

NEVADA LEGISLATURE

Eightieth Session, 2019

SENATE DAILY JOURNAL

THE SIXTY-FIFTH DAY

CARSON CITY (Tuesday), April 9, 2019

Senate called to order at 11:33 a.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Chad Adamik.

Lord, make me an instrument of Your peace: where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy.

O, Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to Eternal Life.

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 Commerce and Labor, to which was referred Senate Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 39, 186, 230, 234, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Madam President:

Your Committee on Education, to which was referred Senate Bill No. 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

Madam President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 198, 235, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 241, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Madam President:

Your Committee on Natural Resources, to which was referred Senate Bill No. 56, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 8, 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. 21, 98, 113.

CAROL-AIELLO-SALA
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 8, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bill No. 376.

MARK KRMPOTIC
Fiscal Analysis Division

April 9, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 263, 272, 287, 334, 338, 339, 388, 405, 495.

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis has approved the addition of Senator Seevers Gansert as a sponsor on Senate Bill No. 226.

Senator Denis moved that Senate Bill No. 126 be taken from the Secretary's desk and placed at the bottom of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 21.

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

Motion carried.

Assembly Bill No. 98.

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

Motion carried.

Assembly Bill No. 113.

Senator Ratti moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 120.

SUMMARY—Revises provisions relating to the confidentiality and privilege of ~~the~~ certain records and files of the Department of Taxation, ~~[concerning the administration and collection of certain taxes, fees and assessments and the imposition of disciplinary action.]~~ (BDR 32-189)

AN ACT relating to taxation; revising provisions relating to the confidentiality and privilege of the records and files of the Department of Taxation concerning the administration of certain taxes, fees and assessments, the processing of certain applications and the imposition of disciplinary action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes confidential and privileged certain records and files of the Department of Taxation concerning the administration and collection of certain taxes, fees and assessments. However, existing law authorizes the disclosure of such records and files of the Department under certain circumstances. (NRS 360.255) Section 1 of this bill makes confidential and privileged the records and files of the Department concerning the imposition of disciplinary action against a person to whom the Department has issued a license, registration, permit or certificate. Under section 1, such records and files of the Department are confidential and privileged to the same extent as the records and files of the Department concerning the administration and collections of taxes, fees and assessments. Finally, section 1: (1) authorizes the disclosure of the records and files of the Department concerning the administration of taxes, fees and assessments, the processing of applications to operate a marijuana establishment or the imposition of disciplinary action to grand juries, to state and local law enforcement agencies and to local regulatory agencies under certain circumstances; (2) authorizes certain disclosures to any court in this State rather than only to courts of this State; ~~and~~ (3) removes the requirement that certain disclosures to federal agencies, state or local law enforcement agencies and local regulatory agencies be made in confidence. ~~It~~;

and (4) authorizes certain disclosures of information relating to an application to operate a marijuana establishment or a person who is licensed to operate a marijuana establishment, including the methodology used to rank applicants for a license to operate a marijuana establishment.

Section 2 of this bill makes a conforming change to authorize the Department to disclose information provided to the Department by an applicant for a license, registration, permit or certificate related to medical marijuana, or an affiliate of such an applicant, when such disclosure is authorized by section 1. ~~Because the information concerns the administration and collection of certain taxes, fees and assessment or the imposition of disciplinary action.~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 360.255 is hereby amended to read as follows:

360.255 1. Except as otherwise provided in this section and NRS 239.0115 and 360.250, the records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected , the processing of an application for a registration certificate to operate a medical marijuana establishment submitted pursuant to chapter 453A of NRS or for a license to operate a marijuana establishment submitted pursuant to chapter 453D of NRS, or the imposition of disciplinary action, are confidential and privileged. The Department, an employee of the Department and any other person engaged in the administration or collection of any tax, fee, assessment or other amount required by law to be collected , the processing of an application for a registration certificate to operate a medical marijuana establishment submitted pursuant to chapter 453A of NRS or for a license to operate a marijuana establishment submitted pursuant to chapter 453D of NRS, or the imposition of disciplinary action, or charged with the custody of any such records or files:

(a) Shall not disclose any information obtained from those records or files; and

(b) May not be required to produce any of the records or files for the inspection of any person or governmental entity or for use in any action or proceeding.

2. The records and files of the Department concerning the administration and collection of any tax, fee, assessment or other amount required by law to be collected , the processing of an application for a registration certificate to operate a medical marijuana establishment submitted pursuant to chapter 453A of NRS or for a license to operate a marijuana establishment submitted pursuant to chapter 453D of NRS, or the imposition of disciplinary action, are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a person in any action or proceeding before the Nevada Tax Commission, the State Board of Equalization, the Department , a *grand jury* or any court ~~of~~ in this State if that

testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to the provisions of any law of this State.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases, or disclosure ~~[in confidence]~~ to any federal agency, *state or local law enforcement agency or local regulatory agency* that requests the information for the use of the agency in a federal, *state or local* prosecution or criminal, *civil or regulatory* investigation.

(e) Disclosure in confidence to the Governor or his or her agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding relating to a taxpayer ~~[r]~~ *or licensee*, or to any agency of this or any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

(f) Exchanges of information pursuant to an agreement between the Nevada Tax Commission and any county fair and recreation board or the governing body of any county, city or town.

(g) Upon written request made by a public officer of a local government, disclosure of the name and address of a taxpayer *or licensee* who must file a return with the Department. The request must set forth the social security number of the taxpayer *or licensee* about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and privileged and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

(h) Disclosure of information as to amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties to successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested.

(i) Disclosure of relevant information as evidence in an appeal by the taxpayer from a determination of tax due if the Nevada Tax Commission has determined the information is not proprietary or confidential in a hearing conducted pursuant to NRS 360.247.

(j) Disclosure of the identity of a person and the amount of tax assessed and penalties imposed against the person at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the person a penalty for fraud or intent to evade a tax imposed by law becomes final or is affirmed by the Nevada Tax Commission.

(k) *Disclosure of the identity of a licensee against whom disciplinary action has been taken and the type of disciplinary action imposed against the licensee at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the licensee disciplinary action becomes final or is affirmed by the Nevada Tax Commission.*

(l) Disclosure of information pursuant to subsection 2 of NRS 370.257.

(m) Disclosure of the identity of an applicant for a registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS or a license to operate a marijuana establishment pursuant to chapter 453D of NRS who submitted the application on or after May 1, 2017, and any action taken with respect to such an application, including, without limitation, the methodology used to score and rank applicants and any documentation or other evidence showing how that methodology was applied and the final rankings of all applicants, except that the Department shall not disclose:

(1) Investigative materials compiled by investigative staff or law enforcement, the disclosure of which would likely prejudice the effectiveness of law enforcement operations;

(2) Records, including, without limitation, blueprints, plans, policies, procedures, schematic drawings which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments or any other records relating to the security or safety of persons or buildings, structures, facilities, utilities, transportation, cybersecurity or other infrastructure located within this State if, in the reasonable judgment of the custodian of the records, the disclosure of such records is likely to jeopardize public safety or cybersecurity;

(3) Personal information, as defined in NRS 603A.040;

(4) Trade secret information, as defined in subsection 5 of NRS 600A.030, if the word "confidential" or "private" or another indication of secrecy is placed in a reasonably noticeable manner on any medium or container that describes or includes any portion of the trade secret information;

(5) Documentation relating to finances, earnings or revenue of an applicant or any owner of the applicant; or

(6) Information received from law enforcement sources, confidential documents or other information disclosed to the Department based on the assurance that the information would be held in confidence and treated as confidential.

(n) Disclosure of the name of a licensee and the jurisdiction of that licensee pursuant to chapter 453A or 453D of NRS, and any regulations adopted pursuant thereto.

3. The Executive Director shall periodically, as he or she deems appropriate, but not less often than annually, transmit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a list of the businesses of which the Executive Director has a record. The list must include the mailing address of the business as reported to the Department.

4. The Executive Director may request from any other governmental agency or officer such information as the Executive Director deems necessary to carry out his or her duties with respect to the administration or collection of any tax, fee, assessment or other amount required by law to be collected ~~[-]~~ or the imposition of disciplinary action. If the Executive Director obtains any confidential information pursuant to such a request, he or she shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.

5. As used in this section:

(a) "Applicant" means any person listed on the application for a registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS or a license to operate a marijuana establishment pursuant to chapter 453D of NRS.

(b) "Disciplinary action" means any suspension or revocation of a license, registration, permit or certificate issued by the Department pursuant to this title or chapter 453A or 453D of NRS or any other disciplinary action against the holder of such a license, registration, permit or certificate.

~~(b)~~ (c) "Licensee" means a person to whom the Department has issued a license, registration, permit or certificate pursuant to this title or chapter 453A or 453D of NRS. The term includes, without limitation, any owner, officer or board member of an entity to whom the Department has issued a license.

~~(c)~~ (d) "Records" or "files" means any records and files related to an investigation or audit ~~[-]~~ or a disciplinary action, financial information, correspondence, advisory opinions, decisions of a hearing officer in an administrative hearing and any other information specifically related to a taxpayer ~~[-]~~ or licensee.

~~(b) (d)~~ (e) "Taxpayer" means a person who pays any tax, fee, assessment or other amount required by law to the Department.

Sec. 2. NRS 453A.700 is hereby amended to read as follows:

453A.700 1. Except as otherwise provided in this section, NRS 239.0115 and 360.255 and subsection 4 of NRS 453A.210, the Division and the Department shall not disclose:

(a) ~~The contents of any tool used by the Department to evaluate an applicant or its affiliate.~~

~~(b)~~ Any information, documents or communications provided to the Department by an applicant or its affiliate pursuant to the provisions of this chapter, without the prior written consent of the applicant or affiliate or pursuant

to a lawful court order after timely notice of the proceedings has been given to the applicant or affiliate.

~~(c)~~ (b) The name or any other identifying information of:

(1) An attending provider of health care; or

(2) A person who has applied for or to whom the Division or its designee has issued a registry identification card or letter of approval.

↳ Except as otherwise provided in NRS 239.0115 ~~and~~ 360.255, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the Division or its designee:

(a) Shall release the name and other identifying information of a person who has applied for a registry identification card to authorized employees of the Division of Parole and Probation of the Department of Public Safety, if notified by the Division of Parole and Probation that the applicant is on parole or probation.

(b) May release the name and other identifying information of a person to whom the Division or its designee has issued a registry identification card or letter of approval to:

(1) Authorized employees of the Division or its designee as necessary to perform official duties of the Division; and

(2) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card or letter of approval issued to him or her pursuant to NRS 453A.220 or 453A.250.

Sec. 3. This act becomes effective upon passage and approval.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 120 to Senate Bill No. 32 authorizes the Department of Taxation to disclose the records and files of the Department concerning the processing of applications to operate either a medical marijuana establishment pursuant to Chapter 453A of NRS or a marijuana establishment pursuant to Chapter 453D of NRS. The amendment defines the term “applicant” and authorizes the disclosure of the identity of an applicant for the operation of a marijuana establishment who submitted the application on or after May 1, 2017.

The amendment authorizes the Department to disclose information regarding any action taken with respect to such an application, including, without limitation, the methodology used to score and rank applicants and any documentation or other evidence showing how that methodology was applied and the final rankings of all applicants.

The amendment also specifies that the Department is prohibited from disclosing certain information, such as investigative materials compiled by investigative staff or law enforcement; records such as blueprints, plans, policies, procedures and other records relating to security or safety; personal information, as defined under current law; trade secret information, as defined under current law; documentation relating to finances, earnings or revenue of an applicant or any owner of the applicant; or information received from law enforcement sources, confidential documents or other information disclosed to the Department based on the assurance that the information would be held in confidence and treated as confidential.

Finally, the amendment clarifies the term “licensee,” includes, without limitation, any owner, officer or board member of an entity to whom the Department has issued a license; authorizes the

Department to disclose the name of a licensee and the jurisdiction of that licensee pursuant to Chapter 453A or 453D of NRS and any regulations adopted pursuant thereto.

Conflict of interest declared by Senator Ohrenschaal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 59.

Bill read second time and ordered to third reading.

Senate Bill No. 98.

Bill read second time and ordered to third reading.

Senate Bill No. 218.

Bill read second time and ordered to third reading.

Senate Bill No. 279.

Bill read second time and ordered to third reading.

Senate Bill No. 341.

Bill read second time and ordered to third reading.

Senate Bill No. 350.

Bill read second time and ordered to third reading.

Senate Bill No. 460.

Bill read second time and ordered to third reading.

Senate Bill No. 473.

Bill read second time and ordered to third reading.

Assembly Bill No. 182.

Bill read second time.

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

Amendment No. 157.

SUMMARY—Designates neon as the official state element of the State of Nevada. (BDR 19-670)

AN ACT relating to state emblems; designating neon as the official state element of the State of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law designates various symbols of the State of Nevada, including a state metal, a state precious gemstone and a state semiprecious gemstone. (NRS 235.090, 235.100, 235.110) This bill designates neon as the official state element of the State of Nevada.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 235 of NRS is hereby amended by adding thereto a new section to read as follows:

The chemical element known as neon is hereby designated as the official state element of the State of Nevada.

Sec. 2. This act becomes effective on July 1, 2019.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 157 to Assembly Bill No. 182 adds several cosponsors and joint sponsors to the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bills Nos. 59, 98 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 31.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 31 removes the requirement that an employee with a disability who becomes unable to perform his or her job, with or without a reasonable accommodation, to first complete a probationary period and receive approval in order to be appointed to a new position at or below his or her current pay grade. Additionally, Senate Bill No. 31 expands the screening test methods used to detect impairment in State employees and applicants for public safety positions to include and in addition to urine, blood or other bodily substance such as hair. I urge its passage.

Roll call on Senate Bill No. 31:

YEAS—21.

NAYS—None.

Senate Bill No. 31 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 66.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 66 renames the State Disaster Identification Team within the Division of Emergency Management of the Department of Public Safety as the State Disaster Identification Coordination Committee, and it revises the membership and duties of the Committee. I encourage your support.

Roll call on Senate Bill No. 66:

YEAS—21.

NAYS—None.

Senate Bill No. 66 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 100.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 100 requires the Commission on Professional Standards in Education to adopt regulations to expedite a Nevada teaching license application for the spouse of an active duty member of the United States Armed Forces. The bill also requires school districts to consider certain experience listed on a veteran's Joint Services Transcript, or a similar document, as credit towards training, experience or licensure requirements for certain positions within the district.

Further, the bill allows a member or veteran of the United States Armed Forces, or the spouse of such a member or veteran, who obtained a license through an equivalent Alternative Route to Licensure (ARL) program in another state, to obtain a Nevada license as if they had completed the ARL program in Nevada. The bill is effective upon passage and approval for the purposes of adopting regulations and performing other preliminary administrative tasks; and on July 1, 2019, for all other purposes.

Roll call on Senate Bill No. 100:

YEAS—21.

NAYS—None.

Senate Bill No. 100 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 104.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 104 requires the inclusion of certain reports as one of the sources of information for the low-income housing database created and maintained by the Housing Division. It requires local government bodies to submit such reports and to cooperate with the Housing Division for the production of that database. It also repeals the requirement for certain owners of residential housing to provide a quarterly report to the Aging and Disability Services. I urge your support.

Roll call on Senate Bill No. 104:

YEAS—21.

NAYS—None.

Senate Bill No. 104 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 108.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 108 adjusts the membership of the Board of Directors for the Corporation of Public Benefit to administer the Nevada Youth Legislature (NYL) to require the appointment by the Legislative Commission of at least one member each from the Nevada State Senate and Assembly, one member of the general public and, if practicable, a former member of the NYL. The measure changes, from two to three, the number of unexcused absences a member of the NYL may accrue before a vacancy in that seat occurs. Such absences, as determined by the Chair or Vice Chair

of the Board, may include absences from NYL meetings, incompletions of certain activities assigned by the Board and missed or unsuccessful activity credits.

Senate Bill No. 108 clarifies that an NYL member who is elected to serve as Chair or Vice Chair of the NYL during the first year of his or her term, may not be elected to serve in either office during the second year of his or her term. The bill adds environmental, legal, political and social issues to the list of topics upon which the NYL may evaluate, review and comment. Moreover, Senate Bill No. 108 deletes the requirement that each NYL member conduct at least one meeting to engage youth in Nevada and instead, requires the completion of activities in a manner set forth by the Board. Finally, Senate Bill No. 108 provides that public meetings of the NYL must follow the same guidelines and policies for public meetings as other interim committees of the Nevada Legislature.

Roll call on Senate Bill No. 108:

YEAS—21.

NAYS—None.

Senate Bill No. 108 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 119.

Bill read third time.

Remarks by Senator Cancela.

Senate Bill No. 119 expands certain statutory requirements related to the completion of safety and health hazard recognition and prevention training to workers and supervisors at locations where trade shows and conventions are hosted.

Roll call on Senate Bill No. 119:

YEAS—21.

NAYS—None.

Senate Bill No. 119 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 134.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 134 authorizes a qualified Advanced Practice Registered Nurse (APRN) to sign, certify, stamp, verify or endorse certain Department of Motor Vehicle (DMV) documents when a signature, certification, stamp, verification or endorsement by a physician is required. The measure authorizes an APRN to make certain determinations and certifications required to be made by a physician or other providers of health care regarding a power of attorney, a custodial trust and verification of a person's physical or mental disability for the purpose of making the person with the disability eligible for certain free or reduced rates for certain modes of transportation.

The State Board of Nursing must also adopt regulations for the psychiatric training and experience necessary for an APRN to authorize and evaluate offenders and determine if the offender is an abuser of alcohol and drugs and whether the offender can be treated successfully. Additionally, the DMV must adopt any regulations; revise its policies, procedures or its forms necessary to carry out the amendatory provisions of this bill.

This is a follow-on to a Bill we passed last Legislative Session where we missed one department within the State government as to the APRNs having the ability to sign these forms. I urge your support of this measure.

Roll call on Senate Bill No. 134:

YEAS—21.

NAYS—None.

Senate Bill No. 134 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 170.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 170 authorizes a physician or physician assistant licensed in any jurisdiction of the United States to inject dermal or soft tissue fillers at an educational event recognized by the American Medical Association, the American Academy of Family Physicians or the American Osteopathic Association, only for the purpose of demonstrating proper technique for performing such an injection. The bill also revises provisions relating to "chemical restraint" to clarify the term does not include the administration of drugs on a regular basis.

Roll call on Senate Bill No. 170:

YEAS—21.

NAYS—None.

Senate Bill No. 170 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 270.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 270 requires the Department of Health and Human Services, to the extent money is available, to establish and administer the Nevada Housing Crisis Response System to prevent and address homelessness in the State. Additionally, the Department may adopt regulations to carry out the provisions of the bill, including regulations that require a person or entity that accepts money from the Department to participate in the Nevada Housing Crisis Response System. I urge your support.

Roll call on Senate Bill No. 270:

YEAS—21.

NAYS—None.

Senate Bill No. 270 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 286.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 286 revises provisions concerning how the Department of Corrections is to aggregate sentences for offenders who have been convicted of more than one offense. The bill requires additional penalties imposed by a court to be aggregated with the underlying sentence; allows a prisoner who is sentenced with an additional penalty prior to October 1, 2019, to have that sentence aggregated with the underlying penalty; requires the Department to aggregate minimum sentence terms in certain cases related to determining parole eligibility; authorizes the Department

to, at a prisoner's request, disaggregate and then re-aggregate sentences for which parole has not been considered; and, finally, it allows the Department to aggregate several consecutive aggregated sentences into a single aggregated sentence.

Roll call on Senate Bill No. 286:

YEAS—21.

NAYS—None.

Senate Bill No. 286 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 291.

Bill read third time.

Remarks by Senator Ratti.

I am passionate about Senate Bill No. 291. This bill came to my attention when a family I know in Reno had a son diagnosed with terrible disease. As I learned more about the newborn screening process, I learned that when we moved the testing from the state of Oregon to doing in State, we did a good thing, but we probably neglected to set up a system to allow for adding new conditions and determining how to raise fees to address those conditions moving forward.

Senate Bill No. 291 requires the State Board of Health to adopt regulations regarding newborn testing. It requires each disorder recommended by the Health Resources and Services Administration of the United States Department of Health and Human Services, be added to the list not later than four years after the recommendation is published. This is a national list known as the Recommended Uniform Screening Panel. Once a disorder is added at the national level, the State of Nevada has four years to get up to speed with the best practice. If we had been doing this in the past, the condition of the family I referenced would have been on the recommended Uniform Screening Panel and would have been tested for in the State of Nevada.

This bill gives us two opportunities to get out of this mandate. The first is if there is insufficient funding to conduct the testing for the disorder. The second is if there are insufficient resources to address the disorder. We do not want to get ahead of the medical community so these families receive this perhaps devastating information and there are no providers available to meet their needs once they get the designation. This is why the four-year lag time is provided in this bill.

The bill also repeals outdated language related to contracting with a laboratory that is no longer appropriate and did not match how things are happening in the real world. I urge your support.

Roll call on Senate Bill No. 291:

YEAS—21.

NAYS—None.

Senate Bill No. 291 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 336.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. No. 336 requires the Governor to annually proclaim July 28 to be “Buffalo Soldiers Day” in the State of Nevada. The proclamation shall bring to the attention of Nevada residents the important contributions Buffalo Soldiers made to the State of Nevada and the United States. I urge its passage.

Roll call on Senate Bill No. 336:

YEAS—21.

NAYS—None.

Senate Bill No. 336 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 364.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 364 relates to discrimination in medical and other facilities. It prohibits medical facilities, facilities for the dependent and certain other facilities from discriminating against a person based on the actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or Human Immunodeficiency Virus status of the person or a person with whom the person associates. The bill requires the records of such facilities to refer to a person using the gender identity, name and pronouns preferred by the person. The bill also requires the facilities to post prominently and include in marketing materials a statement that a person who is discriminated against on prohibited grounds may file a complaint with the State Long-Term Care Ombudsman within the Aging and Disability Services Division. I encourage your support.

Roll call on Senate Bill No. 364:

YEAS—21.

NAYS—None.

Senate Bill No. 364 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 383.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 383 establishes a rebuttable presumption in a civil matter concerning sexual conduct between a law enforcement officer and a person in the officer's custody that the officer's conduct was unwelcome or nonconsensual. These provisions also apply to sexual harassment. Further, if a law enforcement officer voluntarily engages in sexual conduct with a person in his or her custody, it is not a defense that the person consented to the conduct.

Roll call on Senate Bill No. 383:

YEAS—21.

NAYS—None.

Senate Bill No. 383 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 394.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 394 requires the Department of Motor Vehicles (DMV), after each regular session of the Legislature, to prepare and disseminate information to the public regarding new and amended traffic laws relevant to operating a motor vehicle. The information must be provided on

the DMV's Internet website in a manner designed to inform and educate the public about the new and amended traffic laws and may be provided in other information sent out by the DMV. In addition, the DMV may consult with the Office of Traffic Safety, Department of Public Safety, in preparing and disseminating this information.

Roll call on Senate Bill No. 394:

YEAS—21.

NAYS—None.

Senate Bill No. 394 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 454.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 454 clarifies that, as used in provisions that make it unlawful to harass game mammals or game birds using an aircraft, the term "aircraft" includes manned or unmanned aircraft, including any unmanned aerial vehicle or commonly referred to as a drone.

Roll call on Senate Bill No. 454:

YEAS—21.

NAYS—None.

Senate Bill No. 454 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 1.

Resolution read third time.

Remarks by Senator Hansen.

Senate Joint Resolution No. 1 urges the United States Congress to work with the Bureau of Land Management and the United States Forest Service to ensure that cheatgrass is included in the forage estimates that those agencies use in their management and control of livestock grazing in Nevada.

Roll call on Senate Joint Resolution No. 1:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 1 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 4.

Resolution read third time.

Remarks by Senators Ratti, Hansen and Settlemeyer.

SENATOR RATTI:

Senate Joint Resolution No. 4 expresses support for federal legislation known as the Recovering America's Wildlife Act, which would implement the recommendations of the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources, and if enacted, would provide dedicated methods of funding for conservation of wildlife as prioritized within the Wildlife Action Plan of Nevada's Department of Wildlife.

SENATOR HANSEN:

I am opposed to this bill and voted against it in Committee. The current budget for the Department of Wildlife is approximately \$105 million over the biennium. If this resolution passes all the way through the United States Congress and returns, it is a \$1.3 billion fund, of which the Nevada portion, according to my conversations with Director Wasley of the Nevada Department of Wildlife (NDOW), would be about \$35 million annually, plus a matching fund. We are creating a fund with this bill that is almost equal to the entire current budget of NDOW, and if this passes, we will be setting up a Pittman-Robertson-type account. This type of account is federally financed and severely earmarked how it can be spent in Nevada. I am concerned that if this goes all the way through, these dollars will be earmarked by the federal government, there will be a State match required, and it will be exclusively used for wildlife that is not hunted or in any way consumed by residents.

This concerns me, because every activity that now occurs such as mining, agriculture or anything involving the public domain will fall under the purview of this new agency. The agency will have the exclusive responsibility of essentially spending \$50 million a year trying to find problems, and these businesses will have to jump through hoops to meet their requirements. My fear is that over the long term, we are setting up a conflicting fund with the current structure we have in Nevada and sometime down the road, that will be a problem because it will create an agency with one primary responsibility, to find problems in Nevada with species of animals that fluctuate naturally. I want conservation and am not out to harm nonhunted species, but because of the activities I have seen under the existing structure and how things were handled with the sage grouse, which could have been a catastrophe for Nevada, I can see this type of fund being used to find situations here. This could act as a stumbling block to economic development, especially in the rural parts of our State. I realize this has to go through the United States Congress, but if it passes as this bill envisions, I see major conflicts down the road with how wildlife species are handled in Nevada. I will be voting no on this bill.

SENATOR SETTELMAYER:

I just had a question about the resolution because, frankly, overall, I do not think Congress necessarily read real carefully what we send them or what we request. I was just curious, would that then, from the discussion and from my colleague from Senate District 14, you are saying this would put them in charge of animals that are not currently hunted. Would this actually put them in charge of wild horses?

SENATOR HANSEN:

Obviously, you are a little bit tongue and cheek. I do not know. It is a great question. If that was the case, maybe I would not have opposed the bill so much. As everybody here well knows, the wild horse situation here in Nevada is a very bad example of what happens when we allow the federal government too much leverage in how we manage a species of animals which is, number one, not native and also not migratory. It should actually fall under our purview. Interesting question. I do not know the answer. Perhaps the sponsor from Senate District 13 would like a chance to answer that.

SENATOR RATTI:

I appreciate the opportunity to address some of the concerns that have been brought up on the Floor today about Senate Joint Resolution No. 4. Senate Joint Resolution No. 4 sends a statement to the United States Congress that we support the Recovering America's Wildlife Act. What this act does is create a new funding source, out of existing dollars, to make sure state governments have the funding needed to do the same kinds of things we now do for game animals through the Pittman-Robertson Act, for species that are nongame. Pittman-Robertson money primarily comes from the sale of ammunition and weapons that are tied directly to hunting, and therefore, that funding source is specifically designated to game animals. For our very modestly funded Wildlife Department, this means there are not resources available to do the same type of conservation efforts for the over 300 species identified on our wildlife management plan. That plan is developed by the scientists and others who work in the Division of Wildlife.

This bill does not in any way, shape or form create a new agency. It does not set up a regulatory authority. The powers and duties of setting up new agencies or budget items would remain with the

Legislature. If we chose not to match the money, we would reject it all. If this makes it through the United States Congress, all decision-making authority still rests in this Body, and we would contemplate at that time, if we were lucky enough to have a new funding source dedicated to conservation for nongame animals. This was before this Body last Session and passed with broad bipartisan support. It passed unanimously out of our Wildlife Commission. I urge your support.

Roll call on Senate Joint Resolution No. 4:

YEAS—19.

NAYS—Hansen, Hardy—2.

Senate Joint Resolution No. 4 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 7.

Resolution read third time.

Remarks by Senator Washington.

Senate Joint Resolution No. 7 expresses support for finding innovative transportation solutions in the Lake Tahoe Basin and for the efforts of the Bi-State Working Group on Transportation.

Roll call on Senate Joint Resolution No. 7:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 7 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 126.

Bill read third time.

Remarks by Senators Denis and Kieckhefer.

SENATOR DENIS:

Senate Bill No. 126 repeals provisions requiring certain post-probationary administrators of a school district to apply every five years for reappointment to his or her position. The measure also removes provisions enabling the administrator not reappointed, who was previously employed by the district, to be assigned to his or her former position.

I want to clarify on the record that provisions of Senate Bill No. 126 effect school level post-probationary administrators below the rank of principal, including, without limitation, an assistant principal or dean. These positions are evaluated every year already, and to have an administrator who is doing well to have to reapply, this bill removes that requirement. I urge your support.

SENATOR KIECKHEFER:

I rise in opposition to Senate Bill No. 126. If we could have faith school districts did a good job of holding these individuals to a high standard in their evaluation process, this statute would not be necessary. Unfortunately, we have all seen the numbers that come out of people within our school districts who are evaluated at a rate below sufficient; it is not consistent with what we experience or recognize in other professions. This statute should remain as is, in place, to add an additional level of accountability.

Roll call on Senate Bill No. 126:

YEAS—15.

NAYS—Goicoechea, Hammond, Hardy, Kieckhefer, Seevers Gansert, Settelmeyer—6.

Senate Bill No. 126 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

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 Briana Escamilla, Hayley Hanley, AJ Holly Huth and Nicol McNee.

On request of Senator Cancela, the privilege of the floor of the Senate Chamber for this day was extended to Donna Curry, Myriam Santos, Corrine Spitzer and Chloe Viera.

On request of Senator Cannizzaro, the privilege of the floor of the Senate Chamber for this day was extended to Lenise Kryk and Erik Lovaas.

On request of Senator Dondero Loop, the privilege of the floor of the Senate Chamber for this day was extended to Gary Ackerman, Dr. Mario Gasper de Alba and Terri Janison.

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to John Bilstein.

On request of Senator Hansen, the privilege of the floor of the Senate Chamber for this day was extended to Commissioner Gwynne Partos.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Helen O'Hanlan, Brenda Reardon, Joseph Rhodes, Dr. Matthew Schwartz and Matthew Williams.

On request of Senator Harris, the privilege of the floor of the Senate Chamber for this day was extended to Mandy MacKenzie, Andre Wade, Autumn Zemke and Graham Zemke.

On request of Senator Ohrenschall, the privilege of the floor of the Senate Chamber for this day was extended to Ken MacAleese, Julie Ostrovsky and Dr. Marc Tedoff.

On request of Senator Parks, the privilege of the floor of the Senate Chamber for this day was extended to Janine Comoletti, Marty McGarry, Sherrie Scaffidi and Jaime Lee Sprague-Ballou.

On request of Senator Pickard, the privilege of the floor of the Senate Chamber for this day was extended to Alex Garza, Dr. Rupesh Parikh and Denise Rosch.

On request of Senator Scheible, the privilege of the floor of the Senate Chamber for this day was extended to Zachary Kenny-Santiwan, Ciara Misa and Odalys Tiscareno.

On request of Senator Seevers Gansert, the privilege of the floor of the Senate Chamber for this day was extended to Montana Blake, Christian Blasi, Caden Campbell, Ariadna Carmona, Kenny Chuong, Loren Elder, Mario Fitzpatrick, Benjamin Gardella, Sydney Hurley, Brandon Le, Trevor Loftus, Amanda Mackenzie, Anjelica Moon, Tiarah Murdock, Kody Sampson, Myriam Santos Amaya, Michelle Scott-Lewing, Kristina Tartaglino, Shansen Ternora, Samantha Valele and Kielen Wood.

On request of Senator Settelmeyer, the privilege of the floor of the Senate Chamber for this day was extended to Lisa Santwer and Angela Storseth.

On request of Senator Spearman, the privilege of the floor of the Senate Chamber for this day was extended to Alexander Avila, Alyssa Cortes, Sheri Jensen and Pacho Lachoy.

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

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Daniel Power, Cory Whitlock and Desirae Wingerter.

Senator Cannizzaro moved that the Senate adjourn until Wednesday, April 10, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 1:08 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate