

*

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 19, 2021

Assembly called to order at 11:47 a.m.

Mr. Speaker pro Tempore presiding.

Roll called.

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

Prayer by the Chaplain, Pastor Nate Johnson.

Heavenly Father, how amazing is it that we get to start our day, pausing and bringing all worries, stresses, and concerns to You. We're thankful that You are completely obsessed with each one of us; that what we care about, You care about. We're all so grateful to be in the same space as one another. We're grateful that we have air in our lungs and that the Sun came up, to be able to serve one another, our community, and the ones we care about. Let us be hyper aware of what we're grateful for no matter how today goes.

We pray these things in His Name.

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 Education, to which was referred Assembly Bill No. 57, 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 Growth and Infrastructure, to which were referred Assembly Bill No. 150; Senate Bill No. 29, 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 Health and Human Services, to which was referred Assembly Bill No. 191, 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 Legislative Operations and Elections, to which was referred Assembly Bill No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Wheeler, Dickman, Ellison, Matthews and O'Neill:

Assembly Joint Resolution No. 13—Proposing to amend the Nevada Constitution to require the Legislature to canvass the vote for certain elections and certify results of such elections.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 2 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. The sessions of the Legislature shall be biennial, and shall commence on the 1st Monday of February following the election of members of the Assembly, unless ~~the~~

(a) The Governor of the State or the members of the Legislature shall, in the interim, convene the Legislature by proclamation or petition ~~††~~;

(b) The Legislature convenes in a special session pursuant to Section 4 of Article 5 of this Constitution.

2. The Legislature shall adjourn sine die each regular session not later than midnight Pacific time at the end of the 120th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 120th consecutive calendar day of that session is void, unless the legislative action is conducted during a special session.

3. The Governor shall submit the proposed executive budget to the Legislature not later than 14 calendar days before the commencement of each regular session.

4. For the purposes of this section, “midnight Pacific time” must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 2A of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2A. 1. ~~†††~~ **Except as otherwise provided in Section 4 of Article 5 of this Constitution, the** Legislature may be convened, on extraordinary occasions, upon a petition signed by two-thirds of the members elected to each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business specified in the petition and those necessary to provide for the expenses of the session.

3. A special session convened pursuant to this section takes precedence over a special session convened by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition convening the special session pursuant to this section.

4. The Legislature may provide by law for the procedure for convening a special session pursuant to this section.

5. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.

6. For the purposes of this section, “midnight Pacific time” must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

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

~~Section~~ **Sec. 4. 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.~~ ***The Secretary of State shall transmit such returns to the Legislature as soon as the Legislature convenes and organizes a special session pursuant to this section.***

2. The Legislature shall convene for a special session 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. The persons having the highest number of votes for the respective offices shall be declared elected, but in case any two or more 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.

3. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bill or resolution except those related to the business for which the Legislature has been specially convened and those necessary for the expenses of the session.

And be it further

RESOLVED, That Section 9 of Article 5 of the Nevada Constitution be amended to read as follows:

Sec. 9. 1. Except as otherwise provided in Section 2A of Article 4 **and Section 4 of Article 5** of this Constitution, the Governor may, on extraordinary occasions, convene the Legislature by Proclamation and shall state to both houses, when organized, the business for which they have been specially convened.

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business for which the Legislature has been specially convened and those necessary to provide for the expenses of the session.

3. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

- (a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or
- (b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.

4. For the purposes of this section, “midnight Pacific time” must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 6 of Article 11 of the Nevada Constitution be amended to read as follows:

~~Section~~ *Sec.* 6. 1. In addition to other means provided for the support and maintenance of said university and common schools, the legislature shall provide for their support and maintenance by direct legislative appropriation from the general fund, upon the presentation of budgets in the manner required by law.

2. During a regular session of the Legislature, before any other appropriation is enacted to fund a portion of the state budget for the next ensuing biennium, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.

3. During a special session of the Legislature that is held between the end of a regular session in which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the next ensuing biennium and the first day of that next ensuing biennium, before any other appropriation is enacted other than appropriations required to pay the cost of that special session, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.

4. During a special session of the Legislature that is held in a biennium for which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the biennium in which the special session is being held, before any other appropriation is enacted other than appropriations required to pay the cost of that special session, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the population reasonably estimated for the biennium in which the special session is held.

5. Any appropriation of money enacted in violation of subsection 2, 3 or 4 is void.

6. *This section does not apply to a special session convened pursuant to Section 4 of Article 5 of this Constitution.*

7. As used in this section, “biennium” means a period of two fiscal years beginning on July 1 of an odd-numbered year and ending on June 30 of the next ensuing odd-numbered year.

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 19, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 194, 195, 232, 247, 248, 272 and 273.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Nguyen:

Assembly Bill No. 339—AN ACT relating to crimes; authorizing a justice court or municipal court to establish a program of treatment for a defendant who is charged with misdemeanor battery which constitutes domestic violence; enacting various provisions pertaining to the program of treatment; eliminating the prohibition on plea bargaining by a prosecuting attorney if a person is charged with battery which constitutes domestic violence; and providing other matters properly relating thereto.

Assemblywoman Nguyen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Matthews:

Assembly Bill No. 340—AN ACT relating to administrative regulations; requiring agencies to determine the economic impact of proposed regulations; prohibiting agencies from adopting certain regulations that will have an economic impact without legislative and executive approval; and providing other matters properly relating thereto.

Assemblyman Flores moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Yeager:

Assembly Bill No. 341—AN ACT relating to cannabis; providing for the licensure and regulation by the Cannabis Compliance Board of cannabis consumption lounges; setting forth certain requirements for the licensure of cannabis consumption lounges; setting forth certain requirements for the operation of retail cannabis consumption lounges and independent cannabis consumption lounges; requiring the Board to adopt regulations establishing

certain fees; revising provisions relating to certain cannabis products; 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 a cannabis consumption lounge 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 Nguyen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 342—AN ACT relating to offenders; revising the frequency of the review of standards adopted by the State Board of Parole Commissioners relating to the granting and revocation of parole; revising provisions relating to the program of lifetime supervision of sex offenders; and providing other matters properly relating thereto.

Assemblywoman Nguyen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 103.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 12.

Bill read third time.

Remarks by Assemblywomen Peters and Titus.

Potential conflict of interest declared by Assemblywoman Titus.

ASSEMBLYWOMAN PETERS:

Assembly Bill 12 revises the qualifications for a Deputy Director of the Department of Transportation. Specifically, the bill clarifies that the positions to which the minimum qualification of 2 years of administrative experience apply are any assistant director of the Department or the Chief Engineer; and changes the alternative experience qualification to a minimum of 15 years of progressively responsible experience in engineering or project management. The bill also moves the position of Chief Engineer from classified to unclassified state service. This bill becomes effective upon passage and approval.

ASSEMBLYWOMAN TITUS:

Out of an abundance of caution and full disclosure, I want to acknowledge that the person presenting this bill, Mr. Mortenson, is my son-in-law. However, this makes no difference in our family or in his role as a Deputy Administrator, so I will be voting on this bill.

Roll call on Assembly Bill No. 12:

YEAS—40.

NAYS—None.

EXCUSED—Frierson, Kasama—2.

Assembly Bill No. 12 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 41.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 41 revises various provisions governing the operation of certain oversized vehicles. Specifically, the bill clarifies how the dimensions of certain vehicles are to be determined; authorizes an applicant for a permit to move certain vehicles or structures to request a waiver from the Department of Transportation from the current maximum vehicle width limitation; and removes a requirement that applications to the Department for movement permits for oversized vehicles be in writing. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 41:

YEAS—40.

NAYS—None.

EXCUSED—Frierson, Kasama—2.

Assembly Bill No. 41 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 53.

Bill read third time.

Remarks by Assemblyman Roberts.

ASSEMBLYMAN ROBERTS:

Assembly Bill 53 makes discretionary the current requirement that the Department of Transportation establish a system of communication for members of the general public to report emergencies and receive information concerning driving conditions. The bill is effective July 1 of this year.

Roll call on Assembly Bill No. 53:

YEAS—40.

NAYS—None.

EXCUSED—Frierson, Kasama—2.

Assembly Bill No. 53 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 95.

Bill read third time.

Remarks by Assemblywoman González.

ASSEMBLYWOMAN GONZÁLEZ:

Assembly Bill 95 adds one member to the Legislative Committee on Public Lands to represent tribal governments. This member is to be appointed by the Legislative Commission upon the recommendation of the Inter-Tribal Council of Nevada, Inc. This bill is effective on July 1, 2021.

Roll call on Assembly Bill No. 95:

YEAS—40.

NAYS—None.

EXCUSED—Frierson, Kasama—2.

Assembly Bill No. 95 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 123.

Bill read third time.

Remarks by Assemblywomen Jauregui and Titus.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 123 imposes an additional \$10 fee for the issuance and renewal of a special license plate in support of the Vegas Golden Knights franchise of the National Hockey League for the support of the Vegas Golden Knights Foundation to assist with its work supporting nonprofit and charitable organizations.

I rise today in support of our very own Vegas Golden Knights, their Foundation, and Assembly Bill 123. Nine days after the tragedy of 1 October, 2017, the Golden Knights played their inaugural game at T-Mobile Arena. The Golden Knights were just what our city needed during those dark days. They united our city, brought hope to our city, and provided an escape that helped us heal.

Since then, the Vegas Golden Knights and their Foundation have been loyal supporters of our first responders, donating \$1 million dollars to the Las Vegas Metropolitan Police Department. But it did not stop there. They have worked enthusiastically every day to inspire our community. The Foundation works to secure the future of the Las Vegas military, first responders and their families—especially those who have suffered a sacrifice for the greater good. They have donated bikes to families in need during the holidays, hosted Thanksgiving food drives, built homes for our local veterans, and awarded grants to teachers to upgrade their virtual teaching technology. They have established a grant program that gives \$50,000 to five charities that fall within each of the Foundation's pillars: health and wellness, education, military, hunger and homelessness, and youth. These grants are awarded twice a year.

In all, they have donated close to \$3 million to our community, including donating \$1.2 million to those affected by the COVID-19 pandemic. What does a \$10 renewal cost on the license plate mean to the Foundation who currently collects zero dollars from their special license plate? It means \$500,000 on the 49,000 license plates currently out in Nevada so that they can continue their good work in our community. And colleagues, if someone does not want to pay the \$10, they simply choose a standard license plate.

I want to thank the ten members of the committee who all voted unanimously in favor of this bill to get it here today. Your vote for Assembly Bill 123 today means a vote for law enforcement and first responders, a vote for education, and a vote for solving homelessness.

ASSEMBLYWOMAN TITUS:

I am an avid hockey fan. I wear my Vegas Golden Knights pin many days and my husband will not feed me dinner if I am not there in time to watch that first puck drop when I get home. Tonight would be a perfect example.

However, I have to rise in opposition to A.B. 123. After this tumultuous year of pandemic, where Nevada fell from the lowest unemployment rate in the nation to the highest unemployment rate, charging Nevada families an additional surprise renewal fee that they cannot opt out of if they still want to keep that plate does not help the economic situation. We absolutely encourage those with the means to continue to donate to charity. But a fee increase when we currently rank among the worst in the nation in unemployment is irresponsible.

Most Nevadans probably were not hockey fans until our first professional sports team, the Golden Knights, had the gripping, awe-inspiring, Cinderella year that captured our imaginations and galvanized our state. We thank them for that. Members of this body, there are 48,322 Golden Knights plates out there. We will not dictate that they pay more for being fans and proud Nevadans. Republicans stand firm in our creed as defenders of the taxpayers and working men and women of our state. I urge you to vote no on this bill.

Roll call on Assembly Bill No. 123:

YEAS—24.

NAYS—Black, Carlton, Dickman, Ellison, Hafen, Hansen, Hardy, Krasner, Leavitt, Matthews, McArthur, O’Neill, Roberts, Titus, Tolles, Wheeler—16.

EXCUSED—Frierson, Kasama—2.

Assembly Bill No. 123 having failed to receive a two-thirds majority, Mr. Speaker pro Tempore declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that the Assembly reconsider the action whereby Assembly Bill No. 123 was refused passage.

Motion carried.

Assemblywoman Carlton moved that Assembly Bill No. 123 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, March 22, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly