

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), February 25, 2021

Assembly called to order at 11:34 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywomen Duran and Marzola, who were excused.

Prayer by the Chaplain, Reverend Maggie McNaught.

Eternal God, we give You thanks that we have eaten today, are comfortably housed, have health insurance, an education degree, and meaningful employment. Yet as we look around at some of our Nevadan neighbors, we can see that others do not enjoy these same benefits.

Empower us and the Assembly to work together to increase access to healthy food, safe and affordable housing, adequate healthcare, and an education that will prepare our children to succeed in life.

We give You thanks for the range of resources at our disposal to increase the pathways out of poverty and generational financial struggle. We remember our neighbors who contribute much, but who do not feel welcomed in our communities. Help us increase their sense of safety, of worth, and of belonging.

O God, Author of love and justice, we pray that You will use us to reshape our state in which everyone flourishes.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 110, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

February 25, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 107.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywomen Benitez-Thompson, Torres, González, Martinez, Marzola and Brittney Miller; Senators Donate and Denis:

Assembly Bill No. 177—AN ACT relating to pharmacy; requiring certain pharmacies to provide information regarding a prescription in a language other than English under certain circumstances; requiring such pharmacies to post notice of the rights of a patient to request information in language other than English; providing immunity from civil liability to a pharmacy or employee for injuries resulting from the translation of such information by a third party under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywomen Hardy, Titus and Tolles; Senators Hardy, Buck and Hammond:

Assembly Bill No. 178—AN ACT relating to prescription drugs; requiring an insurer to take certain actions relating to the acquisition of prescription drugs for an insured who resides in an area for which a declared disaster or state of emergency is in effect; authorizing a pharmacist to dispense a prescription drug to a patient who resides in such an area in an amount greater than is authorized by the prescribing practitioner under certain conditions; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Hafen, Roberts, Thomas and Torres:

Assembly Bill No. 179—AN ACT relating to motor vehicles; exempting from the payment of certain parking fees a vehicle with certain specially designed license plates for a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States; exempting from the payment of certain parking fees a vehicle with certain specially designed license plates for a family member of a person who died as a result of injuries sustained while on active duty in the Armed

Forces of the United States; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblywoman Hansen:

Assembly Bill No. 180—AN ACT relating to insurance; requiring the adoption of regulations to require insurers offering policies of insurance which provide for the payment of expenses which are not covered by Medicare to offer at least one such policy to provide coverage to certain persons with a disability; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 12 noon.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 25, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 3.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 110 just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 110.

Bill read second time.

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

Amendment No. 5.

AN ACT relating to lobbying; revising the definition of the term “lobbyist” for the purpose of determining the applicability of certain provisions governing lobbyists; revising provisions relating to the registration of lobbyists and the filing of certain reports concerning lobbying activities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The Nevada Lobbying Disclosure and Regulation Act regulates lobbying before the Legislature and is administered by the Director of the Legislative Counsel Bureau. (Chapter 218H of NRS) The Act places certain duties on lobbyists, such as the requirement to ~~register with the Director as a lobbyist and~~ file with the Director: **(1) a registration statement during a regular or special session; and (2) periodic reports concerning the registrant’s lobbying activities during a regular or special session.** (NRS **218H.080, 218H.200, 218H.400**) The Act also prohibits lobbyists from performing certain acts, **whether or not the Legislature is in a regular or special session,** such as knowingly or willfully giving any gift to a member of the Legislative Branch or a member of his or her immediate family or otherwise directly or indirectly arranging, facilitating or serving as a conduit for such a gift. (NRS 218H.930) **Lobbyists have a duty to comply with the gift prohibitions in NRS 218H.930 and any other applicable requirements set forth in the Act at all times, whether or not the Legislature is in a regular or special session and whether or not the lobbyists have filed a registration statement with the Director. (Chapter 218H of NRS)**

Under the Act, a person is a “lobbyist” and subject to the provisions of the Act if the person: (1) appears in person in the Legislative Building or any other building in which the Legislature or any of its standing committees holds meetings; and (2) communicates directly with a member of the Legislative Branch on behalf of someone other than himself or herself to influence legislative action, whether or not any compensation is received for the communication. (NRS 218H.080) **Section 2** of this bill removes the criteria that the person appear in person in the Legislative Building or other building where the Legislature or its committees hold meetings. **Section 2 also adds an exception providing that a “lobbyist” does not include persons who confine their lobbying activities to communicating directly with one or more members of the Legislative Branch only on an infrequent or irregular basis and who do not otherwise engage in any lobbying activities, unless those persons engage in a pattern of conduct that is substantially similar to engaging in lobbying activities on a recurrent or regular basis.**

Sections 2.3 and 2.7 of this bill clarify that the requirement to file a registration statement with the Director applies to a person who acts as a lobbyist during a regular or special session. However, because the Act also prohibits lobbyists from performing certain acts, whether or not the Legislature is in a regular or special session, this bill does not change the duty of lobbyists to comply with the gift prohibitions in NRS 218H.930 and any other applicable requirements set forth in the Act at all times.

whether or not the Legislature is in a regular or special session and whether or not the lobbyists have filed a registration statement with the Director.

Section 3 of this bill **applies during the 81st Legislative Session and requires a person who ~~is~~, on or after the effective date of this bill, qualifies as a lobbyist under section 2 to: (1) file a registration statement not later than 14 days after the effective date of this bill ~~is~~, or not later than 2 days after the beginning of the person's lobbying activity as currently required under existing law, whichever date is later;** and (2) include in his or her first report concerning lobbying activity filed with the Director a report concerning lobbying activities during the period beginning on February 1, 2021, and ending on the effective date of this bill.

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

Section 1. ~~{The Legislature hereby finds and declares:~~

~~—1. To protect the health, safety and welfare of Legislators, members of legislative staff and others who participate in the legislative process amid the ongoing and widespread public health crisis caused by the COVID-19 pandemic, the Legislature took various protective and safety measures intended to keep the legislative process as safe and free as reasonably possible from the extraordinary danger, risk, harm, injury and peril posed by the COVID-19 pandemic, including, without limitation, closing the Legislative Building to all persons except Legislators, essential legislative staff and a small news media pool.~~

~~—2. To enable Legislators to represent their constituents and carry out their official powers, functions, duties and responsibilities in the legislative process amid the ongoing and widespread public health crisis caused by the COVID-19 pandemic, the Legislature adopted rules to authorize Legislators, members of legislative staff and others who participate in the legislative process, under certain circumstances, to use remote technology systems to attend and participate in legislative proceedings when determined to be necessary as a protective or safety measure to keep the legislative process as safe and free as reasonably possible from the extraordinary danger, risk, harm, injury and peril posed by the COVID-19 pandemic.~~

~~—3. The provisions of the Nevada Lobbying Disclosure and Regulation Act impose certain requirements and restrictions on lobbyists and lobbying activities, including, without limitation, a requirement to register with the Director of the Legislative Counsel Bureau, a requirement to file with the Director periodic reports concerning lobbying activity and a prohibition against performing certain acts, such as knowingly or willfully giving any gift to a Legislator or other member of the Legislative Branch or an immediate family member of such a person.~~

~~—4. The provisions of the Nevada Lobbying Disclosure and Regulation Act apply only to lobbyists who appear in person in the Legislative Building or any~~

other building in which the Legislature or any of its standing committees hold meetings and communicate directly with a member of the Legislative Branch on behalf of someone other than himself or herself to influence legislative action, whether or not any compensation is received for the communication.

~~5. Because of the necessity for the Legislature to take various protective and safety measures intended to keep the legislative process as safe and free as reasonably possible from the extraordinary danger, risk, harm, injury and peril posed by the COVID-19 pandemic, including, without limitation, closing the Legislative Building to all persons except Legislators, essential legislative staff and a small news media pool, lobbyists will not be appearing in person in the Legislative Building or any other building in which the Legislature or any of its standing committees hold meetings but may continue to communicate with Legislators and other members of the Legislative Branch on behalf of other persons to influence legislative action.~~

~~6. The intent of the Legislature is to further the primary public purpose of the Nevada Lobbying Disclosure and Regulation Act to provide both disclosure and regulation of lobbying activities in order to promote and foster the people's faith, trust and confidence in the honesty, integrity and fidelity of their representative government, by providing for the regulation of lobbyists who do not appear in person in the Legislative Building or any other building in which the Legislature or any of its standing committees hold meetings and ensuring that lobbyists who would otherwise be required to register and disclose their lobbying activity are not excused of those obligations because they do not appear in person in the Legislative Building. (Deleted by amendment.)~~

Sec. 2. NRS 218H.080 is hereby amended to read as follows:

218H.080 1. "Lobbyist" means, except as limited by subsection 2, a person who ~~is~~:

~~(a) Appears in person in the Legislative Building or any other building in which the Legislature or any of its standing committees hold meetings; and~~

~~(b) Communicates~~ *communicates* directly with a member of the Legislative Branch on behalf of someone other than himself or herself to influence legislative action, whether or not any compensation is received for the communication.

2. "Lobbyist" does not include:

(a) Persons who confine their activities to formal appearances before legislative committees and who clearly identify themselves and the interest or interests for whom they are testifying.

(b) Employees of a bona fide news medium who meet the definition of "lobbyist" set forth in subsection 1 only in the course of their professional duties and who contact Legislators for the sole purpose of carrying out their news gathering function.

(c) Employees of departments, divisions or agencies of the state government who appear before legislative committees only to explain the

effect of legislation or any other legislative action related to their departments, divisions or agencies.

(d) Members of the Legislative Branch who are exercising, performing or carrying out their powers, functions, duties or responsibilities on matters relating to legislation or any other legislative action.

(e) Elected officers of this State and its political subdivisions who confine their lobbying activities to issues directly related to the scope of the office to which they were elected.

(f) Persons who contact the Legislators who are elected from the district in which they reside.

(g) Persons who are clients of a lobbyist, unless those persons engage in any activities that independently meet the definition of “lobbyist” set forth in subsection 1.

(h) Persons who confine their lobbying activities to communicating directly with one or more members of the Legislative Branch only on an infrequent or irregular basis and who do not otherwise engage in any lobbying activities, unless those persons engage in a pattern of conduct that is substantially similar to engaging in lobbying activities on a recurrent or regular basis.

Sec. 2.3. NRS 218H.200 is hereby amended to read as follows:

218H.200 1. Every person who acts as a lobbyist **during a regular or special session** shall, not later than 2 days after the beginning of that activity, file a registration statement with the Director in such form as the Director prescribes, unless the person qualifies for an exemption or exception from the requirements to register as a lobbyist pursuant to any regulations adopted in accordance with NRS 218H.500.

2. The Director shall not accept a registration statement from a former Legislator who was a member of the Legislature during the immediately preceding regular session in the classification set forth in NRS 218H.500 of a lobbyist who receives any compensation for his or her lobbying activities unless the former Legislator certifies in writing, under penalty of perjury, that he or she qualifies under the exception set forth in subsection 2 of NRS 218H.950.

Sec. 2.7. NRS 218H.930 is hereby amended to read as follows:

218H.930 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in any legislative action.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch or a member of his or her immediate family or otherwise directly or indirectly arrange, facilitate or serve as a conduit for such a gift, whether or not the Legislature is in a regular or special session.

3. A member of the Legislative Branch or a member of his or her immediate family shall not knowingly or willfully solicit or accept any gift from a lobbyist, whether or not the Legislature is in a regular or special session.

4. A client of a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

5. Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist during a regular or special session without being registered as required by that section, unless the person qualifies for an exemption or exception from the requirements to register as a lobbyist pursuant to any regulations adopted in accordance with NRS 218H.500.

6. Except as otherwise provided in subsection 7, a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

7. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

8. A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition to that legislation.

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period set forth in subsection 1 of NRS 294A.300 unless such act is otherwise authorized pursuant to subsection 4 of NRS 294A.300.

Sec. 3. ~~Any~~ During the 81st Session of the Nevada Legislature, any person who , on or after the effective date of this act, qualifies as a lobbyist pursuant to NRS 218H.080, as amended by section 2 of this act, must:

1. File a registration statement pursuant to NRS 218H.200 , as amended by section 2.3 of this act, not later than 14 days after the effective date of this act, or not later than 2 days after the beginning of the person's lobbying activity as set forth in NRS 218H.200, as amended by section 2.3 of this act, whichever date is later, unless the person qualifies for an exemption or exception from the requirements to register as a lobbyist pursuant to any regulations adopted in accordance with NRS 218H.500.

2. Include in the first report filed pursuant to NRS 218H.400 after the effective date of this act a report concerning the person's lobbying activities during the period beginning on February 1, 2021, and ending on the effective date of this act.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Brittney Miller moved the adoption of the amendment.
Remarks by Assemblywoman Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:04 p.m.

ASSEMBLY IN SESSION

At 12:13 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 3.

Assemblywoman Monroe-Moreno moved the adoption of the resolution.

Remarks by Assemblywomen Carlton, Monroe-Moreno, and Mr. Speaker.

ASSEMBLYWOMAN CARLTON:

Today a former colleague of ours is being recognized in the Nevada State Senate, Senator Joe Neal. If I may just recognize what Senator Neal has given to this state and how he truly epitomizes leaving it better than you found it.

I would like to read a couple of paragraphs from the preface of *The Westside Slugger* that I think tells a lot of the story.

An encouraging word from a dedicated teacher, the lessons of a careworn textbook deemed not good enough for white schoolchildren, a borrowed shirt fit for a bus ride beyond his insular existence. Of such moments was Joe Neal's young life made.

Looking back across the decades it's clear that his long journey from the sharecropped cotton fields of Louisiana to the halls of the Nevada State Senate turned on such barely recognizable kindnesses. With an uncommon tenacity, Neal knotted those humble lengths of rope and climbed from Madison Parish toward the light of opportunity. In a country that advertised equality, Neal appreciated at an early age what most African Americans of his generation eventually learned: that the fortunate and truly blessed might see a real chance for advancement come just once in a lifetime.

If I may, Mr. Speaker, share a very brief story. I cannot remember the session—I believe it was 2001. It was a debate over privatizing worker's comp. The bill came to the floor, the majority party moved the previous question, a ruckus ensued, the majority party got up and left the Chamber, the Majority Leader forgot to adjourn. As a member of the minority party, I am sitting in my chair. I am looking around. What the you-know-what just happened? I look to my left, there is my Minority Leader. I look down to the front, there is Senator Neal. He turns around out of that chair, walks up to the Minority Leader's desk, and he goes, We need to run some bills. The minority party was in control of the Nevada State Senate until 2 a.m.

I am sitting there. I hear a whisper above me, from the person this glass is named after. He looks down and says, Hey freshman, what do you think? I said, I think I am in the majority and maybe for the only time in my life. He goes, I think you might be right. Well, we have proved that wrong.

Senator Neal proceeded to go down to the Secretary of the Senate's desk. He pulled out a list of bills and said We need to move these. We started voting bills. The people that had left the Chamber and gone home, got in their cars and came running back to adjourn at about 3 a.m. that day. I learned a valuable lesson from Senator Neal that night: Always be prepared to take your chance when it shows up.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Anyone who knew Senator Neal saw a magical presence. You see this tall African-American man with a cowboy hat up here who knew the rules better than anybody in the building. He is certainly a leader I strive to emulate because he valued the rules and the process and the institution. There are many ways that you can effectively advocate for your district and for your community and for this state within the confines of a structure that has survived the test of time. As long as we utilize that and learn that and do not abuse that, I think that is part of what Senator Neal's legacy was.

I said upon his passing what I think we all should strive to be like. When he was running for election and he had been fighting for things—voting rights restoration did not start here with us—he was fighting for this in the seventies. When he ran he said, I will never embarrass you and I will do the right thing in terms of service to you and the community. What better words of advice for anybody in public service?

ASSEMBLYWOMAN MONROE-MORENO:

There is not much more that I can say about the leader that Senator Neal was that you have not heard in the resolution or the remarks from my colleagues. What I do want to say is that I hope that each one of us, as we serve in this legislative body, strives to be as knowledgeable as he was, as caring and compassionate as he was, and when we leave, we leave with the respect that he had when he served. I urge this body to adopt this resolution.

Resolution adopted.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, February 26, 2021, at 11:30 a.m., and that it do so in memory of former Senator Joseph Neal, Jr.

Motion carried.

Assembly adjourned at 12:24 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly