records.

SB 272- Revises provisions relating to governmental administration.

Would have required state agencies and local governments to publish annual reports online detailing the number and size of public works contracts, as well as how many of those contracts went to minority-owned, women-owned, and LGBTQ-owned businesses.

Healthcare

AB 265- Revises provisions relating to mental health.

Added certain members to the Subcommittee on the Mental Health of Children of the Commission on Behavioral Health; created a statewide mental health consortium; prescribed the membership, powers and duties of the statewide mental health consortium; authorized the statewide mental health consortium to request the drafting of not more than 1 legislative measure for each regular session of the Legislature.

AB 11-Revising provisions governing hospitals.

Prohibited a hospital or psychiatric hospital from employing a physician under certain circumstances; provided penalties for a violation of such prohibition; prohibiting a hospital from taking measures to restrict certain activity of a provider of health care who is employed by or serves as an independent contractor of the hospital.

SB 400- Revises provisions relating to homelessness.

Would have required health maintenance organizations (HMOs) that contract with the state Department of Health and Human Services for Medicaid managed care programs to reinvest a percentage of their annual profits in programs in the local community to address homelessness and provide medication and housing.

SB 302- Revises provisions relating to health care.

Prohibited health care licensing boards from taking certain action against a provider of health care or certain other persons for providing or assisting in the provision of gender-affirming health care services.

AB 250- Establishes provisions governing prescription drugs.

Prohibited certain actions related to pricing and reimbursement for certain drugs; creating a cause of action for violating such prohibitions.

SB 239-Establishes provisions governing the prescribing, dispensing and administering of medication designed to end the life of a patient.

Authorized physician assisted death for terminally ill patients.

AB 251- Revises provisions governing prescriptions.

Required each pharmacy to provide prescription information in the 10 languages most commonly spoken in the State.

SB 419- Makes revisions relating to public health.

Expanded Medicaid coverage for prenatal care and labor and delivery services but did not include an appropriation.

AB 201- Revises provisions relating to planning for the provision of behavioral health care.

Required the Department of Health and Human Services to track spending and quantify cost avoidance and report projected savings to a Joint Interim Committee.

AB 281- Revises provisions governing senior living facilities.

Would have required that ventilation systems of senior living centers be routinely inspected and maintained by specifically qualified personnel.

AB 322- Revises provisions relating to kratom products.

Would have prohibited the sale of any product or food containing kratom unless the product is registered with the Division of Public and Behavioral Health.

AB 383- Revises provisions relating to health care.

Would have guaranteed access to contraceptive methods and prohibited the state from enacting any law that burdens access to reproductive health care.

AB 437- Limits the amount and circumstances under which a provider of health care may charge for filling out certain forms associated with certain leaves of absence.

Would have limited the fees health care providers could charge for filling out forms that patients need to submit to their employers to take a leave of absence under the federal Family and Medical Leave Act of 1993.

AB 439- Revises provisions governing certain contracts of insurance.

Would have ensured provisions for arbitration in various types of insurance contracts would not be binding, covering a wide variety of contracts including health insurance, group health insurance, health benefits plans and contracts for medical services coverage by various health care organizations.

SB 76- Establishes provisions governing certain products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.

Would have banned the sale of certain products containing PFAS (per- and polyfluoroalkyl substances) or carpets, food packages and cosmetics.

General Business

AB 144-Revises provisions governing the sale of certain lighting products.

Restricted the sale of fluorescent lights.

AB 223- Revises requirements relating to collection agencies.

Required a collection agency to provide a payoff letter upon the request of a debtor; required a collection agency to provide a satisfaction letter to a debtor after a claim has been satisfied; authorized a debtor to bring a civil action against a collection agency that violated the requirement to provide a payoff letter or a satisfaction letter to the debtor; revised the method by which a collection agency must notify a medical debtor before taking any action to collect a medical debt.

AB 258- Enacts certain provisions governing the confidentiality of certain personal information of a donor, member or volunteer of a nonprofit organization.

A governmental entity would have been required to keep any records identifying a person as a donor, member or volunteer for a nonprofit organization confidential.

AB 371- Makes various changes relating to parentage.

Would have adopted provisions of the Uniform Parentage Act which provides a uniform legal framework for establishing parent-child relationships.

SB 429- Requires certain new or expanding businesses to provide certain family and medical leave to employees in order to qualify for a partial abatement of certain taxes.

Would have required companies with 50-plus employees that are seeking tax abatements from the state to provide their employees with paid family and medical leave for at least 12 weeks at a rate of at least 55 percent of the employee's salary.

Construction

AB 235- Revises provisions governing public works projects.

Required the payment of prevailing wages to workers who perform custom fabrication on a public work or for certain performance contracts of local governments or state agencies.

SB 433-Revises provisions relating to prevailing wages.

Required the Labor Commissioner to adopt regulations establishing factors to be considered when determining whether prevailing wages are required on a project.

AB 172- Revises provisions governing collective bargaining for certain public employees.

Would have required school districts to provide unions recognized by the district with the name, address, email address, telephone number and work contact information for each employee in a collective bargaining unit at least on a semiannual basis, unless the district and union agreed otherwise.

AB 224- Revises provisions governing collective bargaining.

Would have placed professional employees at the Nevada System of Higher Education (NSHE) under a 2019 law allowing state workers to collectively bargain.

AB 305- Revises provisions governing public works.

Would have required at least 2 percent of the hours of labor in a public works department be completed by women apprentices.

SB 301- Revises provisions governing public works.

Would have expanded the definition of employees on public works projects, subject to the state's prevailing wage, to include workers who deliver or remove construction material or structures.

Tax

AB 359- Revises provisions relating to the imposition by certain counties of additional taxes on fuels for motor vehicles.

Revising provisions governing the effectuation of additional annual increases in certain taxes imposed on fuels for motor vehicles in certain larger counties.

Landlord & Tenant

AB 298- Revises provisions governing housing.

A landlord who collects from a prospective tenant an application fee rent a dwelling unit to return such fees; required any written agreement for the use and occupancy of a dwelling unit or premises to contain separate appendices relating to fees and tenant rights; temporarily prohibited a landlord from entering into a rental agreement with certain existing tenants that increases the rent due from the tenant by more than 10% of the rental agreement in effect June 30, 2023.

AB 218- Revises provisions governing landlords and tenants.

Would have increased damages in certain actions by a tenant against a landlord and prohibited fees associated with paying rent through an online payment system.against a tenant and prohibited fees associated with paying rent through an online payment system.and prohibited fees associated with paying rent through an online payment system.against a tenant and prohibited fees associated with paying rent through an online payment system.

AB 340- Revises provisions governing certain actions and proceedings relating to real property.

Sought to amend Nevada's summary process by requiring a landlord to make the first filing in a summary eviction case.

SB 78- Makes various changes relating to property.

Would have provided for a grace period of at least three days before a landlord could charge a tenant late fees, specified that a landlord could only charge an application fee to one prospective tenant at a time and prohibit increases in fees without advance notice.

SB 335- Revises provisions regarding real property.

Would have modified tenant eviction proceeding for tenants receiving rental assistance and established a formal eviction diversion program within Nevada's court system.

SB 395- Revises provisions relating to real property.

Would have prohibited corporations, limited-liability companies and any affiliates from purchasing more than 1,000 residential properties in a year.

SB 275- Revises provisions relating to manufactured home parks.

Would have provided rent caps for those living in mobile homes.

Elections

AB 246- Revises provisions governing elections.

Would have required counties to provide ballots in non-English languages if there are at least 5,000 qualified voters from a minority group of limited-English proficiency in that county.

AB 394- Revises provisions governing elections.

Required the Secretary of State to adopt regulations that prescribe the procedure to be used if the abstract or certification of results for any election is not timely prepared or transmitted; prohibiting, with certain exceptions, the counting of ballots more than once.

SB 404-Makes various changes relating to elections.

Revised provisions relating to the challenge of a person applying to vote; authorized a county or city clerk to order the count of returns for early voting begin on or after the first day of early voting.

SB 133- Revises provisions relating to presidential electors.

Prohibited a person from creating or serving in a false slate of presidential electors or conspiring to create or serve in a false slate of presidential electors; prohibited the State or a local government from appointing to public office or employing a person convicted of such an offense; providing penalties.

AB242- Revises provisions relating to elections.

Would have mandated that all ballots be counted with a mechanical voting system.

SB 443- Revises provisions relating to voter registration.

Would have required DMV offices in Clark and Washoe counties to establish extended hours for the two weeks leading up to the deadline to register to vote by mail.

SB 60- Revises provisions relating to campaign practices.

Required a state constitutional officers' "inaugural committee" to report financial contributions and expenditures, similar to what is required for a political action committee.

Transportation

AB 456-Revises provisions relating to railroads.

Established requirements for the installation and operation of wayside detector systems; required 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; provided a civil penalty; prohibited the operation in this State of certain trains that are more than 7,500 feet long on certain railroad tracks.

AB 334- Revises provisions relating to insurance for motor vehicles.

Would have set up a standard timeline for insurers to follow on the inspection and repair of motor vehicles.

SB 299- Revises provisions related to monorails.

Eliminated certain exemptions from prevailing wage requirements relating to railroad companies or monorails.

Education

SB 251-Revises provisions relating to employees of school districts.

Revised provisions governing the authority of a large school district to negotiate certain conditions of employment; revised provisions governing mandatory subjects of collective bargaining relevant to school districts.

AB 74- Revises provisions relating to agreements entered into by public bodies.

Would have allowed the Board of Regents to enter into public-private partnerships in order to promote and enhance student life or an educational program at an institution within the Nevada System of Higher Education (NSHE).

AB 319- Makes an appropriation to the State Department of Agriculture for universal free breakfast and lunch for Nevada pupils.

Would have extended a COVID-era decision by lawmakers to fund universal free school lunches statewide at K-12 schools.

AB 282- Establishes provisions governing a subsidy for certain substitute teachers.

Required school districts to provide certain substitute teachers with a subsidy for the purchase of health insurance coverage.

SB 148- Revises provisions relating to local school precincts.

Prohibited a local school precinct from employing or otherwise procuring the services of certain personnel for a school; revised provisions relating to the selection of certain personnel by the principal of a local school precinct; providing that the superintendent of a large school district is responsible for making certain personnel decisions; authorized certain uses of a year-end balance by a local school precinct under certain circumstances.

SB 340- Revises provisions relating to education.

Required the board of trustees of a school district and the State Public Charter School Authority to submit to the Superintendent of Public Instruction plans for the provision of summer school to certain pupils; required the submission to certain entities of certain reports relating to such plans for the provision of summer school.

Departing Members

Legislative Service

- Co-Minority Whip, 2019
- Co-Majority Whip, 2015
- Nevada Senate 2012 -Present (first elected November 2012)
- Nevada Assembly, 2011-2012 (first elected November 2010)



Senator Scott Hammond (R)



Senator Pat Spearman (D)

Legislative Service

- President Pro Tempore, 2023
- Co-Majority Whip, 2019
- Nevada Senate, 2012 - Present (first elected November 2012)

Legislative Service

- Nevada Senate, 2012 - Present (first elected November 2012)
- Minority Floor Leader, 2011-2012
- Minority Whip, 2007-2010
- Nevada Assembly, 2002-2012 (first elected November 2002)



Senator Pete Goicoechea (R)

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