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Office of the Governor

June 16, 2023

The Honorable Francisco Aguilar
Nevada Secretary of State
101 North Carson Street
Carson City, Nevada 89701

Re: Assembly Bill 281 of the 82nd Legislative Session

Dear Secretary of State Aguilar:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 281 ("AB 281"), which is titled as follows:

AN ACT relating to health care; requiring the administrator of a senior living facility to ensure a senior living facility is equipped with functional ventilation and filtration systems; establishing requirements for the assessment of and any improvement to such ventilation and filtration systems; requiring certain personnel to complete an assessment report on such a ventilation or filtration system; requiring the administrator of a senior living facility to prepare a report on such a ventilation or filtration system; and providing other matters properly relating thereto.

It is important to ensure senior living facilities have good indoor air quality and functioning heating, ventilation, and air conditioning systems. It is incumbent upon operators of these facilities to ensure these systems are working properly and that resident comfort and safety issues are timely addressed.

However, nothing currently prohibits this work from being done in the absence of this bill's passage. The Nevada Division of Public and Behavioral Health ("DPBH") can currently grant federal funding available for this work to the operators of these facilities. Having the bill sunset when federal funding is no longer available recognizes the unsustainability of this language.

Requiring that this work be completed only by certain personnel and having the report be reviewed by a mechanical engineer in accordance with the latest standards may result in significant upgrade costs to the operators of certain facilities which may not meet new standards that were adopted after the subject facility was built. While the intent is to have these projects funded with grants, the process to apply for and receive such grants by the operators is not addressed.

Further, allowing new standards to automatically go into effect only 60 days after publication does not allow sufficient time to review any changes and determine their potential impact on the operators.

Lastly, the fiscal note submitted by DPBH was not funded. Not funding the implementation costs would result in the work being added to existing—already overworked—staff as “other duties as assigned.”

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,



JOE LOMBARDO
Governor of Nevada

Enclosure

cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)
The Honorable Steve Yeager, Speaker of the Assembly (without enclosure)
Brendan Bucy, Secretary of the Senate (without enclosure)
Susan Furlong, Chief Clerk of the Assembly (without enclosure)
Brenda Erdoes, Esq., Legislative Counsel Bureau, Director (without enclosure)
Bryan Fernley, Esq., Legislative Counsel (without enclosure)