

**THE FORTIETH DAY**

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CARSON CITY (Friday), March 17, 2017

Assembly called to order at 11:43 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Cohen and Oscarson, who were excused.

Prayer by the Chaplain, Pastor Tony Brandon.

Lord, as these gifted men and women serve the people of the state of Nevada, and as they make decisions that influence the entire state, I pray that You will fill them with supernatural insight, compassionate sensitivity, convictional kindness, and abounding wisdom.

The needs are many, and the tasks are overwhelming. They need You, and they need each other, in order to provide hope for the people of this great state. So work through them today to bring about good and prosperity for all.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 17, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 124, 166, 169, 189, 229 and 233.

MARK KRMPOTIC

*Fiscal Analysis Division*

Assemblywoman Benitez-Thompson moved that persons as set forth on the Nevada Legislature's Press Accreditation List of March 17, 2017, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

EL TIEMPO (HISPANIC PUBLICATION/LAS VEGAS REVIEW-JOURNAL): Anthony Avellaneda; KOLO-TV: Wade Barnett, Ed Pearce; LAS VEGAS REVIEW-JOURNAL: Victor Joecks; LAS VEGAS SUN: Chris Kudialis; LOTUS BROADCASTING: Chuck N. Baker; UNIVISION/ENTRAVISION: Anya Arechiga.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Frierson, Araujo, Thompson, Diaz, Bustamante Adams, Carlton, Carrillo, Cohen, Jauregui, Joiner, McCurdy, Miller, Monroe-Moreno, Ohrenschall, Swank and Yeager:

Assembly Bill No. 308—AN ACT relating to legislative measures; authorizing a Legislator to request a disparate impact statement estimating the effect of a bill or joint resolution on certain persons; setting forth the procedures, form and content for such statements; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Cohen, Miller, Yeager, Watkins, Frierson, Benitez-Thompson, Fumo, Jauregui, Monroe-Moreno, Sprinkle and Swank; Senators Spearman and Parks:

Assembly Bill No. 309—AN ACT relating to state employment; requiring the appointment of a Veteran Personnel Coordinator and establishing the duties of that position; imposing additional duties on the Administrator of the Division of Human Resource Management of the Department of Administration relating to veterans and certain widows and widowers; revising provisions governing the preference provided to veterans and certain other persons on examinations for the classified service; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Titus:

Assembly Bill No. 310—AN ACT relating to public administrators; revising provisions governing the payment of compensation for certain public administrators; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Titus and Senator Settlemeyer (by request):

Assembly Bill No. 311—AN ACT relating to taxation; revising the provisions governing a request by a local government or special district for an allocation of money from the Local Government Tax Distribution Account; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Miller, Spiegel, Ohrenschall, Carrillo, Araujo, Brooks, Daly, Diaz, Jauregui, Monroe-Moreno, Neal and Thompson; Senator Segerblom:

Assembly Bill No. 312—AN ACT relating to educational personnel; requiring that the statewide performance evaluation system recommended by

the Teachers and Leaders Council of Nevada ensure that certain teachers receive the highest score possible in specified areas of evaluation; requiring the State Board of Education to prescribe for such purposes the maximum pupil-teacher ratio in certain grades; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Wheeler, Oscarson, Hambrick, Ellison, Kramer, Marchant and Pickard:

Assembly Bill No. 313—AN ACT relating to privacy; prohibiting a person from collecting, using, storing or disclosing geolocation information from a location-based application on an electronic communication device unless certain conditions are met; authorizing a private right of action; providing that such collection, use, storage or disclosure constitutes a deceptive trade practice; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 314—AN ACT relating to estates; revising provisions relating to property exempt from a writ of execution; revising provisions relating to nonprobate transfers of property; establishing provisions relating to community property transferred into an irrevocable trust; revising certain definitions applicable to the administration of an estate; revising provisions relating to the revival of a will and the proving of a will as lost or destroyed; revising provisions concerning contests of wills; authorizing the extension of the period during which an agreement between an heir finder and apparent heir is void and unenforceable; revising provisions concerning special administrators and personal representatives; revising provisions relating to the filing of an inventory and appraisal or record of value of the assets of a decedent; revising provisions governing the presentation of claims against and the sale of real property of an estate; revising provisions relating to the period within which certain actions are performed; authorizing notice to be served by certified mail; revising provisions concerning fiduciaries; revising various provisions governing trusts and trustees; authorizing a person to provide for the burial or cremation of his or her remains in a will or durable power of attorney; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Thompson, Carrillo, Frierson, McCurdy and Neal:

Assembly Bill No. 315—AN ACT relating to barbering; temporarily authorizing a person to apply to the State Barbers' Health and Sanitation Board for a license to operate a mobile unit for the practice of barbering; requiring the Board to issue such a license under certain circumstances; imposing fees for the inspection and licensure of mobile units; providing for the regulation of mobile units; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Thompson, Yeager, Ohrenschall, Araujo, Carrillo, Fumo, McCurdy, Miller and Monroe-Moreno; Senators Segerblom and Harris:

Assembly Bill No. 316—AN ACT relating to offenders; revising provisions governing the services provided to an offender before the offender's release; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblywoman Spiegel:

Assembly Bill No. 317—AN ACT relating to business practices; prohibiting a person from adopting certain fictitious names; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Tolles:

Assembly Bill No. 318—AN ACT relating to state governmental procurement; requiring the connection between the bidder and the State of Nevada to be considered as a factor with respect to the award of certain state purchasing contracts; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Sprinkle and Senator Harris:

Assembly Bill No. 319—AN ACT relating to guardianships; revising provisions governing the guardianship of minors; authorizing the appointment of an advocate for the best interests of a proposed protected minor in guardianship proceedings; revising the required contents of a citation in guardianship proceedings for a protected minor; revising the procedures for requesting the appointment of a temporary guardian for

certain minors; requiring the assignment of child support payments to a guardian for the support of a protected minor; authorizing the award of visitation rights between a protected minor and certain relatives; revising the factors for consideration in guardianship determinations regarding a protected minor; revising provisions for changing the residence of a protected minor to a location outside of this State; revising provisions governing obligations due to or for a protected minor; establishing certain requirements for the filing of a verified account upon the emancipation of a protected minor; providing for the extension or establishment of a guardianship of a minor after the age of majority; establishing certain required showings for certain terminations of guardianships; making various other changes pertaining to guardianships; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Frierson and Fumo:

Assembly Bill No. 320—AN ACT relating to education; revising provisions relating to pupil achievement data as a component of the statewide performance evaluation system for employees; revising provisions relating to the number of evaluations that certain employees are required to receive; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Joint Resolution No. 2.

Resolution read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 50.

SENATORS SPEARMAN, CANCELA, CANNIZZARO, RATTI, WOODHOUSE; ATKINSON, DENIS, FARLEY, FORD, MANENDO, PARKS AND SEGERBLOM

ASSEMBLYMEN ARAUJO, BILBRAY-AXELROD, BROOKS, BUSTAMANTE ADAMS, CARLTON, CARRILLO, COHEN, DIAZ, FRIERSON, JAUREGUI, JOINER, MILLER [AND] , MONROE-MORENO, OHRENSCHALL, SPIEGEL, SPRINKLE AND YEAGER

SENATE JOINT RESOLUTION—Ratifying the proposed amendment to the Constitution of the United States providing that equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

**Legislative Counsel's Digest:**

Under Article V of the United States Constitution, Congress has the power to propose an amendment to the federal Constitution and to determine the mode of ratification. (U.S. Const. Art. V) In 1972, Congress passed the Equal Rights Amendment and sent it to the states for ratification, imposing a 7-year time limit for ratification in the resolving clause of the Amendment, but later extended this time limit to June 30, 1982. The Equal Rights Amendment was ratified by 35 states before the deadline. Under *Coleman v. Miller*, 307 U.S. 433, 450, 456 (1939), the United States Supreme Court held that, as a political question, Congress may determine whether an amendment is valid because ratifications of the amendment are made within a reasonable period of time, even after the deadline. This resolution ratifies the Equal Rights Amendment, which provides for equality of rights under the law regardless of sex.

WHEREAS, Both houses of the 92nd Congress of the United States of America, by a constitutional majority of two-thirds, adopted the following resolution proposing to amend the United States Constitution:

RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS OF EACH HOUSE CONCURRING THEREIN), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

ARTICLE.....

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification; and

WHEREAS, The 95th Congress of the United States amended the resolution of the 92nd Congress to extend the time for ratification to June 30, 1982, thereby indicating its continued support of the amendment; and

WHEREAS, The Congress of the United States adopted the 27th Amendment to the Constitution of the United States, which was proposed in 1789 by our First Congress but not ratified by three-fourths of the States until May 7, 1992, and, on May 18, 1992, certified as the 27th Amendment; and

WHEREAS, The restricting time limit for ratification of the Equal Rights Amendment is in the resolving clause and is not part of the amendment which was proposed by Congress and which has already been ratified by 35 states; and

WHEREAS, Having passed a time extension for the Equal Rights Amendment on October 20, 1978, Congress demonstrated that a time limit in a resolving clause may be disregarded if it is not part of the proposed amendment; and

WHEREAS, The United States Supreme Court in *Coleman v. Miller*, 307 U.S. 433 (1939), recognized that Congress is in a unique position to judge the tenor of the nation, to be aware of the political, social and economic factors affecting the nation and to be aware of the importance to the nation of the proposed amendment; and

WHEREAS, If an amendment to the Constitution of the United States has been proposed by two-thirds of both houses of Congress and ratified by three-fourths of the state legislatures, it is for Congress, under the principles of *Coleman v. Miller*, to determine the validity of the state ratifications occurring after a time limit in the resolving clause, but not in the amendment itself; and

WHEREAS, The Legislature of the State of Nevada finds that the proposed amendment is meaningful and needed as part of the Constitution of the United States and that the present political, social and economic conditions demonstrate that constitutional equality for women and men continues to be a timely issue in the United States; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the proposed amendment to the Constitution of the United States of America is hereby ratified by the Legislature of the State of Nevada; and be it further

RESOLVED, That the Secretary of the Senate shall prepare and transmit a copy of this resolution to the Secretary of State ~~{for her certification and transmittal}~~ **who shall keep it as a true record of the official acts of the Legislative Department of the State Government pursuant to Section 20 of Article 5 of the Nevada Constitution; and be it further**

**RESOLVED, That the Secretary of the Senate shall prepare and transmit a certified copy of this resolution, duly authenticated, to the Archivist of the United States at the National Archives and Records Administration pursuant to 1 U.S.C. §§ 106b and 112 [;], which shall serve as official notice that the proposed amendment to the Constitution of the United States of America is hereby ratified by the Legislature of the State of Nevada; and be it further**

RESOLVED, That the Secretary of the Senate shall prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 17.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 17 requires the driver of a vehicle who approaches an authorized vehicle of the Department of Transportation that is stopped and is displaying a flashing amber light or a blue light that is located at the rear of the vehicle to take the same precautions that currently apply when approaching an emergency vehicle or a tow truck that is stopped and is displaying flashing lights. The effective date is July 1, 2017.

Existing law requires a driver who is approaching an emergency vehicle or a tow truck that is stopped and is displaying flashing lights to decrease his or her speed, proceed with caution, be prepared to stop, and if possible, drive in a lane that is not adjacent to the lane in which the vehicle or tow car is stopped. Existing law also provides that a violation of these requirements is a misdemeanor.

On March 30, 2015, Ron Raiche, Jr., a highway maintenance worker for Nevada's Department of Transportation [NDOT] was working on crucial repairs to Interstate 80 just west of Battle Mountain. Around 9:30 that morning, the driver of a commercial truck drifted onto the right shoulder and struck Ron, who was pronounced dead at the scene. Ron, who was from Battle Mountain, was just 47 years old when he passed away. He had worked just over one year at NDOT. He is missed by all those who had the opportunity to know and work with him.

Since 1948, 24 NDOT employees have tragically lost their lives in the line of service. In 2015, there were 12 fatal vehicle crashes in work zones on Nevada roads. Nationwide, work zone crashes claim three lives every day. It is crucial that we protect the men and women that build and maintain roads that we will all use every day. Assembly Bill 17 will go a long way to ensure that they receive that protection. For their own safety and for the safety of everyone working on our roads, it is critical for motorists to drive safely, slow down, and pay special attention to roadwork zones. Therefore, I urge the body to pass A.B. 17.

Roll call on Assembly Bill No. 17:

YEAS—40.

NAYS—None.

EXCUSED—Cohen, Oscarson—2.

Assembly Bill No. 17 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 148.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 148 increases the criminal penalty for a notary public who violates the restrictions on advertising his or her services or violates the prohibition against using certain terms on an advertisement if he or she is not a licensed attorney, from a gross misdemeanor to a category D felony for a second or subsequent offense that causes irreparable harm.



A person who willfully violates the provisions governing document preparation services is guilty of a gross misdemeanor unless the offense results in irreparable harm to a client, in which case the person is guilty of a category D felony.

Roll call on Assembly Bill No. 148:

YEAS—40.

NAYS—None.

EXCUSED—Cohen, Oscarson—2.

Assembly Bill No. 148 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

Bill read third time.

Remarks by Assemblymen Yeager and Ohrenschall.

ASSEMBLYMAN YEAGER:

Assembly Bill 239 enacts the Revised Uniform Fiduciary Access to Digital Assets Act to establish provisions to give certain fiduciaries and other designated persons the legal authority to manage the digital assets and electronic communications of deceased or incapacitated persons. The measure also gives custodians of digital assets and electronic communications the legal authority to deal with a fiduciary or designated recipient of a person holding an account with the custodian.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 239. A lot of us do not like to talk about what will happen when we leave this mortal realm, but Assembly Bill 239 actually helps people deal with that in our modern technological era. Many of us, most of us, have email; a lot of us are on social media, Facebook, Instagram, and all those other accounts. A lot of us have not made plans as to what will happen to that account after we pass. Assembly Bill 239, the Revised Uniform Fiduciary Access to Digital Assets Act, will bring Nevada law into conformance with 23 other jurisdictions that have passed it, and it allows us to basically make a choice on that social media account, for Facebook and for Google Gmail, and decide whether you want someone to have that authority and have your account. Maybe there are family pictures; there are mementos, things you want your relatives to have. Maybe you want the account deleted upon your death; that is an option too.

If this passes, Nevada will become the 24th jurisdiction in the country to pass this. It will allow your testamentary wishes to be applicable, basically, online. It will not have to be part of the will or trust if you do not want it to be. This will really help our constituents. It is being considered in 17 other state legislatures right now. There was no opposition this year from any of the social media companies. It unanimously passed your Judiciary Committee. I urge its support.

Roll call on Assembly Bill No. 239:

YEAS—40.

NAYS—None.

EXCUSED—Cohen, Oscarson—2.

Assembly Bill No. 239 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 7.

Resolution read third time.

Remarks by Assemblymen Diaz and Hansen.

ASSEMBLYWOMAN DIAZ:

Assembly Joint Resolution 7 expresses the opposition of the Nevada Legislature to certain proposed changes to Medicare and the Old-Age and Survivors Insurance provisions of the Social Security Act of 1935. The resolution urges Congress to work toward a bipartisan solution to preserve fully these benefits and to avoid privatization of the provisions.

Your committee on Legislative Operations and Elections heard your resolution to ensure that Americans receive those benefits that they were promised way early in their work careers. As elected representatives, we need to strive and work in a bipartisan manner to ensure that these promises are upheld and that we are going to continue to ensure that the program to take care of folks is there and augmented versus scaled back significantly. We are just trying to make a statement that what was promised to people is what we continue to provide for people.

ASSEMBLYMAN HANSEN:

I rise in opposition to Assembly Joint Resolution 7. In our hearing in Legislative Operations, I presented my great-grandfather's Social Security Card from 1936, so I want to make it very clear, I am not against Social Security or against Medicare. However, there are some important points I think we need to resolve in this thing. First, we have included the so-called Affordable Care Act, which has been anything but affordable. In fact, anybody that has anything to do with it in the state of Nevada knows the premiums are going through the roof at the same time the deductibles are also rising. I think we are down to one insurance company in the state that is willing to cover anybody under it. So I object to that in the bill, first of all. That should not have been included in it.

The other thing that I think it is important to note from a historical perspective is that the federal government, starting in the Lyndon Baines Johnson Administration in the 1960s, began to take all of the money that was sent into the so-called Social Security Trust Fund and diverted it into the federal government's general fund and replaced it with IOUs that they called bonds. If that had been done by a private company, it would have been the crimes of embezzlement and defalcation. One of the number one reasons that we are having problems today with Social Security, when it is compared in an actuarial table, is because the government for many, many years has essentially been robbing the cash that we are all putting into it, which we think is going into accounts for us, and spending it in the general fund.

Those are some reasons that I think we need to keep in mind here. Another thing this bill does is demonize anybody that suggests any solutions to the potential problem. Anybody who actually studies the issue knows that we have a big problem coming with these things because we, frankly, do not have the money set aside to pay off all the people in it. Yet the bill actually demonizes anybody who has any suggestions other than maintaining the status quo. So I urge my colleagues to vote no on this. I am certainly in favor of Social Security and Medicare, but I think the idea that we are going to pass a resolution demanding that we keep the status quo, including the Affordable Care Act, is a huge mistake.

Roll call on Assembly Joint Resolution No. 7:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Cohen, Oscarson—2.

Assembly Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Erica Mosca.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Hoffman, Lynne Hoffman, Jim Cooney, Jerry Cooney, and Michael Katsonis.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to William Wasserburger, Mary Fatzinger, and Robert Soucy.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Riggins.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Amanda Haboush-Deloye.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Michael McDonald and Brad Esposito.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, March 20, 2017, at 11:30 a.m., and that it do so in memory of Naomi Millisor.

Motion carried.

Assembly adjourned at 12:24 p.m.

Approved:

JASON FRIERSON  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*