

NEVADA LEGISLATURE

Eightieth Session, 2019

SENATE DAILY JOURNAL

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday), March 19, 2019

Senate called to order at 11:38 a.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Captain Mark Cyr.

Father, we come to You today asking for Your guidance. We ask for Your Holy Spirit to be present in our State Senate and throughout this Legislative Building today. Unite, comfort, empower, encourage and strengthen our leaders to be faithful to their State and its people. We ask for You to bless them, their families and homes as well. Protect them; be with them, and give them a clear vision for the future of our State. Lord, let Your light shine in their lives and the work they do here, today. Encourage their staff and energize them.

Father, we pray these things in the precious Name of Jesus.

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.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 5 of the 79th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 18, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 58, 59.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 4.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro 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: KARNV-TV: Steven Neils; RENO NEWS & REVIEW: Jeri Chadwell.

Motion carried.

Senator Cannizzaro moved that Senate Bills Nos. 137, 244 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 Pickard, Hardy, Settlemeyer; Assemblymen Hardy, Kramer, Edwards, Ellison, Leavitt and Roberts:

Senate Bill No. 359—AN ACT relating to coverage for health care; requiring an insurer under a policy of health insurance to continue coverage for a procedure, device, medication or other treatment for a chronic condition of an insured under certain circumstances; requiring a provider of health care to examine an insured before altering certain previously approved prescriptions; requiring a provider of health care to cooperate in a timely manner with pharmacists, insurers and pharmacy benefit managers with regard to certain coverage for an insured; limiting the frequency of prescription drug formulary changes; requiring that initial notice to an insured be sent not less than 60 days before a formulary change with a follow-up notice sent not less than 30 days before the formulary change; authorizing the imposition of a civil penalty for certain insurers and pharmacy benefit managers that violate the requirements concerning continued coverage; and providing other matters properly relating thereto.

Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senators Pickard, Seevers Gansert, Hammond, Hansen, Hardy, Settlemeyer; Assemblymen Hardy, Leavitt, Titus, Roberts, Edwards, Ellison and Kramer:

Senate Bill No. 360—AN ACT relating to crimes; enacting the Human Trafficking and Child Exploitation Prevention Act; prohibiting certain persons from manufacturing, selling, offering for sale, leasing or distributing a product that makes content accessible on the Internet unless certain requirements are met; providing for certain fees; establishing the Human Trafficking and Child Exploitation Prevention Grant Fund; authorizing the imposition of a fine; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Cannizzaro, Scheible, Cancela, Dondero Loop, Harris, Ratti and Woodhouse:

Senate Bill No. 361—AN ACT relating to health care; authorizing a pharmacist to prescribe or order and dispense contraceptive supplies to a patient; requiring the State Plan for Medicaid and certain health insurance plans to provide certain benefits relating to contraceptive supplies; and providing other matters properly relating thereto.

Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Hardy:

Senate Bill No. 362—AN ACT relating to residential facilities; requiring a residential facility for groups to meet certain requirements before accepting or retaining certain residents with Alzheimer's disease or other severe dementia; and providing other matters properly relating thereto.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Woodhouse:

Senate Bill No. 363—AN ACT relating to public health; requiring the Director of the Department of Health and Human Services to cause the formation of the Nevada Stem Cell Center; creating the Board of Directors of the Center; providing for the appointment of the Executive Director of the Center; setting forth the duties and powers of the Executive Director; creating the Nevada Stem Cell Center Account in the State General Fund; and providing other matters properly relating thereto.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Parks, Spearman and Woodhouse:

Senate Bill No. 364—AN ACT relating to the protection of vulnerable persons; prohibiting a medical facility, facility for the dependent and certain other facilities from engaging in certain discriminatory actions; requiring such facilities to take certain measures to protect the privacy of persons receiving care from the facilities; requiring administrators and employees of such facilities to receive certain training; and providing other matters properly relating thereto.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 58.

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

Motion carried.

Assembly Bill No. 59.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 221.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 221 revises provisions governing how trespass warnings are to be marked, painted and posted and removes distinctions based on how the land is being used. It also adds a definition of “cultivated land” and adds “using the area as cultivated land” to the list of methods that are sufficient to warn against trespassing.

Roll call on Senate Bill No. 221:

YEAS—21.

NAYS—None.

Senate Bill No. 221 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 1 of the 79th Session:

Resolution read third time.

Remarks by Senator Parks.

Senate Joint Resolution No. 1 of the 79th Legislative Session proposes to amend the Nevada Constitution by expressly providing for the State Board of Pardons Commissioners. The resolution also proposes to require the Board to meet at least quarterly, allows for any member to submit matters for consideration, and provides that a majority of the members is sufficient for any action taken by the Board. If approved in identical form during the 2019 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2020 General Election. I encourage your support.

Roll call on Senate Joint Resolution No. 1 of the 79th Session:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 1 of the 79th Session having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess until 4:30 p.m.

Motion carried.

Senate in recess at 12:16 p.m.

SENATE IN SESSION

At 4:44 p.m.
President Marshall presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Parks has approved the addition of Senator Harris as a primary sponsor on Senate Bill No. 311.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Dondero Loop, Parks, Woodhouse and Brooks:

Senate Bill No. 365—AN ACT relating to health insurance; making various changes concerning health carriers granting third-party access to certain provider networks; providing administrative penalties; and providing other matters properly relating thereto.

Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Ratti:

Senate Bill No. 366—AN ACT relating to dental care; establishing the Nevada State Board of Dental Hygienists to govern dental hygienists and the practice of dental hygiene; establishing the profession of dental therapy governed by the Board of Dental Examiners of Nevada; revising provisions relating to dentistry and dental hygiene; providing penalties; and providing other matters properly relating thereto.

Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Scheible:

Senate Bill No. 367—AN ACT relating to affordable housing; authorizing a tenant of housing acquired, constructed or rehabilitated with any money from the Account for Low-Income Housing to keep a pet within the tenant's residence; and providing other matters properly relating thereto.

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

Motion carried.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 4:45 p.m.

SENATE IN SESSION

At 5:06 p.m.
 President Marshall presiding.
 Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblywoman Bilbray-Axelrod and Assemblyman Edwards were at the bar of the Senate. Assemblywoman Bilbray-Axelrod invited the Senate to meet in Joint Session with the Assembly to hear United States Representative Dina Titus.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 5:06 p.m.

IN JOINT SESSION

At 5:10 p.m.
 President Marshall presiding.

The Secretary of the Senate called the Senate roll.
 All present.

The Chief Clerk of the Assembly called the Assembly roll.
 All present except for Assemblymen Hambrick and McCurdy, who were excused, and one vacant.

Madam President appointed a Committee on Escort consisting of Senator Harris and Assemblywoman Carlton to wait upon the Honorable United States Representative Dina Titus and escort her to the Assembly Chamber.

United States Representative Dina Titus delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
 80TH SESSION, 2019

Thank you very much, Mr. Speaker and, by the way, happy birthday. Governor Sisolak, colleagues, friends, and special guests—Secretary Cegavske, you must be getting kind of lonesome over there surrounded by all these Democrats. You have always been a friend, so I am glad to see you. Thank you for coming. I have some very dear memories of the time I spent in the Legislature. But today is really special because this is the first time I have looked out at this Chamber and seen mostly women looking back at me. It is great. And that, of course, includes your fabulous, history-making, Majority Leader of the Senate, Nicole Cannizzaro. Congratulations.

You know, when Nevada became the first state in the Union to have female majority of lawmakers, there was a story that ran on CNN. The headline was “Women have hit a political jackpot in Nevada,” and what a winner it is. So I say to you, Mags [Maggie Carlton], you have your hands full keeping Ways and Means straight. But now mentoring all these fabulous, rambunctious women, they will look to you for advice and well they should.

I remember what it was like when I was sitting where you are and the Congressional delegation came to address the Body. You were bored, you were busy, and you were bothered to even be here. So I am going to take my cues from Mr. Amodei, who has set a very low bar when it comes

to reverence and length. I confess, I did not bring any hats with me. You will have to do without the hats.

First things first. There are some things we need to talk about, how we can work together for the good of the people of Nevada. At the top of that list is what the Department of Energy [DOE] has been up to. They admitted just recently they had secretly shipped plutonium from South Carolina to the Nevada National Security Site. In doing so, they deliberately misled the courts and failed to give adequate notice to our elected officials. I will say it again, and I have said it for a long time: You cannot trust the DOE when it comes to nuclear issues. I am sorry, but remember they are the same people who during the era of atmospheric testing gave us Bert the Turtle who admonished us to Duck and Cover and, by the way, kiss your ass goodbye. Do not trust them.

The same is true for Yucca Mountain. In the recent round of federal appropriations bills, behind closed doors, the Republicans tried to insert funding for Yucca Mountain. They did it at the last minute in the dark. Fortunately, we were able to stop them. But then again, last week the Trump Administration announced it would include funding to revitalize the licensing for this unsafe, unsound project in its 2020 budget. Let me be perfectly clear: We are not going to stand idly by and let the Trump Administration treat Nevada as the dumping ground for the nation's nuclear waste. We do not make it, we do not use it, and we are not going to store it.

Many of you know that I have been studying and working on this issue for a long time. This fight is not new, but it is more important than ever because the other side feels like they are gaining some momentum. This is one issue where we have to stand united for the good of Nevada. So I thank you, Governor, and all of you for what you have done to this point. I would urge you to pass a resolution supporting consent-based decision making. They should put it where people want it, not here in Nevada.

Lately, it has been just about every week my phone rings and some presidential candidate is calling me and asking me how to appeal to the people of Nevada. How do I make it in your State, because although I hate to quote Ralston, "we matter." First, I teach them how to pronounce Nevada. Then, I tell everyone who is hoping to be a viable candidate for president that they have to oppose Yucca Mountain. They have to do it quickly, loudly and clearly. We do not want any ambiguity, or we are not going for it.

There is another matter of grave importance to our state and federal relations, and this one has not gotten as much attention, but it is important. It has to do with the mandated census that is coming up in 2020. Ensuring that every Nevadan is counted has to be a priority for all of us because it determines the federal dollars that will flow into our communities for the next decade. An accurate count is essential to support our schools, our hospitals and our roads. It determines our representation in Congress as well as in the election of the President. In order to ensure that all of our State's folks will be counted in the upcoming census, we need to establish what they call a Complete Count Committee. I know that the Governor has put the funding for that in the budget. I urge you to move forward, and I look forward to working with you as we count the people of Nevada for the future.

You have all already shown the courage to prioritize our children and our communities. I want to congratulate you for what I think was so important, when you all worked with the Governor to pass legislation to close the background check loophole. That was so important. And I say shame on those rural sheriffs who say they will not enforce it. They are recklessly gambling with the lives of Nevadans, and nobody should be above the law. Send that message loud and clear.

At this year's State of the Union Address, you can invite a guest, but what I did was leave my seat empty as a remembrance of the senseless shooting of the people in southern Nevada on October 1. We are tired of thoughts and prayers and symbols. We have got to have real reform and take action because too often we have seen the deadly consequences of not doing that. At the federal level, I am supporting legislation to ban large capacity ammunition magazines and bump stocks once and for all. I want to thank your Senator Yvanna Cancela for the leadership she is showing to do it here at the State level as well. The President signed some symbolic executive gesture to get rid of them, but we know that until legislative action is taken, it will be caught up in the courts and nothing will actually take place. One October was a difficult day in Las Vegas history, but our community came together and showed our resiliency. We showed the world we

are strong and always will be. We proved the skeptics wrong. We have so very much to be proud of here in Nevada.

Many of these accomplishments that we are proud of and that we brag about would not be possible without the help of visitors from around the globe. Unfortunately, our strong tourism economy is being threatened by federal inaction and hateful rhetoric. Brand USA is a public/private partnership that works with local governments like the convention centers to advertise Nevada as a premiere travel destination to international visitors. Even though federal taxpayer dollars do not go into funding it, the program is set to expire in 2020, and the President's budget calls for its elimination. This is just unacceptable, and I hope you will join me and help ring the alarm bells to fully fund Brand USA. We need to advertise Nevada's many attractions like Lake Tahoe and Red Rocks; like Virginia City and the fabulous Las Vegas Strip so international tourists will come here.

Now, these advertising dollars help, but no amount of money can completely fill the hole that has been created by people who spread hate and fear about our friends and neighbors who were not born here. We each have an obligation to make it clear that our State values all of our guests and all of our residents. We should be putting out a welcome mat, not building a wall.

Southern Nevada simply would not be what it is today without the countless contributions of hardworking immigrants from all over the world. That is why, in direct contrast to the anti-immigrant agenda of President Trump, I am proud to have a Governor who is working to create the Office for New Americans. I want to thank Francisco Morales for continuing to push to make this a reality. In Congress, just last week I worked to co-sponsor and introduce the DREAM and Promise Act to prevent DREAMers and TPS [Temporary Protected Status] recipients from being torn away from their families. Together, let us send a strong message to all of those who call Nevada home: We appreciate you, and we are here to help; thank you for your contributions.

Meanwhile, our Governor also demonstrated leadership in announcing that Nevada will uphold its commitment under the Paris Agreement. It is embarrassing that the President of the United States is unwilling to say that climate change is real, it is man-made, and it is destroying our planet. We do not have time to debate climate deniers and people who believe the world is flat. We have to enact legislation now to deal with this crisis. I want to thank your Senator Chris Brooks for doing just that and making our environment a priority here in Nevada.

Those of you who may have heard about my moniker as being "The Queen of Cannibals" from Nevada in Congress will not be surprised that there is another green topic I want to address. When it comes to marijuana legalization—thanks to all of you for doing the heavy lifting—Nevada has become a real model nationally for how to implement it safely, efficiently and transparently. The federal government continues to lag behind the states. It is absolutely absurd, and downright dangerous, for legitimately operating marijuana dispensaries to be forced to only do business in cash. We must free up the banking system to work with businesses that are operating legally and take the state out of the business of money laundering. This is something we need to do. Furthermore, every elected official in Washington likes to talk about how much they like and respect and want to help veterans. If that is the case, we should allow more research on marijuana and let VA doctors recommend the use of whatever medicine, including marijuana, they think will best serve those veterans with problems. This is my commitment and what I am working on to supplement what you have done in this State.

Despite all of the posturing and partisanship in Washington, I am still hopeful that we can get some big things done. Just last week, we passed the most consequential conservation agreement in years, which includes the permanent reauthorization of the Land and Water Conservation Fund. Protecting our land, water and wildlife is important for future generations, but it also provides a significant boost to our State's economy. In fact, outdoor recreation generates more than \$12.6 billion in economic activity in Nevada every year. It is why I support the effort to create a Nevada Office of Outdoor Recreation. Many of our neighboring states have developed these offices to promote outdoor recreation. It helps with conservation and also enhances economic development in our rural communities. People need to see the other side of Nevada, not just what our cities have to offer.

Inside the beltway, we also hear that the Trump Administration is serious about pursuing a bipartisan infrastructure package. I hope that is true. As a senior member of the Transportation

and Infrastructure Committee, I will work to shape this package so that it benefits Nevada's airports and finally provides significant funding so we can complete I-11 through the State.

At some of the darkest times in Washington, I have looked at the proposals put forward in the state capital as a sign of what is really possible. In Washington, we barely beat back, after 60 some-odd votes, legislation that would have taken health care away from millions of Americans. Meanwhile in Carson City, Senator Julia Ratti has introduced a bill to make sure our State protects those with pre-existing conditions. Thank you. And thanks to the leadership of Attorney General Ford and Assemblyman Ozzie Fumo, real criminal justice reform is on the table here at home. This makes good policy and what inspires us all. Thank you for doing that.

This is one of the reasons it is humbling for me to come back to the Legislature. It is also kind of bittersweet when I walk these halls. I remember some of the people who went before us who are gone now but on whose shoulders we stand. There is Bill Raggio, who once called me not his mentor but his tormentor; the remarkable Lyndsey Jydstrup; Jim "Spinatra" Spinello; the courageous Debbie Smith; a true cowboy, Dean Rhoads; the ever-classy, who we just lost recently, Richard Bunker; and the Speaker extraordinaire, Joe Dini. It was Ed Vogel who covered the Legislature; Jack Vergiels; Jim Joyce; Kenny Guinn; Gary Gray; and the list goes on. Many great Nevadans have served here, so let us honor them and their memory with our hard work and high ethical standards.

I want to leave you with a little bit of advice from things I have learned the hard way over the years spent here. First, make your bed in the morning. It will give you a sense of accomplishment because God knows what is going to happen once you get here. And if it all goes to hell, you will have a nice place to crawl into when you go home at night. Be sure to count your tacos before you leave the drive-through window at Jimboy's. Eat at Adele's, but drink and dance at The Timbers. Do not get in a foot race with Tony Sanchez. Some of you will remember that. Do not shoot hoops with John Ocegüera. Do not play poker with Richard Perkins. Do not go on a hunger strike with Bob Coffin and do not get stoned with Tick Segerblom. Also remember, they do not call Marlene Lockard the Dragon Lady for nothing. Remember, it is Michelle White who is really running the show. Always remember it was union labor that built this great State. And although Nicky is cuter and nicer than his father, remember to beware of Greeks bearing gifts. Finally, and perhaps most importantly, remember to thank your incredible staff every chance you get because they are the ones who help you look good, sound smart and stay out of trouble.

Many have moved on from the time I was here, but it warms my heart and reassures me to see Claire is still here as well as the inimitable Brenda Erdoes. It is good they are here making sure the Session runs smoothly and our Constitution is upheld.

Thank you all for all you do every day.

Senator Woodhouse moved that the Senate and Assembly in Joint Session extend a vote of thanks to United States Representative Dina Titus for her timely, able and constructive message.

Motion carried.

Assemblywoman Munk moved that the Joint Session be dissolved.

Motion carried

Joint Session dissolved at 5:38 p.m.

SENATE IN SESSION

At 5:42 p.m.

President Marshall presiding.

Quorum present.

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 Jacob Birdsong and Chuck Searle.

On request of Senator Cancela, the privilege of the floor of the Senate Chamber for this day was extended to Senator Valerie Wiener.

On request of Senator Cannizzaro, the privilege of the floor of the Senate Chamber for this day was extended to Vice Chair Rachel Rush.

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

On request of Senator Dondero Loop, the privilege of the floor of the Senate Chamber for this day was extended to Elliandra Bemoll.

On request of Senator Goicoechea, the privilege of the floor of the Senate Chamber for this day was extended to Zhan Okuda-Lim.

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to Larry Bradley and Tyler Fournier.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Leaf Kaboli.

On request of Senator Harris, the privilege of the floor of the Senate Chamber for this day was extended to Naomi Atnafu.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Nathan Tea.

On request of Senator Ohrenschall, the privilege of the floor of the Senate Chamber for this day was extended to Sebastian Seigmund.

On request of Senator Parks, the privilege of the floor of the Senate Chamber for this day was extended to Caramia Phillips.

On request of Senator Pickard, the privilege of the floor of the Senate Chamber for this day was extended to Olivia Yamamoto.

On request of Senator Scheible, the privilege of the floor of the Senate Chamber for this day was extended to Sierra Bille.

On request of Senator Settelmeyer, the privilege of the floor of the Senate Chamber for this day was extended to Taylor Allison, Diana Alonso, Lily Alvarez, Sarai Arozco, Josh Baird, Whitney Bernard, Juliana Martinez Castiblanco, Sara Clair, Luke Claypool, Brooke Davis, Alexis Donnely, Emma Drysdale, Mary Duff, Bryan Duenas, Ana Eastham, Jonah Eriksen, Michelle Eriksen, Cooper Eyerly, Jamie Eyerly, Sierra Fehr, Damien Fernandez, Leigh Fisher, Logan Green, Ty Glover, Andrew Gonzales, Jaime Harrison, Claudia Harkins, Evan L'heureux, Sera Macpherson,

Emily Marshall, Yazmin Quintero Martinez, Madison McDonald, Allycia McGrann, Michael Medina, Alisha Moss, Rachel Mulholland, Jolene Norton, Jocelyn Peterson, Alex Reiger, Jack Ross, Steve Russell, Hayden Shaut, Samantha Szyoka, JoJo Townsell, Madix Wehe, Addison Woelfle, Haley Weimer, Osiris Zamora-Villa and Kadie Zeller.

On request of Senator Spearman, the privilege of the floor of the Senate Chamber for this day was extended to Colyn Abron and Jordan Sommaggio.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to Jesse Cruz.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Salomee Levy.

Senator Cannizzaro moved that the Senate adjourn until Wednesday, March 20, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 5:42 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate