

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 4, 2021

Assembly called to order at 5:41 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Titus, who was excused.

Prayer by the Chaplain, Pastor J.J. Tuttle.

God of Wisdom, we seek Your help tonight. Come and let Your wisdom fall upon us, as we gather for this assembly. Give us clarity so that we can effectively tackle each part of tonight's agenda. Reveal problem areas and show us the best solutions that will apply. Point our eyes to every positive outcome since our last meeting together, and let these favorable results and developments encourage every heart in this room. Dear God, help us apply Your wisdom as we decide on certain matters and make plans. On behalf of the state of Nevada and its residents, this we pray.

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 Health and Human Services, to which were referred Assembly Bills Nos. 16, 26, 35, 62, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROCHELLE T. NGUYEN, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Growth and Infrastructure:

Assembly Joint Resolution No. 6—Proposing to amend the Nevada Constitution to revise provisions limiting the use of proceeds from the imposition of certain motor vehicle fees and fuel taxes.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 5 of Article 9 of the Nevada Constitution be amended to read as follows:

~~Section~~ **Sec. 5.** The proceeds from the imposition of any license or registration fee and other charge with respect to the operation of any motor vehicle upon any public highway in this State and the proceeds from the imposition of any excise tax on gasoline or other motor vehicle fuel shall, except costs of administration, be used exclusively for the construction, *operation*, maintenance, and repair of the public highways **and the transportation and transportation infrastructure** of this State. The provisions of this section do not apply to the proceeds of any tax imposed upon motor vehicles by the Legislature in lieu of an ad valorem property tax.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

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

Motion carried.

By Assemblywoman Black:

Assembly Concurrent Resolution No. 2—Terminating the emergency described in the Declaration of Emergency for COVID-19 issued by the Governor on March 12, 2020.

Assemblywoman Benitez-Thompson moved that the resolution be placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Frierson and Benitez-Thompson:

Assembly Bill No. 184—AN ACT relating to small businesses; creating the Office of Small Business Advocacy within the Office of the Lieutenant Governor; setting forth the powers and duties of the Office of Small Business Advocacy; authorizing the Office of Small Business Advocacy to accept gifts, grants and contributions; providing that the records of the Office of Small Business Advocacy are confidential; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen McArthur, Matthews, Wheeler, Titus, Dickman, Black, Ellison, Hansen, Hardy, Krasner, Leavitt, O'Neill and Roberts; Senators Goicoechea and Hansen:

Assembly Bill No. 185—AN ACT relating to wages; eliminating certain scheduled increases to the minimum wage; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Nguyen, Roberts, Watts, C.H. Miller, Peters and Flores:

Assembly Bill No. 186—AN ACT relating to peace officers; prohibiting a law enforcement agency from requiring a peace officer to issue a certain number of traffic citations or make a certain number of arrests; prohibiting a law enforcement agency from considering the number of citations issued or arrests made by a peace officer, or the amount of fines or fees assessed from the citations or arrests, in evaluating the performance of the peace officer; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Frierson, Titus, Benitez-Thompson, Monroe-Moreno, C.H. Miller, Anderson, Bilbray-Axelrod, Brown-May, Carlton, Cohen, Considine, Duran, Flores, González, Gorelow, Jauregui, Martinez, Marzola, Brittney Miller, Nguyen, Orentlicher, Peters, Summers-Armstrong, Thomas, Torres, Watts and Yeager:

Assembly Bill No. 187—AN ACT relating to periods of observance; designating the month of September of each year as “Ovarian and Prostate Cancer Prevention and Awareness Month” in this State; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 188—AN ACT relating to special license plates; abolishing the Commission on Special License Plates and transferring the duties and authorities of the Commission to the Department of Motor Vehicles; requiring the Department to hold public meetings and comply with certain notice requirements for such public meetings before approving or disapproving an application for the design, preparation and issuance of a special license plate; requiring the Department to compile certain reports and submit such reports to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or Legislative Commission, as applicable; requiring the Department to submit certain final written reports from the Legislative Auditor to the Legislature or Legislative Commission, as applicable; transferring certain duties and authorities relating to certain actions

concerning charitable organizations from the Commission to the Department; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblywomen Gorelow, Titus, Bilbray-Axelrod, Carlton, Monroe-Moreno, Anderson, Brown-May, Cohen, Considine, Duran, González, Krasner, Martinez, Marzola, Brittney Miller, Nguyen, Peters, Summers-Armstrong, Thomas and Torres; Senators Cannizzaro, Dondero Loop, Harris, Lange and Scheible:

Assembly Bill No. 189—AN ACT relating to Medicaid; requiring, to the extent authorized by federal law, the Director of the Department of Health and Human Services to include in the State Plan for Medicaid presumptive Medicaid eligibility for certain pregnant women; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 190—AN ACT relating to employment; requiring private employers that provide employees with sick leave to allow an employee to use such leave to assist a member of the employee's immediate family with certain medical needs; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 191—AN ACT relating to Medicaid; requiring the State Plan for Medicaid to include coverage for the services of a community health worker under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 192—AN ACT relating to public health; requiring, with certain exceptions, the testing of pregnant women for certain sexually transmitted infections; revising provisions concerning the testing of pregnant women for syphilis; revising penalties for failure to comply with provisions concerning testing of pregnant women for sexually transmitted infections; providing a civil penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 193—AN ACT relating to Medicaid; requiring the Director of the Department of Health and Human Services to take certain actions to expand coverage under Medicaid for postpartum and other services for pregnant women; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Torres, Flores, González, Considine, Duran, Gorelow, Krasner, Martinez, Marzola, C.H. Miller, Peters, Summers-Armstrong and Thomas; Senator Donate:

Assembly Bill No. 194—AN ACT relating to education; requiring the annual report of accountability to include certain information relating to restorative justice; revising provisions relating to the suspension or expulsion of pupils; requiring the Office for a Safe and Respectful Learning Environment to provide certain guidance to the board of trustees of a school district; requiring the Department of Education, in consultation with the Office, to adopt regulations relating to the discipline of pupils; exempting certain hearings relating to appeals of the suspension or expulsion of pupils from the provisions governing public meetings; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Torres, Nguyen, Flores, Watts, Brown-May, Duran, González, Martinez, C.H. Miller and Peters; Senators Denis and Donate:

Assembly Bill No. 195—AN ACT relating to education; requiring the board of trustees of a school district to collect certain data relating to pupils who are English learners; establishing certain rights for pupils who are English learners and the parents or legal guardians of pupils who are English learners; requiring the board of trustees of each school district and the Department of Education to submit certain reports; authorizing the Department to adopt certain regulations; requiring the board of trustees of each school district to identify the primary language of each pupil; requiring a pupil who is an English learner to remain in a program for English learners until the pupil passes an appropriate assessment; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Benitez-Thompson:

Assembly Bill No. 196—AN ACT relating to courts; requiring courthouses to contain lactation rooms for use by members of the public under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Watts, Peters, Nguyen, Duran, Gorelow, Martinez, C.H. Miller, Orentlicher, Summers-Armstrong, Thomas and Torres; Senators Donate and Denis:

Assembly Bill No. 197—AN ACT relating to homelessness; revising requirements concerning the provision of health care to a minor without the consent of his or her parents or legal guardian in certain circumstances; revising provisions requiring the State Registrar to provide certain certificates to a homeless person free of charge in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Krasner, Titus, Gorelow, Bilbray-Axelrod, Considine, Hardy, Martinez, Marzola, McArthur and Brittney Miller:

Assembly Bill No. 198—AN ACT relating to Medicaid; requiring the State Plan for Medicaid to provide coverage for genetic testing to detect birth defects in the fetus of certain pregnant women; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Matthews, Black, Dickman, Wheeler, Ellison, Hafen, Hansen, Kasama and McArthur; Senators Buck and Hansen:

Assembly Bill No. 199—AN ACT relating to State Government; authorizing the Governor to designate any department within the Executive Department of State Government as a charter agency; providing that all employees of a department designated as a charter agency become employees in the unclassified service of the State; requiring the Governor and the director of a charter agency to enter into annual performance agreements; requiring the removal of the director of a charter agency under certain circumstances; authorizing the payment of bonuses to the director and employees of a charter agency; providing a limitation on annual appropriations to a charter agency; authorizing a charter agency to retain for its use certain unobligated balances remaining at the end of a fiscal year; exempting a charter agency from certain provisions governing state buildings, state purchasing and public works; authorizing a charter agency to propose a waiver or suspension of an

administrative rule or regulation, subject to approval or disapproval by the Legislative Commission; requiring certain reporting concerning a charter agency to the Legislature or Legislative Commission; revising certain provisions related to collective bargaining for state employees of a charter agency; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Bilbray-Axelrod and Senator Scheible:

Assembly Bill No. 200—AN ACT relating to veterinary medicine; prohibiting the practice of veterinary medicine except within the context of a veterinarian-client-patient relationship except in certain circumstances; authorizing a veterinarian to supervise a veterinary technician via veterinary telemedicine under certain circumstances; revising which acts constitute the practice of veterinary medicine; establishing certain licensing requirements for the use of veterinary telemedicine; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 91.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 24.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 24 revises the definition of a "forensic facility" to mean a secure facility of the Division of Public and Behavioral Health of the Department of Health and Human Services that is designated by the Division as appropriate for the evaluation and treatment of offenders and defendants with mental disorders.

Roll call on Assembly Bill No. 24:

YEAS—41.

NAYS—None.

EXCUSED—Titus.

Assembly Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 27.

Bill read third time.

Remarks by Assemblywoman Kasama.

ASSEMBLYWOMAN KASAMA:

Assembly Bill 27 revises the Uniform Interstate Family Support Act by authorizing a support enforcement agency of this state, in addition to a tribunal, to issue a child-support order and an income-withholding order that redirects payment of current support, arrears, and interest if requested to do so by a support-enforcement agency of another state.

Roll call on Assembly Bill No. 27:

YEAS—41.

NAYS—None.

EXCUSED—Titus.

Assembly Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 112.

Bill read third time.

Remarks by Assemblywoman Marzola.

ASSEMBLYWOMAN MARZOLA:

Assembly Bill 112 provides that a parent or guardian is not required to establish a blocked financial investment involving a compromised claim of a minor if the net proceeds of the compromise are \$2,500 or less. The parent or guardian may also use the proceeds at his or her discretion for the benefit of the minor in compliance with any terms or conditions ordered by the court. The bill also revises the definition of a “blocked financial investment” to include a savings account in any financial institution in this state.

Roll call on Assembly Bill No. 112:

YEAS—41.

NAYS—None.

EXCUSED—Titus.

Assembly Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 140.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

Assembly Bill 140 revises provisions governing service of process in certain actions or proceedings involving short-term lessors of vehicles. Specifically, the bill requires a short-term lessor to accept service of a summons and complaint and any other required documents on behalf of a short-term lessee who is not a resident of the United States and who purchased liability insurance for any crash resulting from the operation of the vehicle within this state during the lease.

Roll call on Assembly Bill No. 140:

YEAS—41.

NAYS—None.

EXCUSED—Titus.

Assembly Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 3.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN NGUYEN:

Tomorrow marks a year since the first COVID-19 case was confirmed here in Nevada, and it is with great sadness that I must share that we have lost our five-thousandth life today due to the virus here in our state.

Not one Nevadan has escaped the devastation that this virus has caused, and we continue to lose some of our very best. Today's grim milestone is a testament to just how real and deadly this disease is. I know that this disease personally hit home for me as I have lost peers and colleagues in my professional life. We have lost people in this building, and I and my family have fought COVID-19.

I know that in my family, watching my 83-year-old father-in-law struggle and be concerned about his life, watching my father and checking an alarm to go check on him and put an oxygen meter on his hand to make sure that he was okay, and watching my 8-year-old daughter struggle with a fever as I was coping with symptoms myself, is one of the hardest things I have had to do and I consider myself fortunate.

I would like to thank our frontline workers, those in health care, those who keep our grocery store shelves stocked, mental health professionals, and everyone who has worked day in and day out to keep us safe throughout this pandemic. This world would be a much darker place without their efforts.

We can honor those we have lost to this pandemic by continuing to take necessary precautions to prevent the spread of COVID-19 and also support the families and loved ones of those who have lost. As a mother, a wife, and a fellow Nevadan, I also ask that we continue to take care of one another and do what we must do to prevent the loss of any more of our own.

ASSEMBLYMAN ROBERTS:

I would like to take this moment to remember Erik Lloyd who passed away in July from COVID.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

I would like to acknowledge two people: Willie Garrett was a co-worker of mine at the Regional Transportation Commission and passed away in January, and a dear member of our church, Deacon Tom Sibley, the father of a dear friend of mine, passed away a couple of weeks ago of COVID.

ASSEMBLYMAN YEAGER:

Today I rise in honor and memory of a friend and a former constituent, Joe Tinio, who was one of the 5,000 that we lost from COVID. I first met Joe when he filed to run for Assembly District 9 in 2014. I had already filed to run in that seat and it ended up being a three-way primary. Interestingly enough, the third person is related to our colleague from Assembly District 34. All three of us campaigned hard but we were cordial and respectful of one another. I ultimately won the primary election and Joe pledged to help me in any way he could, and he did just that.

Although I lost that General Election in 2014, I remained friends with Joe and he became one of my biggest supporters over the years. I looked forward to seeing him at community events as he was active in the AAPI [Asian American and Pacific Islander] community. He was also in a leadership position at ECHO Adult Residential Care Providers of Nevada. He always invited me to their annual gala and greeted me and my wife with a big smile and a hug, back when we could hug one another freely. He always made me feel like a guest of honor.

Just last week, one of my Facebook memories was of Joe Tinio visiting this building in 2019. As always, he had a smile on his face and a kind word for everyone. I sure will miss him. May he rest in peace.

ASSEMBLYWOMAN THOMAS:

I want to acknowledge a good friend, a teacher at Legacy High School. We lost William McKoy in December due to COVID. He was the Director of Music there. I also want to recognize my mom. She did not live in Nevada, but she is also a victim of COVID-19 and she passed Thanksgiving Day 2020.

ASSEMBLYWOMAN TOLLES:

I would like to acknowledge the 30 souls we lost in a skilled nursing facility at the beginning of this pandemic in my district and also others across the state in our assisted living and our skilled nursing facilities. I would also like to acknowledge all those brave workers who kept coming back to clean and care and continue on in this difficult time.

ASSEMBLYWOMAN ANDERSON:

I would also like to recognize the thousands of Nevadans who have not passed away from COVID but instead continue to suffer. We know these “long-haulers” are still struggling, a year later, to receive the health care they need, and we do not know the extent of the long-term health problems they will continue to face.

ASSEMBLYMAN LEAVITT:

I would like to acknowledge two people who both passed in December: my family’s lifelong friend R. Ross Johnson who was a life-long Nevadan, and my father Charles Kenny Leavitt.

ASSEMBLYWOMAN BROWN-MAY:

Tonight I stand here with each of you, my colleagues, with a broken heart and devastated at the loss we have all experienced in the last year. I would like to call to memory Nino Borquez, a young man with a developmental disability who was filled with a passion for life, gone at the age of 29. In the blink of an eye his life was taken. CeCe Duran had the most beautiful smile. In fact, that is how she often communicated. She went to the hospital for something else entirely but never came home. And Kantilar Moda, the father of two adult daughters with disabilities, immigrants from India, here to make a better life. He was their caretaker, their support system, and their life. Now their family is lost and mourning without him.

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

I would like to acknowledge Sergeant at Arms Robin Bates who was, as I have said before, the heart and soul of this body. He represented professionalism, tradition, compassion, and understanding. Robin was funny, kind, and gentle but firm when it came to upholding the traditions and honor of this Assembly and this Chamber. He is sorely missed. As I stated on the second day of session, we hope to conduct this session in a manner worthy of his life and his service.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, March 8, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 6:14 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly