

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 17, 2021

Assembly called to order at 12:06 p.m.

Mr. Speaker pro Tempore presiding.

Roll called.

All present except Assemblymen Frierson and Kasama, who were excused.

Prayer by the Chaplain Todd Brown.

Let us pray. Dear Heavenly Father, as the men and women of the Assembly gather today to discuss various things, we ask that Your mighty hand be in all that they do. That all the members of the Assembly would work together and spur one another on as they work to a solution.

Let there be teamwork and understanding. Let there be cohesion and caring, not only for each other but for our communities, our state, and our country. Lord we ask for Your continued presence in the daily challenges that we face as individuals and as a country.

Last but not least, Lord, I ask that You give all the members of the Assembly an extra dose of courage as they face hard decisions and challenging situations. Shower them with Your guidance and Your grace.

In Jesus' Name I pray.

AMEN.

Pledge of allegiance to the Flag.

Special video presentation recognizing Veterans and Military Day at the Legislature.

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 Growth and Infrastructure, to which were referred Assembly Bills Nos. 12, 41, 53, 123, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 95, 166, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 16, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 110; Senate Bill No. 98.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 287 be withdrawn from the Committee on Commerce and Labor.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 287 be rereferred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Black:

Assembly Joint Resolution No. 11—Proposing to amend the Nevada Constitution to require that “None of the above” be a choice on the ballot in certain elections.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 5A, be added to Article 2 of the Nevada Constitution to read as follows:

Sec. 5A. 1. Every ballot at a primary or general election for the offices of President and Vice President of the United States, United States Senator, United States Representative, Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, State Controller, member of the Senate or member of the Assembly must allow a registered voter to express a choice of “None of the above” in the same manner as the registered voter would express a choice of a candidate for such an office.

2. Votes cast for the candidates and the choice “None of the above” must be counted in determining the outcome of the primary or general election for all offices described in subsection 1 except for President and Vice President of the United States.

3. If the choice of “None of the above” receives the highest number of votes at a primary election to determine the nominee of a political party for any office set forth in subsection 1 other than President and Vice President of the United States, the political party may submit to the Secretary of State the name of a candidate who will be the political party’s nominee for that office at the general election. A political party may not nominate a person for the general election whose name appeared on the ballot at the primary election.

4. If the choice of “None of the above” receives the highest number of votes at a general election for an office described in subsection 1 other than President and Vice President of the United States, the Secretary of State must call a special election for that office. Each political party that was entitled to have a candidate on the ballot at the general election may submit to the Secretary of State the name of a candidate who will be the political party’s nominee for that office at the special election. A political party may not nominate a person whose name appeared on the ballot at the general election to be a candidate at the special election.

5. If a special election is held pursuant to subsection 4:

(a) *The choice of “None of the above” must not appear on the ballot at the special election; and*

(b) *The candidate who receives the highest number of votes at the special election shall be declared the winner of the special election.*

6. *The Legislature shall provide by law for the canvass of the returns of a special election that is required to be held pursuant to subsection 5.*

And be it further

RESOLVED, That Section 4 of Article 5 of the Nevada Constitution be amended to read as follows:

~~Section~~ **Sec. 4. Except as otherwise provided in Section 5A of Article 2:**

1. The returns of every election for United States senator and member of Congress, district and state officers, and for and against any questions submitted to the electors of the State of Nevada, voted for at the general election, shall be sealed up and transmitted to the seat of government, directed to the secretary of state, and the chief justice of the supreme court, and the associate justices, or a majority thereof, shall meet at the office of the secretary of state, on a day to be fixed by law, and open and canvass the election returns for United States senator and member of Congress, district and state officers, and for and against any questions submitted to the electors of the State of Nevada, and forthwith declare the result and publish the names of the persons elected and the results of the vote cast upon any question submitted to the electors of the State of Nevada.

2. The persons having the highest number of votes for the respective offices shall be declared elected. ~~but in case any~~ If two or more *persons* have an equal and the highest number of votes for the same office, the legislature shall, by joint vote of both houses, elect one of said persons to fill said office.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Brittney Miller moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Black, Wheeler, Dickman, Matthews, McArthur and Ellison:

Assembly Joint Resolution No. 12—Proposing to amend the Nevada Constitution to prohibit a vote on a bill or joint resolution until it has been made available to the public for a certain period.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 18 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 18. 1. *No vote may be taken on a bill or joint resolution until the bill or joint resolution has been made available to the public for at least 48 hours after its first reading in the House of its origin.*

2. Every bill, except a bill placed on a consent calendar adopted as provided in subsection ~~4~~ 5, must be read by sections on three several days, in each House, unless in case of emergency, two thirds of the House where such bill is pending shall deem it expedient to dispense with this rule. The reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journals of each House. Except as otherwise provided in subsection ~~2~~ 3, a majority of all the members elected to each House is necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed, shall be signed by the presiding officers of the respective Houses and by the Secretary of the Senate and Clerk of the Assembly.

~~2~~ 3. Except as otherwise provided in subsection ~~3~~ 4, an affirmative vote of not fewer than two-thirds of the members elected to each House is necessary to pass a bill or joint resolution which creates, generates, or increases any public revenue in any form,

including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates.

~~§~~ 4. A majority of all of the members elected to each House may refer any measure which creates, generates, or increases any revenue in any form to the people of the State at the next general election, and shall become effective and enforced only if it has been approved by a majority of the votes cast on the measure at such election.

~~§~~ 5. Each House may provide by rule for the creation of a consent calendar and establish the procedure for the passage of uncontested bills.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Brittney Miller moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

March 17, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 193, 211 and 270.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Ellison and Senator Goicoechea:

Assembly Bill No. 311—AN ACT relating to the City of Elko; requiring the City Council to determine whether the Municipal Court is presided over by an ex officio or appointed Municipal Judge; setting forth the manner of appointing and term of office of an appointed Municipal Judge; revising provisions relating to the salary of a Municipal Judge; setting forth the procedure for selecting and the duties of the administrative judge of the Municipal Court; authorizing a Municipal Judge to employ certain persons; revising provisions relating to the disposition of fines and forfeitures; authorizing the imposition of intermittent periods of incarceration; 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 Wheeler:

Assembly Bill No. 312—AN ACT relating to employment; creating the Independent Contractor Benefits Program; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to administer the Program; setting forth certain requirements for the operation of the Program; requiring a participant in the Program to pay certain contributions; providing for the payment of benefits to participants in the Program who are out of work; creating the Independent Contractor Benefits Fund; 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 Hansen:

Assembly Bill No. 313—AN ACT relating to common-interest communities; authorizing the use of electronic ballots for the election and removal of members of the executive board of a unit-owners' association and for the election of delegates or representatives to exercise the voting rights of units' owners in an association; specifying that an association is authorized to conduct a vote for the election or removal of a member of the executive board without a meeting; providing that a unit's owner is responsible in certain circumstances for the cost of the deductible of property insurance maintained by an association; authorizing money in the operating account of an association to be withdrawn without the usual required signatures for the purpose of making certain automatic payments; requiring the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the requirements relating to the transfer of certain items upon the termination or assignment of a management agreement; 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 Titus, Leavitt, Roberts, Krasner, Hafen, Dickman, Ellison, Hansen, Hardy, Kasama, Matthews, McArthur, O'Neill, Tolles and Wheeler; Senators Settelmeyer, Hansen, Hardy, Hammond, Pickard, Buck, Goicoechea, Kieckhefer and SeEVERS Gansert:

Assembly Bill No. 314—AN ACT relating to public health; revising provisions limiting civil liability for personal injury or death resulting from exposure to COVID-19; 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 O'Neill, Roberts, Dickman, Krasner, Hafen, Hardy, Kasama, Leavitt, McArthur and Thomas:

Assembly Bill No. 315—AN ACT relating to public employees; requiring the employer of a police officer or firefighter to make available certain information and counseling relating to mental health issues to the police officer or firefighter; 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 O’Neill, Wheeler, Dickman, Leavitt, Hardy, Anderson, Hafen, Kasama, Krasner, McArthur, Peters, Roberts, Thomas and Titus; Senators Buck and Settelmeyer:

Assembly Bill No. 316—AN ACT relating to veterans; requiring the disclosure of certain information concerning certain events and services relating to benefits or entitlements for veterans; creating a cause of action for certain violations of such requirements; providing a civil penalty; 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 González, Watts, Considine, Anderson, Duran, Martinez, Peters, Thomas and Torres; Senators Ratti, Donate, Ohrenschall and Denis:

Assembly Bill No. 317—AN ACT relating to housing; prohibiting discrimination in housing and certain other transactions involving real property on the basis of source of income; requiring a person who refuses to rent a dwelling to a prospective tenant to provide to the prospective tenant a written notice that states the reason for the refusal; 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 Assemblywoman Marzola:

Assembly Bill No. 318—AN ACT relating to estates; revising provisions relating to certain declaratory relief; exempting certain fiduciaries from the requirement to provide a residential disclosure form in certain circumstances; revising provisions relating to electronic wills; establishing and revising various provisions governing the administration of estates; revising provisions concerning the distribution of small estates; revising provisions relating to the compensation of attorneys for personal representatives; revising the definition of the term “independent attorney”; revising provisions relating to the nomination of a guardian; authorizing a trustee to reimburse a settlor for the payment of tax on trust income or principal; revising various provisions concerning trusts and the administration of trusts; requiring that public administrators or similar persons be given certain information relating to a decedent and access to the safe deposit box of a decedent in certain circumstances; authorizing certain entities to charge a reasonable fee for providing certain information to public administrators or similar persons; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Roberts:

Assembly Bill No. 319—AN ACT relating to education; requiring the College of Southern Nevada to establish a pilot program to enhance opportunities for pupils to enroll in dual credit courses; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Leavitt and Senator Hardy:

Assembly Bill No. 320—AN ACT relating to off-highway vehicles; revising provisions governing the operation of certain large all-terrain vehicles on certain streets and highways; 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 Assemblymen Frierson and Benitez-Thompson:

Assembly Bill No. 321—AN ACT relating to elections; establishing procedures for the use of mail ballots in every election; establishing various requirements relating to mail ballots; revising the requirements for signature verification of mail ballots; revising the deadline to submit a request for the establishment of a polling place within an Indian reservation or Indian colony for an election; revising the personal data that may be requested if a voter's signature is challenged at the polls; requiring the Secretary of State to enter into a cooperative agreement with the State Registrar of Vital Statistics to obtain certain information relating to the statewide voter registration list; authorizing a county clerk, city clerk or registrar of voters and deputies thereof charged with powers and duties relating to elections to request certain personal information be maintained in a confidential manner; repealing provisions related to absent ballots, mailing ballots and affected elections; 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 Assemblymen C.H. Miller, González, Flores, Brittney Miller, Monroe-Moreno, Thomas and Torres; Senator Harris:

Assembly Bill No. 322—AN ACT relating to cannabis; providing for the licensure and regulation by the Cannabis Compliance Board of certain events at which the sale and consumption of cannabis or cannabis products is allowed; setting forth certain requirements for the issuance of a license to hold such an event; setting forth certain requirements concerning the operation of such an event; imposing various requirements on persons licensed by the Board to hold such an event; providing that persons who hold certain events at which

cannabis or cannabis products are displayed for informational or educational purposes are not required to obtain a license; requiring the Board to adopt regulations establishing certain fees; revising provisions relating to the consumption of cannabis in a public place; revising provisions relating to the excise tax on retail sales of cannabis and cannabis products; exempting the holders of certain licenses issued by the Board from certain provisions prohibiting a person from maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Leavitt and Senator Hardy:

Assembly Bill No. 323—AN ACT relating to Internet privacy; prohibiting a data broker from making any sale of certain information collected about a consumer in this State if so directed by the consumer; revising provisions relating to the sale of certain information collected about a consumer in this State; revising the circumstances under which operators of certain Internet websites or online services are authorized to remedy a failure to comply with certain requirements relating to the collection and sale of certain information about consumers in this State; revising provisions relating to the enforcement of requirements concerning the sale of certain information about a consumer; 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 Dickman:

Assembly Bill No. 324—AN ACT relating to digital assets; classifying digital assets for the purposes of the treatment of such assets under the Uniform Commercial Code; authorizing a bank to provide certain custodial services for digital assets; setting forth certain requirements for the provision of such custodial services; exempting an operator of a peer-to-peer digital currency platform from certain provisions governing persons engaged in the business of transmitting money; revising the definition of “virtual currency” for the purposes of provisions exempting virtual currencies from taxation; 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 Kasama, Titus, Leavitt, Dickman, Ellison, Hafen, Hardy, Krasner, Matthews, McArthur, O’Neill, Roberts, Tolles and Wheeler; Senators Buck and SeEVERS Gansert:

Assembly Bill No. 325—AN ACT relating to records; authorizing the submission of a certified paper copy of an electronic document to certain county recorders; prescribing a certificate sufficient for certifying that a paper copy is a true and correct copy of an electronic document; 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 Roberts:

Assembly Bill No. 326—AN ACT relating to cannabis; authorizing the Cannabis Compliance Board to impose certain penalties for engaging in the business of a cannabis establishment without a license; requiring advertising by a cannabis establishment to include the name and license number or other unique identifier of the cannabis establishment; 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 Torres, Nguyen, Brown-May, Anderson, Benitez-Thompson, Bilbray-Axelrod, Considine, Duran, González, Gorelow, Leavitt, Martinez, Marzola, Brittney Miller, Orentlicher, Peters, Roberts, Thomas, Tolles and Watts; Senator Donate:

Assembly Bill No. 327—AN ACT relating to mental health; requiring certain mental health professionals to complete continuing education concerning cultural competency and diversity, equity and inclusion; 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 Hardy, Titus, O'Neill, Leavitt, Krasner, Dickman, Hafen, Hansen, Kasama, Matthews, McArthur, Roberts and Tolles; Senators Hansen, Pickard, Hardy, Buck and SeEVERS Gansert:

Assembly Bill No. 328—AN ACT relating to elections; authorizing a funeral director to notify the county clerk of the death of a person; requiring a county clerk to cancel the preregistration or registration to vote of a person when notified by a funeral director that the person has died; 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 Hardy:

Assembly Bill No. 329—AN ACT relating to education; authorizing a pupil to enroll in a program of full-time distance education offered by a school district in which the pupil does not reside; revising provisions relating to local educational agencies; revising provisions relating to prohibited activities by the Executive Director of the State Public Charter School Authority; prohibiting the limitation of enrollment of pupils at certain charter schools; revising various provisions relating to charter schools for distance education; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Ellison:

Assembly Bill No. 330—AN ACT relating to professions; providing for equivalent credit towards requirements for professional and occupational licenses and certifications for certain occupational, vocational and technical training; 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 Marzola, Flores, Benitez-Thompson, Watts, Anderson, Bilbray-Axelrod, Considine, Duran, González, Gorelow, Martinez, C.H. Miller, Monroe-Moreno, Orentlicher, Thomas and Torres; Senators Donate and Denis:

Assembly Bill No. 331—AN ACT relating to land use planning; authorizing, under certain circumstances, the governing body of a city or county to accept a payment in lieu of the performance of certain obligations or impose a linkage fee on certain developers to pay for the development of affordable housing; revising the list of specified measures that certain cities and counties must choose from in implementing a plan for maintaining and developing affordable housing; requiring the Administrator of the Housing Division of the Department of Business and Industry to adopt regulations establishing certain criteria for the distribution and use of money from the Account for Affordable Housing; 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 Peters:

Assembly Bill No. 332—AN ACT relating to property; requiring the Housing Division of the Department of Business and Industry to establish a statewide registry of landlords; requiring landlords to report to the Division the information required to be contained in the statewide registry; prohibiting

a property manager from providing services to a landlord who is not listed in the statewide registry; 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.

Senate Bill No. 98.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 101.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 101 authorizes a licensed veterinarian to administer to an animal certain products containing hemp or CBD. The veterinarian may also recommend to the owner of an animal the use of such products to treat a condition of the animal. The Nevada State Board of Veterinary Medical Examiners will be prohibited from taking disciplinary action against a veterinarian or the facility in which the veterinarian engages in the practice of veterinary medicine for administering or recommending the use of such products. This bill is effective on October 1, 2021.

This bill is so important to me because of a beloved Yorkie I had who would have benefited greatly and suffered a lot less during her final days if her veterinarians would have been able to prescribe and properly dose this treatment. But they were not even allowed to advise me. So I really want to thank my colleague from Assembly District 9 and the Speaker Pro Tempore for permitting me to speak on behalf of this bill, and I hope you will all join me in support.

Roll call on Assembly Bill No. 101:

YEAS—40.

NAYS—None.

EXCUSED—Frierson, Kasama—2.

Assembly Bill No. 101 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 173.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 173 removes the exemption from licensure as a professional engineer for an employee of a natural gas utility who is engaged in a type of work for the utility that the Public Utilities Commission of Nevada, by regulation, has determined requires a license.

The measure also eliminates the requirement that an applicant for a license as a professional land surveyor complete the required years of active experience in land surveying before being eligible to take the Principles and Practices of Land Surveying Exam.

Roll call on Assembly Bill No. 173:

YEAS—40.

NAYS—None.

EXCUSED—Frierson, Kasama—2.

Assembly Bill No. 173 having received a constitutional majority,
Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn
until Thursday, March 18, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:53 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly