

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 23, 2021

Assembly called to order at 11:52 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rajan Zed.

Om

bhur bhuvah svah

tat savitur varenyam

bhargo devasya dhimahi

dhiyo you nah prachodayat.

We meditate on the transcendental glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky, and inside the soul of the heaven. May He stimulate and illuminate our minds.

samani va akutih

samana hridayani vah

samanam astu vo mano

yatha vah susahasti.

United your resolve, united your hearts, may your spirits be at one, that you may long together dwell in unity and concord.

niyatam kuru karma tvam karma jyayo hyakarmanah

sarirayatrapa ca te na prasiddhyedakarmanah.

yajnarthatkarmamo'nyatra loko'yam karmabandhanah

tadartham karma kaunteya muktasangah samacara.

Fulfill all your duties; action is better than inaction. Even to maintain your body, you are obliged to act. Selfish action imprisons the world. Act selflessly, without any thought of personal profit.

ya te tanur vaci pratisthita ya srotre ya ca caksusi

ya ca manasi santata sivam tam kuru motkramih.

Be kind to us with Your invisible form which dwells in the voice, the eye, and the ear, and pervades the mind. Abandon us not.

Om shanti, shanti, shanti.
Peace, peace, peace be unto all.
Om.

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.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 22, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 25.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 103.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 21 to Senate Bill No. 83.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblywoman Titus:

Assembly Joint Resolution No. 14—Proposing to amend the Nevada Constitution to revise provisions relating to elections involving incumbent justices or judges who are unopposed.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 4 of Article 5 of the Nevada Constitution be amended to read respectively as follows:

~~Section~~ **Sec. 4.** 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~~ **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. ~~The~~ **Except as otherwise provided in this section, 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. **If, in an election for a judicial office in the Supreme Court, the court of appeals or a district court, an incumbent justice or judge, as applicable, is not opposed by another candidate and the number of votes for retaining the justice or judge is greater than the number of votes against retaining the justice or judge, then the justice or judge shall be declared elected, but if the number of votes against retaining the justice or judge is greater than the number of votes for retaining the justice or judge, then no person shall be declared elected for the office and the office must be filled for the term to which the election pertains in accordance with the provisions of Section 20 of Article 6 as if the vacancy had occurred before the expiration of the term of the office.**

And be it further

RESOLVED, That Section 3 of Article 6 of the Nevada Constitution be amended to read respectively as follows:

~~Sec.~~ **Sec. 3.** The justices of the Supreme Court ~~¶¶~~ shall be elected by the qualified electors of the State at the general election, and shall hold office for the term of six years from and including the first Monday of January next succeeding their election; provided, that there shall be elected, at the first election under this Constitution, three justices of the Supreme Court who shall hold office from and including the first Monday of December A.D., eighteen hundred and sixty four, and continue in office thereafter, two, four and six years respectively, from and including the first Monday of January next succeeding [succeeding] their election. They shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine by lot, the term of office each shall fill, and the justice drawing the shortest term shall be Chief Justice, and after the expiration of his term, the one having the next shortest term shall be Chief Justice, after which the senior justice in commission shall be Chief Justice; and in case the commission of any two or more of said justices shall bear the same date, they shall determine by lot, who shall be Chief Justice. ***If an incumbent justice seeks election to the office that he or she holds and is not opposed by another candidate, then the ballot for the election of that office must offer a voter only the choice to “Retain” or “Not Retain” the incumbent justice.***

And be it further

RESOLVED, That Section 3A of Article 6 of the Nevada Constitution be amended to read respectively as follows:

Sec. 3A. 1. The court of appeals consists of three judges or such greater number as the Legislature may provide by law. If the number of judges is so increased, the Supreme Court must provide by rule for the assignment of each appeal to a panel of three judges for decision.

2. After the initial terms, each judge of the court of appeals must be elected by the qualified electors of this State at the general election for a term of 6 years beginning on the first Monday of January next after the election. The initial three judges of the court of appeals must be appointed by the Governor from among three nominees selected for each individual seat by the permanent Commission on Judicial Selection described in subsection 3 of section 20 of this Article. After the expiration of 30 days from the date on which the permanent Commission on Judicial Selection has delivered to the Governor its list of nominees for the initial judges, if the Governor has not made the appointments required by this Section, the Governor shall make no other appointment to any public office until the Governor has appointed a judge from the list submitted. The term of the initial judges is 2 years beginning on the first Monday of January next after the effective date of this Section, and an initial judge may succeed himself. ***If an incumbent judge seeks election to the office that he or she holds and is not opposed by another candidate, then the ballot for the election of that office must offer a voter only the choice to “Retain” or “Not Retain” the incumbent judge.*** If there is an increase in the number of judges, each additional judge must be elected by the qualified electors of this State at the first general election following the increase for a term of 6 years beginning on the first Monday of January next after the election.

3. The Chief Justice of the Supreme Court shall appoint one of the judges of the court of appeals to be chief judge. The chief judge serves a term of 4 years, except that the term of the initial chief judge is 2 years. The chief judge may succeed himself. The chief judge may resign the position of chief judge without resigning from the court of appeals.

4. The Supreme Court shall provide by rule for the assignment of one or more judges of the court of appeals to devote a part of their time to serve as supplemental district judges, where needed.

And be it further

RESOLVED, That Section 5 of Article 6 of the Nevada Constitution be amended to read respectively as follows:

Sec. 5. The State is hereby divided into nine judicial districts of which the County of Storey shall constitute the First; The County of Ormsby the Second; the County of Lyon the Third; The County of Washoe the Fourth; The Counties of Nye and Churchill the Fifth; The

County of Humboldt the Sixth; The County of Lander the Seventh; The County of Douglas the Eighth; and the County of Esmeralda the Ninth. The County of Roop shall be attached to the County of Washoe for judicial purposes until otherwise provided by law. The Legislature may, however, provide by law for an alteration in the boundaries or divisions of the districts herein prescribed, and also for increasing or diminishing the number of the judicial districts and judges therein. But no such change shall take effect, except in case of a vacancy, or the expiration of the term of an incumbent of the office. At the first general election under this Constitution there shall be elected in each of the respective districts (except as in this Section hereafter otherwise provided) one district judge, who shall hold office from and including the first Monday of December A.D., eighteen hundred and sixty four and until the first Monday of January in the year eighteen hundred and sixty seven. After the said first election, there shall be elected at the general election which immediately precedes the expiration of the term of his predecessor, one district judge in each of the respective judicial districts (except in the First District as in this Section hereinafter provided.) The district judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of 6 years (excepting those elected at said first election) from and including the first Monday of January, next succeeding their election and qualification; provided, that the First Judicial District shall be entitled to, and shall have three district judges, who shall possess co-extensive and concurrent jurisdiction, and who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed, in relation to the judges in other judicial districts, any one of said judges may preside on the empanneling [empaneling] of grand juries and the presentment and trial on indictments, under such rules and regulations as may be prescribed by law. ***If an incumbent judge seeks election to the office that he or she holds and is not opposed by another candidate, then the ballot for the election of that office must offer a voter only the choice to “Retain” or “Not Retain” the incumbent judge.***

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 22, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 309.

SARAH COFFMAN
Fiscal Analysis Division

March 23, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 262, 300, 310, 356 and 373.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Duran:

Assembly Bill No. 377—AN ACT relating to telecommunication service; requiring the Public Utilities Commission of Nevada to establish a program to assist certain persons with low income in obtaining access to broadband services; establishing certain requirements for the program; providing for reimbursements to certain providers of telephone services

for the reduction in rates for telephone services under certain circumstances; 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 the Committee on Natural Resources:

Assembly Bill No. 378—AN ACT relating to public lands; revising the purpose of the State Land Office; eliminating provisions relating to the State providing land use planning assistance in areas of critical environmental concern; revising provisions relating to the duties of the State Land Use Planning Agency; repealing various provisions relating to public lands; 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 C.H. Miller:

Assembly Bill No. 379—AN ACT relating to motor vehicles; removing provisions governing the issuance and display of license plate decals evidencing the current registration of a motor vehicle; removing the requirement for a license plate to display the month and year the vehicle registration expires; 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 Assemblywoman Cohen:

Assembly Bill No. 380—AN ACT relating to public utilities; declaring the policy of this State concerning statewide reductions in net greenhouse gas emissions; requiring a gas utility to submit at certain times an Infrastructure, Supply and Alternatives Plan; allowing for an accelerated cost recovery for certain infrastructure replacement projects; requiring the Public Utilities Commission of Nevada to convene a public hearing on the Plan and to comply with certain requirements for such a hearing; requiring that all prudent and reasonable expenditures made by a gas utility to develop the Plan be recovered from rates charged to the customers of the gas utility; requiring the Commission to open an investigatory docket to examine the role of gas utilities in assisting the State in achieving its goal of reducing net greenhouse gas emission; requiring the Commission to prepare a report from the investigatory docket and transmit the report to the next regularly scheduled Legislative Session; repealing provisions authorizing a public natural gas utility to

expand its infrastructure in certain situations; 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 Assemblywoman Hansen:

Assembly Bill No. 381—AN ACT making an appropriation to the Humboldt County Hospital District for the purchase of equipment for emergency medical services; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Watts, Brittney Miller, Anderson, Considine, Nguyen, Bilbray-Axelrod, Martinez, Peters and Torres:

Assembly Bill No. 382—AN ACT relating to student education loans; providing for the licensing and regulation of student loan servicers by the Commissioner of Financial Institutions; authorizing and requiring the Student Loan Ombudsman to perform certain acts; providing for the regulation of private education loans and private education lenders by the Commissioner; requiring the Commissioner to adopt certain regulations; establishing certain duties and prohibitions applicable to postsecondary educational institutions and postsecondary vocational institutions; requiring the Commission on Postsecondary Education to adopt certain standards concerning postsecondary vocational institutions; prohibiting the Commission from delegating certain duties; 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 Assemblymen Watts, Brown-May and C.H. Miller:

Assembly Bill No. 383—AN ACT relating to energy; requiring the Director of the Office of Energy to adopt standards of energy efficiency for certain appliances; prohibiting the sale, lease, rental or installation of certain new appliances that are not in compliance with energy efficiency standards; authorizing the Director to adopt standards of energy efficiency for certain additional appliances; requiring a manufacturer to obtain a certification for certain appliances prior to sale; authorizing the Director to take certain actions to investigate possible violations; establishing a civil penalty for violations; authorizing the adoption of appliance standards to facilitate the implementation of flexible demand technology; 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 Torres, Nguyen, Duran, Gorelow, Peters, Anderson, Brown-May, Considine and Marzola:

Assembly Bill No. 384—AN ACT relating to the Nevada System of Higher Education; authorizing the Board of Regents of the University of Nevada to provide for the development of a climate survey on sexual misconduct and require the institutions within the System to administer the survey to students; authorizing the imposition of additional requirements for the grievance process for sexual misconduct at an institution within the System; authorizing the Board of Regents to require each institution within the System to adopt a policy on sexual misconduct, enter into a memorandum of understanding with certain organizations and designate a victim's advocate; prohibiting an institution within the System from imposing certain sanctions on certain students; authorizing the Board of Regents to require an institution within the System to take certain actions regarding a report of an alleged incident of sexual misconduct; providing for certain training and programming related to sexual misconduct; authorizing the Board of Regents to require a report from institutions within the System on certain information relating to sexual misconduct; authorizing the Board of Regents to impose a fine in certain circumstances; authorizing the Board of Regents to adopt regulations; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywomen Benitez-Thompson and Brittney Miller:

Assembly Bill No. 385—AN ACT relating to public employment; prohibiting officers and employees of certain public bodies from receiving certain payments or benefits upon termination of employment; establishing the maximum allowed salaries for officers and employees of certain public bodies; including merit-based salary increases and allowances for transportation in the calculation of such an officer or employee's salary for certain purposes; 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 Hafen:

Assembly Bill No. 386—AN ACT relating to emergency medical services; ratifying the Recognition of Emergency Medical Services

Personnel Licensure Interstate Compact; 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 Monroe-Moreno, Peters, Gorelow, Summers-Armstrong, Carlton, Anderson, Bilbray-Axelrod, Brown-May, Duran, Frierson, González, Nguyen and Torres:

Assembly Bill No. 387—AN ACT relating to midwives; establishing the Board of Licensed Certified Professional Midwives and requiring the Board to adopt certain regulations; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain tasks relating to the regulation of licensed certified professional midwives; providing for the licensure of licensed certified professional midwives and the issuance of permits to student midwives; authorizing a licensed certified professional midwife to utilize a birth assistant under certain circumstances; prescribing requirements relating to the practice of midwifery; authorizing a licensed certified professional midwife to possess, administer and order certain drugs, devices, chemicals and solutions; exempting a licensed certified professional midwife and other providers of health care from certain liability; requiring Medicaid to cover the services of a licensed certified professional midwife; 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 Assemblymen C.H. Miller and Duran:

Assembly Bill No. 388—AN ACT relating to telecommunication service; requiring the Public Utilities Commission of Nevada to establish a program to assist certain persons with low income in obtaining access to broadband services; establishing certain requirements for the program; providing for reimbursements to certain providers of telephone services for the reduction in rates for telephone services under certain circumstances; 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.

Senate Bill No. 25.

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

Motion carried.

Senate Bill No. 103.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 1 revises the training required for newly elected legislators to also include a discussion of local governments in Nevada. The discussion must include overviews of the structure and authority of local governments, the financial administration of local governments, and the services provided by local governments. The measure is effective on January 1, 2022.

I would just add that with all the control that we as legislators have over local governments, I think it is critical that we all understand how they work.

Roll call on Assembly Bill No. 1:

YEAS—42.

NAYS—None.

Assembly Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 57.

Bill read third time.

Remarks by Assemblywomen Torres, Tolles, and Anderson.

ASSEMBLYWOMAN TORRES:

Assembly Bill 57 suspends until the School Year 2023–2024 the current requirement that pupil growth account for 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils.

I rise in support of A.B. 57. At this time I want to recognize and thank every educator that has worked to ensure that Nevada students receive a quality education during unprecedented times. I know that while this is in place, educators will continue to be evaluated as they always have. I urge your support of this legislation.

ASSEMBLYWOMAN TOLLES:

I want to thank my colleague for her comments, and I want thank the sponsor of this bill for bringing it forward. I certainly want to acknowledge how hard our teachers have worked, and our students as well, and how difficult this past year has been. I remember, as I transitioned to teaching online as a result of COVID-19 bursting into tears after the first time I taught my students. I certainly appreciate the request for the grace period on the teacher evaluations based on pupil growth. I do support that. But with schools reopening and efforts to get our students back, we feel that extending it to 2023 is just one year too long. If it does get amended on the other side and comes back, I would gladly concur.

ASSEMBLYWOMAN ANDERSON:

I rise in support of A.B. 57. As has already been stated, educator stress is at an all-time high. There are so many educators that are trying to balance in-person, online, hybrid, and even visiting homes. We realize that next year, when we have a new normal, it will continue. Our students next year will be learning a brand new world. As educators, we will also be learning a brand new

world. We will continue to be evaluated in the same fashion; with communication with our administrators, with communication with our professional learning communities.

However, the processes of the Student Learning Objectives and Student Learning Goals are very difficult and time consuming. They take away the ability to take a risk. They take away the ability to look at a student and say, You are not getting it. Let me try it this way. It is so set with how the data is used. Allowing this to be paused for two school years—next year which will be the time of learning, and the following year—gives us time to figure out how we help our students grow socially, emotionally, and in the essential skills that are not always revealed through a random test.

In closing, I ask that you listen to the teachers. I ask that you respect our role as educators. I ask that you vote yes on A.B. 57.

Roll call on Assembly Bill No. 57:

YEAS—26.

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

Assembly Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 150.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 150 requires the Department of Motor Vehicles to inform charitable organizations of the corrective actions they must take to end a suspension of the production and distribution of a special license plate and the collection of fees on behalf of the organization if such a suspension is warranted due to the organization's failure to comply with certain laws.

If a charitable organization does not take corrective actions or if the Department does not terminate the suspension after a charitable organization has taken corrective actions, the Department may either terminate the production and distribution of the special license plate and terminate the collection of the additional fees collected on behalf of that organization or distribute the additional fees to a different charitable organization that meets certain requirements.

Roll call on Assembly Bill No. 150:

YEAS—42.

NAYS—None.

Assembly Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 29.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Senate Bill 29 allows the Department of Motor Vehicles to enter into contracts appointing a person to act as its agent in the issuance of salvage titles and the collection of statutory fees, provided the person meets certain qualifications. Qualifications include a background check and posting of a bond of not less than \$50,000. The Department may conduct audits and investigations of such agents as it deems necessary. This bill is effective on October 1, 2021. The bill requires a two-thirds majority vote due to the fees associated with the background check.

Roll call on Senate Bill No. 29:

YEAS—42.

NAYS—None.

Senate Bill No. 29 having received a two-thirds 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 Wednesday, March 24, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:21 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly