



## 2023 SESSION OF THE NEVADA LEGISLATURE

### Summary of Legislative Outcomes

NACO staff worked hard to advocate for the interests of counties during the 2023 Legislative Session. Both Vinson and Jennifer monitored and engaged in the Legislative process on a full-time basis; Jacob, NACO's Natural Resources Manager, analyzed all natural resources related legislation, including proposed policies related to water and land use; Amanda helped monitor hearings and spent numerous hours preparing the NACO bill tracker each week; and NACO's Public Health Coordinator, Amy, engaged with the Nevada Association of County Human Service Administrators and the Nevada Public Health Association on legislative updates.

The NACO Legislative Committee met weekly and provided critical input to NACO staff. NACO worked closely with County Commissioners, county staff, as well as individual county lobbyists throughout the session. This session NACO reviewed over 1000 bills and actively tracked approximately over a third of those, nearly 400 of these bills had some impact on counties and local government. The legislation we tracked had a nexus to county operations, administration, authority, finances, or other priorities. As directed by the Board and the Legislative Committee, NACO took support, neutral, and opposition positions on bills, and monitored others. The NACO team also focused on bills that counties initially opposed, however, based on work done through conversations with legislative sponsors, committee chairs and legislative leadership amendments, NACO was able to lessen impacts to Counties, or avoid impacts to local government all together. This allowed us to take a neutral or monitor position on some of the most egregious bills that ultimately failed to make it through the process.

NACO successfully worked on amendments to bills, or proposed legislation directly related to local elected official salaries, public administrators, administration of indigent defense, local government revenues, housing, homelessness, land use and development, county roads, employment, broadband infrastructure, collective bargaining, and marijuana, to make sure that county authority was preserved, and fiscal impacts were minimized.

Even though the number of bills proposed was less than in the 2021 session, NACO remained very concerned and proactive about extensive impacts to local government. There will no doubt be fiscal impacts to counties – especially urban counties. However, when all was said and done local governments, NACO and our individual counties came out better than we initially feared.

#### **NACO Sponsored Bills:**

NACO sponsored five bills this session, four successfully passed both chambers and three were signed by the Governor:

[AB 47](#) allows government entities to construct, operate and maintain off-highway vehicle trails near or adjacent to paved highways.

[SB 21](#) revises the classifications of populations in certain provisions of the Nevada Revised Statutes (NRS) by raising the population threshold of 45,000 to 52,000.

[SB22](#) revises provisions relating to the publication of legal notices, allowing for electronic posting in addition to print.

Unfortunately, despite our lobbying efforts directly to leadership in the Governor's office, he vetoed Senate Bill (SB) 20, which would have allowed for a local government process for filling vacancies on a Board of County Commissioners. Lastly, Senate Bill 41, which addressed child welfare services, potential funding solutions and would have provided streamlined reporting of Child Welfare Service delivery failed to meet the final deadline for consideration.

## **Budget**

Finally, the State budget impacts counties in a number of ways, mainly through assessments to counties for various State functions. This session saw historic funding for education and county healthcare programs. There will be fiscal impacts, as mentioned above, for counties – including significant ones for our urban counties.

Counties will see restored state funding for the China Spring Youth Camp, along with the adoption of AB 68, which represents the work of the NACO – led working group to reform governance of the Camp. The bill included an agreed upon, more equitable local funding formula.

The Department of Health and Human Services is working on the final list of their county assessments for the 24/25 biennium, and while there will be increases to assessments due to expanded Medicaid programs, we expect those increases to be minimal – NACO will distribute that list to all counties when it is available. Additionally, through a state appropriation secured by Counties, local governments will see relief to the Pre-Trial Release mandate that was passed in the 2021 Legislative Session.

***Below is a summary of all the actions that counties must take as a result of legislation passed, and key bills that may impact county operations. Also attached is the NACO bill tracker, which includes the final outcome of each bill that NACO tracked.***

~~~~~

## **BILLS THAT PERTAIN TO LOCAL GOVERNMENT OR REQUIRE COUNTY ACTION**

***Italics indicate actions that counties must take; text in purple indicate actions that county elected officials must take.***

[AB2](#) – Allows local government vehicles to display non-flashing blue lights for the purpose of road construction, maintenance or repair as well as assisting with traffic accidents.

[AB52](#) – Clarifies that for the purposes of Open Meeting Law unless all members of a public body must be elected officials, the quorum and number of votes necessary to take action is

reduced to exclude vacant member(s); also specifies that nonvoting members are not counted for purposes of determining a quorum of a public body. Allows public bodies to conduct a meeting by means of a remote technology and specifies that if a public body will take administrative action against an individual, they must provide meeting information to that individual in writing. *NACO supported this measure, as it will assist our local governing boards to meet quorum. The Bill also clarifies and streamlines the use of technology, while maintaining the transparency required of local governments.*

**AB56** - Allows authorized vehicles (including coroner vehicles and hazardous material vehicles) to drive on the paved shoulder on a controlled-access highway where legally placed signage allows such vehicles to drive on the shoulder in that manner.

**AB58** - Specifies that the Nevada Air Service Development Commission is part of the Office of Economic Development and revises the members of the commission to include a NACO representative with all members serving 2-year staggered terms. Repeals the statutory definitions of "large hub airport" "non-hub airport" and "small hub airport" and makes an appropriation to the Fund for Aviation of \$1,000,000 for FY 2023-2024 and \$1,000,000 for FY 2024-2025.

**AB62** - Expands exemption from property taxes for low-income properties for an applicable year if a portion of the property meets the qualification of a "low-income" and is financed by Federal Low-Income Tax Credits or the federal housing trust fund. Also allows the same exemption for housing for low-income elderly and persons with disabilities.

**AB68** - China Spring Youth Camp; dictates the calculation for assessments paid by all counties except for Clark, each county shall pay 50% of the total aggregated assessment amount, divided by the total number of bed days for the preceding 2 fiscal years then multiplied by the number of days used by the assessed county. *This bill represents the agreement from the NACO-led working group and will impact assessments, based on actual usage, for the local government contribution to the China Spring Youth Camp, which serves 16 of Nevada's Counties.*

**AB101** - Amends requirements for prosecutors, (i.e., District Attorneys) to disclose informant information such as a summary of criminal history, a copy of any cooperation agreement, and any benefit that has been or will be provided to the informant in exchange for his or her testimony to defendants.

**AB112** - Creates the Wildlife Crossings Account in the State General Fund to be administered by the Director of the Department of Transportation (NDOT) and requires the Department to consult with grazing permit holders and adjacent private landowners where wildlife crossings may be located to avoid or mitigate impacts on livestock management or private land use.

**AB121** - *Requires city and county jails to ensure that a medical release is completed at the time of intake* and the ability to update it as needed, if an incarcerated individual is hospitalized the *jail would have to notify those listed on the medical release forms within 24 hours*, if the individual is diagnosed with a critical medical condition they must allow them to make a phone call within 4 hours, and would also *require city and county jails to ensure access to new and refill prescriptions.*

**AB135** - *Prohibits the government entity from requiring the signed statement from an unhusbed person to be notarized* for the purpose of obtaining a certified or official copy of their birth certificate from a person or governmental organization.

**AB139** - *Requires government entities that collect demographic information to add a category to include a separate category for persons of Middle Eastern or North African descent.*

**AB143** - Allows a Board of County Commissioners to quitclaim deed property over to homeowners and businesses. Sunsets on 6/30/25 and *requires a report by the County Recorder to the Joint Interim Standing Committee on Government Affairs with the number of conveyances initiated or completed.*

**AB177** - Requires the State Demographer to provide fiscal year-end parcel dataset of a county to an association for operators, specifically the Underground Service Alert of Northern California and Nevada, upon written request. *NACO supported this legislation which strengthens "call before you dig" rules.*

**AB189** - Concerning Clark County construction start times, *if the Board of County Commissioners or the city council adopt an ordinance restricting construction work hours in a declarant-controlled community* (new construction owned by the builder before any residents move in), *it must be start no later than 5 AM from April 1-September 30.*

**AB191** - Revises the definition of "supplier of water" excluding a public or private entity that has less than 15 service connections.

**AB192** - Allows cities and county clerks to use the Secretary of State provided election ballots and envelopes with time/notification requirements.

**AB213** - *Requires local governments to submit an annual report to the Housing Division. Each local government is required to reply to land use planning applications within 10 days or the application would be deemed complete and reply to corrected applications within 5 days, to post a list of all land use planning applications related to residential housing on their website and allows local governments to offer increased density for multifamily housing.*

**AB219** - Moves provisions concerning public comment into a new section of the Open Meeting Law. *Requires that for meetings lasting more than one day that public comment must be offered at either the beginning of each day of the meeting or after each item on the agenda.*

**AB225** - Allows individuals who feel threatened to petition a district court for the personal information contained in the records of the county recorder to be kept confidential for a period of 5 years.

**AB257** - Authorizes a county to seek reimbursement from the State for costs incurred from a strangulation examination of a victim of domestic battery by strangulation.

**AB266** - *Requires each Board of County Commissioners to designate one or more employees to create a language access plan* in coordination and collaboration with the Office for New Americans (ONA) within in the Office of the Governor. Also *requires Clark and Washoe counties to ensure that planning commission notices are accessible via internet link in all languages that voting materials are required to be prepared in.*

**AB286** - *Requires that county clerks and facility administrators coordinate to establish procedures for in-person voting and the collection and security of voting ballots and a process for same-day voter registration as well as inform detained persons of voting information, includes a reporting requirement and a prohibition on electioneering.*

**AB350** - *Requires each law enforcement agency to include additional information on property seizures and forfeitures in their already required reports to the Office of the Attorney General.*

**AB391** - Authorizes local government to state a preference that a contractor on the public work give bidder's preference for hiring labor to local residents that have a valid ID and proof of address.

**AB400** - Allows cities and counties to apply to sponsor a charter school with the requirement to report the location of the school, the geographic area served, the number of pupils and pupil

demographics, annually to the Department of Education, the State Public Charter School Authority, and the Director of the Legislative Counsel Bureau.

**AB410** – Expands stress-related injuries that may be compensable under industrial insurance; including a mental injury which afflicts a first responder, and which is caused by extreme stress for which the primary cause was witnessing an event or series of events that arose out of and during the course of employment.

**AB448** – Cancels the tax exemption for the transfer of real property to a business formed for the purpose of evading real property transfer tax.

**AB454** - Requires the Board on Indigent Defense Services to adopt regulations establishing rates of hourly compensation in counties under 100k for attorneys other than public defenders, and in all counties for appointed attorneys representing a petitioner who files a post-conviction petition for habeas corpus. Establishes that *counties are financially responsible unless they have met their maximum contribution formula or transferred their responsibility for indigent defense to the Department of Indigent Defense Services.*

**AB518** – Changes the maximum contribution formula for indigent defense, and how that number is calculated, after efforts by NACO and other individual county stakeholders, the formula is tied to inflation and is set at the number in regulations adopted by the Department of Indigent Defense Services *Further, this legislation includes a state appropriation to fund the implementation of pre-trial Release hearings, through a stipend program, and further implements in NRS the requirement for expenditure reporting by Counties in regard to Indigent Defense.*

**AB 519** – *Requires the Elko County Board of Commissioners to levy a tax between 1 cent and 25 cents of every \$100 of assessed valuation of taxable property for the purpose of school district capital projects. The Board of County Commissioners has until June 30, 2024, to levy such a tax, if not done by then the rate will be 25 cents on each \$100 of assessed valuation of taxable property within the county.* The tax cannot be included in total ad valorem. Also allows counties under 100K to levy the same tax for school district capital projects.

**AB528** – Creates a program to provide matching grant funds of up to \$100M to qualified projects intended to serve homeless individuals and families or those at risk of becoming homeless. The matching funds must be used exclusively for the acquisition, construction, installation and equipping of a qualified project.

**SB11** – Allows the use of drones, or unmanned aerial vehicles for certain scheduled inspections to ensure compliance with building and fire codes and laws, ordinances, regulations, and rules adopting or establishing building and fire codes.

**SB13** – Clarifies that *employees of a governmental agency who engage in pest control must obtain a license as an applicator from the State Department of Agriculture.*

**SB18** – Allows planning commissions, in counties of <100,000 to conduct meetings quarterly instead of the current monthly meeting requirement. *A NACO-supported measure that will help lessen the burden of unnecessary meetings in smaller jurisdictions.*

**SB19** – Allows a Board of County Commissioners to form an unincorporated town after holding a public hearing on the matter and forgo the requirement for a town advisory board. Also allows for annexation of the territory under certain circumstances, usually mandated by state or federal law.

**SB37** – Authorizes the use of attorneys, including D.A.'s, to be used as third-party mediators.

**SB42** – Allows for additional payments to hospitals and reimbursement rates if the state requires, in their Medicaid plan, additional rates of reimbursements for medical assistance to indigent persons.

**SB43** – Expands those residents of a county serving on the board of aging and disability services to be employees, or officials of a county or state.

**SB54** – Requires the Secretary of State to produce a training manual on elections procedures every 2 years for **county clerks and elections officials**. Additionally requires the Secretary of State to develop and provide a training course to all clerks and elections officials that the state is required to reimburse for per diem and travel expenses.

**SB55** – Requires a court to grant a credit of not less than the State minimum wage to a person who performs court-ordered community service and revises provisions under which a criminal case can be transferred from one justice court to another. Also changes the title of “deputy clerk” to “clerk of the court” along with revisions governing a clerk’s appointment, duties, and liabilities.

**SB63** – Allows for remote communication and connection to be a viable means of conducting judicial proceedings. Requires that all judges notice and be allowed to move court proceedings to a location within the county of jurisdiction based on an emergency, if needed.

**SB92** – Standardizes licensing; and health regulations for mobile food vendors. *Requires the governing body of a county or city (over 100K) to post a map of the areas where sidewalk vending is permitted.* Prohibits vending within 1500ft of a resort hotel or event facility, does however allow vending within 1,500 feet of a location zoned exclusively for residential use.

**SB118** – Removes the requirement that two counties must be adjacent in order to form a health district and establishes the fund for Public Health Infrastructure, along with a per-capita state appropriation to fund the account.

**SB155** – Allows for homeless individuals who commit misdemeanor offenses to be assigned to diversionary and specialty court programs.

**SB208** – *Requires local government to enact an ordinance that regulates battery-charged - electric - fences.*

**SB211** – Allows a County Clerk of a county where a marriage license is issued to issue an amended marriage license if a party to the marriage receives a certified order of name change from a court in this state or another state. Allows the County Recorder to charge a fee for the recording or filing of an amended certificate of marriage.

**SB216** – *Requires each county and city clerk to schedule meetings with each Indian tribe located in whole or in part within the county to discuss details related to the next scheduled election cycle.*

**SB226** – Allows an organization to partner with a state agency or local government to provide private financing only for the construction of a hospital, medical education building or medical research building in this State if the organization qualifies as a tax-exempt organization and a supporting organization under certain provisions of the Internal Revenue Code; and is organized and operated to support a state agency or local government in the construction of hospitals or such medical buildings, also makes a Legislative declaration that local governments should not enter into lease-buy back agreements for the sole purpose of avoiding prevailing wage

**SB235** – Allows a court to continue a pre-trial release hearing at the request of either party or the court for good cause or as agreed to by the parties. Allows remote technology appearance, DAs and any attorney employed by a district attorney to prosecute a person in a county other than the county by which the district attorney is employed for the limited purpose of conducting a pretrial release hearing, a public defender, or the state public defender to represent a defendant in any county. Further allows a justice of the peace to conduct a pretrial release hearing in a municipal court and vice versa.

**SB247** – Enables (*does not require*), the board of county commissioners and the city council of each of the three largest cities in Clark County to establish a regional planning coalition by cooperative agreement.

**SB261** – Under current law, local governments are required to provide information on proposed regulations, rules, ordinances, on how the effect businesses, usually through a business impact statement. Under this provision the affected *local governments are expanded and the business impacts, adverse or otherwise, must be shared with the chambers of commerce as well. Also requires a local government to maintain an electronic mailing list of local chambers of commerce, trade associations and owners and officers of businesses and to update the list not later than January 31 of each year. Under these provisions of business impact statement disclosure, a public meeting would only be required to consider the ordinance, if two or more entities requested such a hearing.*

**SB316** – Adds the name of a defendant and the associated case number to the annual report that the **district attorney in each county must submit to the Attorney General concerning cases that included a charge of murder or voluntary manslaughter** and transfers the responsibilities of the Attorney General concerning the report to the Department of Sentencing Policy.

**SB327** – *Requires County and city clerks to establish polling places, ballot drop boxes and temporary branch polling places (for early voting) within the boundaries of Indian Reservations or Colonies unless a tribe elects not to have one established by submitting a notice to the clerk.*

**SB331** – *Requires an emergency management plan to address the needs of people with pets during and after an emergency. Also requires at least one shelter to be designated to accommodate people with pets and include provisions for evacuation, shelter, and transport of people with pets to the extent practicable. NACO worked to create this legislation as to the “extent practicable” and removed the mandate to require the availability of pet services and sheltering coordination in times of declared emergency.*

**SB368** – *Prohibits the use of discriminatory language in county records.*

**SB391** – *Prohibits a city or county from using a siren, bell or alarm that is currently or was previously sounded on specific days or times in association with an ordinance enacted by the county which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the county or a city, town or township within the county by a specific time.*

*Please don't hesitate to contact NACO if you would like additional information or assistance with any of the information contained in this document.*

~~~~~