

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE FORTIETH DAY

CARSON CITY (Friday), March 12, 2021

Assembly called to order at 11:41 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Sarah Johnson.

Almighty God, we thank You for Your goodness to us, our families, and our communities. We praise You for Your creation and preservation, for keeping us and all things in Your care, and for the blessings You have granted to us. We pray that You give us an awareness of the needs of those who are often unseen in our communities. Remind us that You love all people. Help us to practice an open hospitality for others. Grant us grateful hearts such that we can praise You not only with our lips, but our very lives. Continue to work in and through this 81st Session, so that Your will is done in all that is brought before them. In Your name 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 including the remarks made by the Assemblyman from District No. 13.

Motion carried.

PRESENTATION OF PETITIONS

Initiative Petition No. 1—AN ACT relating to gaming; increasing the license fee imposed on nonrestricted gaming licensees whose gross revenue from certain gaming activities exceeds \$250,000 per calendar month; and providing other matters properly relating thereto.

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

Section 1. This act provides for the imposition of a nine and three quarters percent license fee on nonrestricted gaming licensees' gross revenue in excess of \$250,000 per calendar month.

Sec. 2. Subsection 1 of NRS 463.370 is hereby amended to read as follows:

1. Except as otherwise provided in NRS 463.373, the Commission shall charge and collect from each licensee a license fee based upon all the gross revenue of the licensee as follows:

(a) Three and one-half percent of all the gross revenue of the licensee which does not exceed \$50,000 per calendar month;

(b) Four and one-half percent of all the gross revenue of the licensee which exceeds \$50,000 per calendar month and does not exceed \$134,000 per calendar month; ~~and~~

(c) Six and three-quarters percent of all the gross revenue of the licensee which exceeds \$134,000 per calendar month *and does not exceed \$250,000 per calendar month; and*

(d) Nine and three-quarters percent of all the gross revenue of the licensee which exceeds \$250,000 per calendar month.

Sec. 3. Severability. If any provision of this act, or the application thereof to any person, thing or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this act as a whole or any provision or application of this act which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 4. Effective Date. This act shall become effective on July 1, 2021 if enacted by the Legislature and approved by the Governor, or on November 22, 2022 if approved by voters in the 2022 general election.

Assemblywoman Benitez-Thompson moved that Initiative Petition No. 1 be placed on the Chief Clerk's desk.

Motion carried.

Initiative Petition No. 2—AN ACT relating to taxation; increasing the local school support tax imposed upon the gross receipts of a retailer from the retail sale of tangible personal property; and providing other matters properly relating thereto.

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

Section 1. Chapter 374 of NRS (the Local School Support Tax) is hereby amended to read as follows:

SALES TAX

NRS 374.110 Imposition and rate. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of ~~4.25~~ 3.75 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in a county.

Sec. 2. Chapter 374 of NRS is hereby amended to read as follows:

USE TAX

NRS 374.190 Imposition and rate.

1. An excise tax is hereby imposed on the storage, use or other consumption in a county of tangible personal property purchased from any retailer for storage, use or other consumption in the county at the rate of ~~4.25~~ 3.75 percent of the sales price of the property.

Sec. 3. Severability. If any provision of this act, or the application therefore to any person, thing or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this act as a whole or any provision or application of this act which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 4. This act shall become effective on July 1, 2021 if approved by the legislature, or on January 1, 2023 if approved by the voters.

Assemblywoman Benitez-Thompson moved that Initiative Petition No. 2 be placed on the Chief Clerk's desk.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 83, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 145, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVE YEAGER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 12, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 146, 202, 225 and 242.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Carlton moved that Assembly Bill No. 86 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Hardy; Senators Pickard and Hardy:

Assembly Bill No. 244—AN ACT relating to insurance; requiring the establishment of an open enrollment period for a policy of insurance which provides for the payment of certain expenses which are not covered by Medicare; prohibiting an insurer issuing such a policy from taking certain actions during the open enrollment period; 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 Assemblyman Flores:

Assembly Bill No. 245—AN ACT relating to public affairs; increasing certain fees which may be charged by a notary public; increasing certain fees required to register or renew a registration to engage in the business of a document preparation service; 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 Assemblyman Flores:

Assembly Bill No. 246—AN ACT relating to employment practices; requiring an employer to notify certain employees, principal contractors, subcontractors and independent contractors of a potential exposure to COVID-19; requiring such notice to be provided within 1 business day and include certain information; prohibiting an employer from taking retaliatory actions against an employee who is diagnosed with COVID-19 or who has to quarantine or isolate himself or herself; authorizing an employee to file a complaint with the Labor Commissioner regarding a retaliatory action; requiring an employer to establish, implement and maintain a written COVID-19 prevention program that complies with certain standards; requiring the prevention program to be provided to employees upon employment and upon request; requiring the employer to train its employees on the prevention program; authorizing an employee to file a complaint with the Division of Industrial Relations of the Department of Business and Industry for certain violations by an employer; requiring the Division to review the prevention program in certain circumstances; 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 Assemblywoman Benitez-Thompson:

Assembly Bill No. 247—AN ACT relating to education; updating the signatories to the Western Regional Education Compact; changing the name of the Office of the Western Regional Education Compact to the Nevada Office of the Western Interstate Commission for Higher Education; revising provisions relating to the powers and duties of the Nevada State Commissioners and the Nevada Office; revising provisions relating to financial support received by participants enrolled in programs under the terms of the Compact; revising provisions relating to certain accounts administered by the Nevada Office; 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 Tolles:

Assembly Bill No. 248—AN ACT relating to elections; setting forth certain requirements for partisan observers and international observers who wish to observe an election; revising provisions relating to a plan for the accommodation of members of the public who wish to observe an election; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 249—AN ACT relating to construction; requiring the governing body of a county or city to establish uniform hours by which construction work may begin on certain land; prohibiting a common-interest community from restricting the hours by which construction work may begin in a way that is inconsistent with the permissible hours established by the governing body of the county or city; 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 Jauregui:

Assembly Bill No. 250—AN ACT relating to insurance; requiring the establishment of an open enrollment period for a policy of insurance which provides for the payment of certain expenses which are not covered by Medicare; prohibiting an insurer issuing such a policy from taking certain actions during the open enrollment period; 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 Krasner, Flores, C.H. Miller and Nguyen; Senators Hardy, Buck, Donate, Harris and Ohrenschall:

Assembly Bill No. 251—AN ACT relating to juvenile justice; requiring a peace officer or probation officer to ensure that a child in custody consults with a parent or guardian or an attorney before the commencement of a custodial interrogation of the child; establishing provisions relating to the destruction of certain records relating to children; repealing and revising certain provisions concerning the sealing of certain records relating to children; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen McArthur, Wheeler, Matthews, Krasner, Dickman, Hansen, Kasama, Leavitt, O'Neill, Titus and Tolles:

Assembly Bill No. 252—AN ACT relating to veterans; revising provisions governing certain tax exemptions for veterans; exempting fully disabled veterans from the payment of any fees and governmental services taxes required to register or obtain license plates for certain vehicles; reducing or eliminating certain fees relating to the admission by certain veterans to state parks and recreational areas in this State; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Considine:

Assembly Bill No. 253—AN ACT relating to governmental administration; revising provisions relating to when a subcommittee or working group of a public body is subject to the Open Meeting Law; setting forth certain requirements for meetings of public bodies that use remote technology systems; revising the notice requirements for a meeting of a public body; revising provisions relating to the privilege of certain persons to publish defamatory matter at a public meeting; revising requirements for notice of intent to act upon a regulation; 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, Watts, Jauregui, C.H. Miller, Carlton, Bilbray-Axelrod, Brown-May, González, Gorelow, Martinez, Marzola, Brittney Miller, Monroe-Moreno, Orentlicher, Thomas and Torres:

Assembly Bill No. 254—AN ACT relating to education; prohibiting certain entities from compensating a student athlete for the use of the name, image or likeness of the student athlete; providing that a student athlete may be compensated for the use of the name, image or likeness of the student athlete by certain organizations; directing the Legislative Committee on Education to appoint a committee to conduct an interim study relating to the use of the name, image or likeness of a student athlete; 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 Frierson, Bilbray-Axelrod, Brown-May, González, Gorelow, Jauregui, C.H. Miller, Monroe-Moreno, Orentlicher and Thomas:

Assembly Bill No. 255—AN ACT relating to education; revising provisions governing the election and appointment of members of the board of trustees of certain school districts; 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 Summers-Armstrong, González, Anderson, Bilbray-Axelrod, Flores, Marzola, Brittney Miller, C.H. Miller, Orentlicher and Thomas:

Assembly Bill No. 256—AN ACT relating to Medicaid; requiring the State Plan for Medicaid to provide coverage of doula services to the extent authorized by federal law; requiring the Department of Health and Human Services to apply for a waiver or State Plan amendment to receive federal funding for coverage of doula services; requiring any person who desires to provide doula services to a recipient of Medicaid to register with the Division of Health Care Financing and Policy of the Department; requiring a registered doula to report the abuse of certain persons; 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 Assemblywoman Martinez:

Assembly Bill No. 257—AN ACT relating to school property; requiring the Office of Energy within the Office of the Governor to award a grant to the board of trustees of a school district, the sponsor of a charter school or a business to assess and improve certain ventilation and filtration systems of a school to the extent that money is available; establishing requirements for such assessments and improvements; requiring a certified technician to complete an assessment report; requiring the board of trustees of a school district, the sponsor of a charter school or a business to prepare a report; providing that a generally accepted industry standard prevails over any requirement of this bill that conflicts with the industry standard; 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 Bilbray-Axelrod:

Assembly Bill No. 258—AN ACT relating to libraries; revising provisions governing the duties of the trustees of consolidated library districts; 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 Thomas:

Assembly Bill No. 259—AN ACT relating to mental health; authorizing the State Board of Health to adopt regulations to allow an employee of a psychiatric residential treatment facility who is not a provider of health care to administer medication 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 Assemblyman Leavitt and Senator Hardy:

Assembly Bill No. 260—AN ACT relating to public health; providing, with certain exceptions, that information obtained for the purpose of or in the course of contact tracing for COVID-19 is confidential and privileged and is not subject to discovery or subpoena; prohibiting a law enforcement agency from conducting such contact tracing; prescribing the circumstances under which the disclosure of such information is authorized; authorizing the Division of Public and Behavioral Health of the Department of Health and Human Services to take certain actions to stop or prevent unauthorized disclosure; creating a cause of action for a person or entity aggrieved by unauthorized disclosure; 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.

SECOND READING AND AMENDMENT

Assembly Bill No. 72.

Bill read second time and ordered to third reading.

Assembly Bill No. 136.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 9.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 9 revises confidentiality provisions contained in Chapter 360 of the NRS to allow the Department of Taxation to disclose, in confidence, certain confidential taxpayer information to the Budget Division of the Governor's Office of Finance for use in the projection of revenue.

Roll call on Assembly Bill No. 9:

Yeas—42.

NAYS—None.

Assembly Bill No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 13.

Bill read third time.

Remarks by Assemblywoman Kasama.

ASSEMBLYWOMAN KASAMA:

Assembly Bill 13 revises the information that the State Controller must include in the annual report of certain financial information that is provided to the Governor and the Legislature pursuant to NRS 227.110. The bill requires that the report provide a complete statement of the change from the immediately preceding fiscal year in one, the assets, liabilities and resources of

the state and, two, the amount of the expenditures and revenues for the programs provided by the state.

Roll call on Assembly Bill No. 13:

YEAS—42.

NAYS—None.

Assembly Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 22.

Bill read third time.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

Assembly Bill 22 requires the Director of the Department of Veterans Services to establish and maintain a program to assist veterans and servicemen and women in transitioning to life as civilians. The program is required to provide information and resources specific to this state concerning higher education, career development, physical and mental health, and other benefits available to veterans.

As mentioned during the hearing, Nevada has done a great deal of work for our veterans, but without outreach, the services do not matter.

Roll call on Assembly Bill No. 22:

YEAS—42.

NAYS—None.

Assembly Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 48.

Bill read third time.

Remarks by Assemblywoman Considine.

ASSEMBLYWOMAN CONSIDINE:

Assembly Bill 48 authorizes a retired public employee or officer or surviving spouse of a retiree to reinstate insurance under the Public Employees' Benefits Program if the retiree did not have more than one period during which he or she was not covered by insurance under the Program on or after October 1, 2011; is enrolled in Medicare Parts A and B; retired from a local governmental agency that does not participate in the Program; and was enrolled in the Program as a retiree on November 30, 2008.

Roll call on Assembly Bill No. 48:

YEAS—39.

NAYS—Black, Matthews, McArthur—3.

Assembly Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 70.

Bill read third time.

Remarks by Assemblywoman Thomas.

ASSEMBLYWOMAN THOMAS:

Assembly Bill 70 requires the Division of Welfare and Supportive Services of the Department of Health and Human Services to deposit, within two working days, any child support payments it accumulates in excess of \$10,000 on any day, except money for which the Division is unable to identify the obligee within two working days. In such cases, the money must be deposited within five days if the Department identifies the obligee, or returned to the payor within five days if the Division is unable to identify the obligee.

Roll call on Assembly Bill No. 70:

YEAS—42.

NAYS—None.

Assembly Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 77.

Bill read third time.

Roll call on Assembly Bill No. 77:

YEAS—42.

NAYS—None.

Assembly Bill No. 77 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, March 15, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly