

NEVADA LEGISLATURE

Eightieth Session, 2019

SENATE DAILY JOURNAL

THE THIRTIETH DAY

CARSON CITY (Tuesday), March 5, 2019

Senate called to order at 11:09 a.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Jeff Paul.

Gracious God, fountain of all wisdom, whose will is good and gracious and whose law is deep truth, we beseech You so to guide and bless our Senators and Assembly in the Legislature of our fair State of Nevada that they may enact such laws as shall please You to the glory of Your Name and the welfare of this people.

In Your Name, we pray.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Woodhouse, Ohrenschall, Cannizzaro, Denis, Spearman, Brooks, Cancela, Dondero Loop, Harris and Parks:

Senate Joint Resolution No. 5—Proposing to amend the Nevada Constitution to provide for limited annual regular legislative sessions and for legislative compensation and expenses to be paid in a manner fixed and determined by law.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 2 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. The *regular* sessions of the Legislature shall be ~~biennial, and shall commence on the 1st Monday of February following the election of members of the Assembly, unless~~ *annual as set forth in this section, but the Governor of the State or the members of the Legislature* ~~shall~~ *may, on extraordinary occasions* in the interim ~~in special sessions only as authorized by this Constitution.~~

2. ~~The~~ *In each odd-numbered year, the Legislature shall commence the regular session on the first Monday of February and shall adjourn sine die* ~~each regular session~~ *not later than midnight Pacific time at the end of the* ~~120th consecutive calendar~~

90th legislative day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the ~~120th consecutive calendar~~ 90th legislative day of that session is void, unless the legislative action is ~~conducted~~ taken during a special session.

3. In each even-numbered year, the Legislature shall commence the regular session on the first Monday of February and shall adjourn sine die not later than midnight Pacific time at the end of the 60th legislative day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 60th legislative day of that session is void, unless the legislative action is taken during a special session.

4. During a regular session held in an even-numbered year the Legislature shall prioritize legislative business related to the executive budget and any other issues that the Governor, in coordination with the Speaker of the Assembly and the Majority Leader of the Senate, determines is fiscal in nature or requires the immediate attention of the Legislature.

5. During any regular session:

(a) The Legislature may introduce, consider and pass any bill related to any subject as otherwise not prohibited by the Constitution;

(b) A standing legislative committee may hold meetings; and

(c) The Speaker of the Assembly and the Majority Leader of the Senate may jointly call a recess of the Legislature.

6. The Governor shall submit to the Legislature:

(a) The proposed executive budget ~~to the Legislature~~ not later than 14 calendar days before the commencement of each regular session ~~4~~ held in an odd-numbered year.

(b) Any proposed appropriations or proposed revisions to the executive budget not later than 14 calendar days before the commencement of each regular session held in an even-numbered year.

7. For the purposes of this section ~~“midnight”~~:

(a) “Legislative day” means any calendar day on which either House of the Legislature is in session or any legislative committee holds a meeting during a session. The term does not include any day the Legislature is in recess pursuant to subsection 5.

(b) “Midnight Pacific time” must be determined based on the actual measure of time that, on the final ~~calendar~~ legislative day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a compensation to be fixed by law and paid out of the public treasury ~~for not to exceed 60 days during any regular session of the Legislature and not to exceed 20 days during any special session;~~ at regular intervals determined by law, but no increase of such compensation shall take effect during the term for which the members of either ~~House~~ House shall have been elected; Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur ~~for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars~~ for any ~~general~~ regular or special session to each member; and Furthermore Provided, that the Speaker of the Assembly ~~and~~ and the Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers, receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 6 of Article 11 of the Nevada Constitution be amended to read as follows:

~~[Section]~~ Sec. 6. 1. In addition to other means provided for the support and maintenance of said university and common schools, the legislature shall provide for their support and maintenance by direct legislative appropriation from the general fund, upon the presentation of budgets in the manner required by law.

2. During a regular session of the Legislature ~~[-]~~ *in any odd-numbered year*, before any other appropriation is enacted to fund a portion of the state budget for the next ensuing biennium, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.

3. During a special session of the Legislature that is held between the end of a regular session *in an odd-numbered year* in which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the next ensuing biennium and the first day of that next ensuing biennium, before any other appropriation is enacted other than appropriations required to pay the cost of that special session, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.

4. During a special session of the Legislature that is held in a biennium for which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the biennium in which the special session is being held, before any other appropriation is enacted other than appropriations required to pay the cost of that special session, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the population reasonably estimated for the biennium in which the special session is held.

5. Any appropriation of money enacted in violation of subsection 2, 3 or 4 is void.

6. As used in this section, "biennium" means a period of two fiscal years beginning on July 1 of an odd-numbered year and ending on June 30 of the next ensuing odd-numbered year.

And be it further

RESOLVED, That Section 12 of Article 17 of the Nevada Constitution be amended to read as follows:

Sec. 12. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter ~~. biennially.~~

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition

shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than ~~January 1 of the year preceding the year in which a~~ *1 year before the commencement of the regular session of the Legislature [is held]* to which the petition will be transmitted. After its circulation, it shall be filed with the Secretary of State not less than 30 days ~~(prior to any)~~ *before the commencement of the regular session of the Legislature []* to which the petition will be transmitted. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the

next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this Section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

Senator Woodhouse moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senator Atkinson moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: ETH NEWS: Daniel Putney; KUNR-RENO PUBLIC RADIO: Jana Sayson.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 17 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Settlemeyer, Goicoechea, Hardy, Hansen and Seevers Gansert:

Senate Bill No. 250—AN ACT relating to water; limiting the use of certain rights to appropriate water which have been dedicated to certain public entities; and providing other matters properly relating thereto.

Senator Settlemeyer moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senators Woodhouse, Parks; Assemblymen Fumo and Cohen:

Senate Bill No. 251—AN ACT relating to property; establishing certain requirements for the conversion of land used as a residential golf course to

another use; establishing requirements for the maintenance of certain residential golf courses; subjecting a residential golf course to a restrictive covenant enforceable by certain owners of land surrounding the residential golf course; authorizing such owners of land to bring an action to recover a diminution in value of the land as a result of the conversion of a residential golf course; and providing other matters properly relating thereto.

Senator Woodhouse moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Hardy:

Senate Bill No. 252—AN ACT relating to offenders; authorizing the residential confinement or other appropriate supervision of certain older offenders; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 10.

Bill read second time and ordered to third reading.

Senate Bill No. 29.

Bill read second time and ordered to third reading.

Senate Bill No. 75.

Bill read second time and ordered to third reading.

Senate Bill No. 113.

Bill read second time and ordered to third reading.

Senate Bill No. 175.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 29 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

Senator Atkinson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:27 a.m.

SENATE IN SESSION

At 11:39 a.m.

President Marshall presiding.

Quorum present.

REMARKS FROM THE FLOOR

Senator Atkinson requested that his remarks be entered in the Journal.

As I rise in this Body for what will be my final time, it is with great sadness that I am announcing my resignation from the State Senate and this Legislative Body. Due to mistakes I have made, I will be vacating my seat immediately. Regretfully, it has been discovered that I used campaign funds for personal use, thus, I will be taking full responsibility for that and pleading guilty for those actions when the time comes.

I have worked hard for the past 17 years to serve my community and my State. I am proud of the many accomplishments we have achieved in the State Legislature in that time, from protecting basic civil rights, improving our roads, creating jobs, making us the energy capitol and to improving our schools. I want to thank the many genuinely committed public officials I have been given the honor of serving with; it truly has been an honor. I would also like to thank my many loyal and committed supporters over the years. No doubt, I have let them down, and I have let you all down. They too, today, are hurting, and I am responsible for that pain. I have let my family and myself down. I accept full responsibility for my actions and cannot express the depth of my remorse. I am truly sorry.

In the most difficult of circumstances, I have been treated respectfully by prosecutors and investigators, and I have no one to blame but myself for this situation. I hope to have the opportunity to prove someday that this is not who I am, just something I did wrong. One of my friends reminded me the other day that good people can do wrong things but can still be good people. In the coming years, that is exactly what I hope to prove. I just pray that someday I will have the opportunity to contribute to my community once again in a meaningful way. As the court's disposition is not yet final, I will not be commenting on any of the details of this. Instead, I will be referring all questions and inquiries to my attorney, Mr. Richard Wright.

In closing, to my family, my friends, my colleagues—who put their full trust and faith in me—and to my constituents and supporters: I am embarrassed; I am ashamed; and I am truly, truly sorry, and I pray for your forgiveness.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Concurrent Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brooks, the privilege of the floor of the Senate Chamber for this day was extended to Mendis Cooper and Scott Egbert.

On request of Senator Cancela, the privilege of the floor of the Senate Chamber for this day was extended to Jay Elquist, Amanda Hitt and Destiny Jimenez.

On request of Senator Denis, the privilege of the floor of the Senate Chamber for this day was extended to Shellie Watts.

On request of Senator Goicoechea, the privilege of the floor of the Senate Chamber for this day was extended to Richard Katsche and Ed Wright.

On request of Senator Hansen, the privilege of the floor of the Senate Chamber for this day was extended to Rick Hendrix and Mary Kerner.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Sandy Green, Dorzell King, Ron Miller and Courtney Sweetin.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Jayme Hamett and Amber Means.

On request of Senator Ratti, the privilege of the floor of the Senate Chamber for this day was extended to Jakori Greenwood and Gavin Richards.

On request of Senator Seevers Gansert, the privilege of the floor of the Senate Chamber for this day was extended to Omar Izquierdo, Brian Aguilar, Eduardo Cardenas, Destiny Jimenez, Gavin Richards, Brenna Lui, Jakori Greenwood, Camiah Crawford, Scarlett Castillo, Taliyah Love, Jayme Hamett, Amber Means, Jada Garrett, Jeremy Lowry, Makayla Lowry, Jada Garrett, Susan Howe, Brenna Lui and Nadia Noel.

On request of Senator Settlemeyer, the privilege of the floor of the Senate Chamber for this day was extended to Kurt Anderson, Lindsey Manning and Krinn McCoy.

Senator Cannizzaro moved that the Senate adjourn until Wednesday, March 6, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:45 a.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate